CITY COUNCIL

AGENDA

June 2, 2003 – 7:30 PM
Council Chambers
City Hall - 500 West Big Beaver
Troy, Michigan 48084
(248) 524-3317

CALL TO ORDER 1

Invocation & Pledge Of Allegiance – Mr. Robert McIlwaine – First Baptist Church 1

ROLL CALL 1

A-1 Presentations: (a) "Students Taking A New Direction" (STAND); (b) Proclamation to Honor William McCabe as the 2002 Police Officer of the Year; (c) Proclamation to Honor JoAnn Irvin as the 2002 Non-Sworn Police Department Employee of the Year; (d) Proclamation to Honor Robert Potts as the 2002 Fire Fighter of the Year; and (e) Introduction of Fred Wong – Student Representative Applicant for the Downtown Development Authority (DDA) 1

PUBLIC HEARINGS 1

C-1 Request for Parking Variance – 208 W. Fourteen Mile (Proposed Address) – Krispy Kreme Doughnuts, Oakland Mall 1

C-2 Request for Commercial Vehicle Appeal – 1093 W. Wattles 3

C-3 Proposed Zoning Ordinance Text Amendment – Article XXXIX (ZOTA 193) – Environmental Provisions – Walls, Article 39.00.00 4

C-4 Special Assessment District – Standard Resolution #2 – 2 Speed Humps-Chestnut Hill and Walnut Hill 7

C-5 Request for Alley Vacation – Daley Street 8

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk at (248) 524-3317 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.

POSTPONED ITEMS **10**

D-1 Project X 10

D-2 Request for Commercial Vehicle Appeal – 4101 Cherrywood – Continuation of Public Hearing 10

D-3 Standard Purchasing Resolution 8: Best Value Award – Emergency Medical Services Contract – Known and Possible Ramifications for Award to Other than the Recommended Best Value Company – Emergency Medical and First Responder Services 12

D-4 Appointments to Boards and Committees: City Council Appointments: Ethnic Community Issues Advisory Committee 12

PUBLIC COMMENT: **13**

A. Items on the Current Agenda 13

B. Items Not on the Current Agenda 13

CONSENT AGENDA **14**

E-1 Approval of Consent Agenda 14

E-2 Minutes: Regular Meeting of May 12, 2003 and Special Meeting of May 13, 2003 14

E-3 Proposed City of Troy Proclamations: 14

(a) William McCabe – 2002 Police Officer of the Year 15
(b) JoAnn Irvin – 2002 Non-Sworn Police Department Employee of the Year..... 15
(c) Robert Potts – 2002 Fire Fighter of the Year..... 15
(d) 16th Annual Celebration of Life Picnic – William Beaumont Hospital 15

E-4 Request to Excuse Council Member Eisenbacher's Absence from Closed Session Held on Monday, May 12, 2003 15

E-5 Application for new Specially Designated Merchant (SDM) Licensed Business by Gabriel Imported Foods, Inc. 15

E-6 Revisions to Chapter 60 and Chapter 83 of the Troy City Code Regarding Fence Permit Fees 16

E-7 Request for Acceptance of Permanent Water Main Easement Sidwell #88-20-17-200-025, Project No. 97.906.3 – Long Lake/Northfield, L.L.C. 16

E-8 Request for Acceptance of Permanent Public Utilities and Clear Vision Easement and Permanent Water Main Easement Sidwell #88-20-28-101-019, Candlewood, Troy, MI, L.L.C. – Project 97.919.3 16

E-9 Standard Purchasing Resolution 1: Award to Low Bidder Cable Bulletin Board System 17

E-10 Mar-ty, LLC and Marriott International, Inc., 200 W. Big Beaver, Troy, Oakland County, Request to Transfer Ownership of 2002 B-Hotel Licensed Business With Dance-Entertainment Permit, Official Permit (Food), and 8 Bars from CHC REIT Lessee Corp.; PA Troy Hospitality Investors LP, and CHC REIT Management Corporation (Step II). Request to add Marriott International, Inc. as Co-Licensee in 2002 B-Hotel Licensed Business With Dance-Entertainment Permit, Official Permit (Food) and 8 Bars (Step III). [MLCC REQ ID# 95266] 17

E-11 Rejection of Bid – Fishing Pier 18

E-12 Standard Purchasing Resolution 1: Award To Low Bidder – Mosquito Control Services 18

E-13 Medi-Go Service Agreement 18

E-14 Request for Acceptance of Permanent Sanitary Sewer Easement and Permanent Water Main Easement – Sidwell #88-20-08-476-013 – Hughes & Sheila Potiker 19

E-15 Private Agreement for Empire Electronics – Project No. 03.902.3 19

E-16 Request for Acceptance of Permanent Sanitary Sewer Easement & Approval to Pay Consideration – Sidwell #88-20-13-429-020 – Dequindre Sewer - Project No. 02.406.5 19

E-17 Request for Acceptance of Permanent Sanitary Sewer Easement – Sidwell #88-20-25-428-012 – Project No. 01.403.3 – Daniel E. Bora, Daniel T. Bora and Silvia Bora 20

E-18 Troy v. Ronald R. Theuer (Section 24 Park) 20

E-19 Recognition as a Nonprofit Organization Status from Troy Police Benevolent Association 20

E-20 City of Troy v. Livernois Road Partners 20

E-21 City of Troy v. Corazza and Rehse (Square Lake/Dequindre) 20

E-22 Standard Purchasing Resolution 1: Award to Low Bidder – Park Shelter at Boulan Park 21

E-23 Private Agreement for Woodside Bible Church – Project No. 01.945.3 21

REGULAR BUSINESS 21

F-1 Appointments to Boards and Committees: (1) Mayoral Appointments: (a) Economic Development Corporation; (b) Downtown Development Authority; and (c) Planning Commission (2) City Council Appointments: (a) Advisory Committee for Persons with Disabilities and (b) Historic District 22

F-2 Closed Session 26

F-2b Request to Excuse Council Member Beltramini's Absence from Closed Session to be Held on Monday, June 2, 2003 27

F-3 Proposed 2003-2004 City of Troy Downtown Development Authority Budget 27

F-4 Final Planned Unit Development Approval and Planned Unit Development Agreement Approval - Woodside Bible Church (Formerly Troy Baptist Church)/Northwyck Planned Unit Development (PUD-1), Located on the East Side of Rochester Road, North of Square Lake Road and South of South Boulevard – Section 2 27

F-5 Final Preliminary Plat Review – The Estates at Cambridge Subdivision – Section 18- R-1B 29

F-6 Request for Temporary Sales/Office Trailer – Northwyck Condominiums 29

F-7 Vacation of Part of Crestfield Street – Section 15 – Crestfield Subdivision and Acceptance of Warranty Deed for Wattles Road Right-of-Way Sidwell #88-20-15-355-066 29

F-8 Sole Source – M26 Advanced Taser Less than Lethal Electrical Impulse Devices 30

F-9 Final Vacation of a Portion of Hartland Street (Platted Meadowcrest St.) - East of Daley Street, North of Big Beaver Road - Section 23 30

F-10 Upgrade – Mug Shot Computer Hardware and Conversion Services 31

F-11 Durant Development Corporation v. Neumann, et. al 32

F-12 Proposed Acknowledgement and Lease – Sylvan Glen Tower 32

COUNCIL COMMENTS/REFERRALS 32

REPORTS AND COMMUNICATIONS 33

G-1 Minutes – Boards and Committees: 33

(a) Parks & Recreation Advisory Board/Final – March 13, 2003 33
(b) Advisory Committee for Persons with Disabilities/Final – April 2, 2003 33
(c) Ethnic Issues Advisory Board/Final – April 8, 2003 33
(d) Planning Commission/Final – April 8, 2003 33
(e) Liquor Advisory Committee/Final - April 14, 2003 33
(f) Planning Commission/Final – April 22, 2003 33
(g) Parks & Recreation Advisory Board/Final – April 24, 2003 33
(h) Planning Commission/Draft – May 6, 2003 33
(i) Advisory Committee for Persons with Disabilities/Draft – May 7, 2003 33
(j) Building Code Board of Appeals/Draft – May 7, 2003 33
(k) Liquor Advisory Committee/Draft – May 12, 2003 33

G-2 Department Report(s): 33

(a) April 30, 2003 Monthly Financial Report 33
(b) 2003 Year-to-Date (1st Quarter) Crime and Police Calls for Service Report 33

G-3 Announcement of Public Hearings: 33

(a) Rezoning Application Z-688 – East Side of Coolidge, South of Maple, Section 32 – M-1 to O-1 – Scheduled for June 16, 2003 33
(b) Preliminary Planned Unit Development Review – PUD-002, Rochester Commons – North Side of Big Beaver Road, East of Rochester Road and West of Daley Street, Section 23 – Scheduled for June 16, 2003 33
(c) Street Vacation Application (SV-182) – A Section of Alley Located South of Chopin and North of Maple – Section 27 – Scheduled for June 16, 2003 33

G-4 Proposed Proclamations/Resolutions from Other Organizations: None proposed. 33

G-5 Letters of Appreciation: 34

(a) Letter From Daryl Jamison to John Szerlag Complimenting Police Records and Nancy Paulus on the Excellent Customer Service He Received When He Applied for a Green Safety Registration Card for Firearms 34
(b) Letter From Chief Kevin M. Sagan, Madison Heights Police to Chief Craft Thanking the Troy Police Department for Their Assistance During the Search of Jenna Hart 34
(c) Letter From Terry Self, Brinks, to Chief Craft Recognizing Officers Breidenich and Barrows for Their Assistance in a Recent Disturbance 34
(d) Letter From Donna M. St. John to Chief Craft Recognizing Officer Sewell for his Assistance in a Recent Accident 34
(e) Letter of Thanks and Appreciation From Kathleen Martin to the Troy Police Department 34
(f) Letter from Laith, Jonna, Jonna Management Group to Ronald Figlan Thanking Him for His Assistance on the Long Lake and John R Project 34
(g) Letter from Mr. William J. Bratton to Chief Craft Thanking him for The City of Troy Police Department's Professional Treatment 34
(h) Letter from George O'Brien, Advanced Placement Coordinator - Troy High School, to Beverly Sackner Thanking the Community Center Staff and Milton Richards for their Assistance in Successfully Implementing their Advanced Placement Program 34

G-6 Calendar 34

G-7 Memorandum (Green) – Re: Joel Garrett Property – Section 11 34

G-8 Memorandum (Green) – Re: The Sanctuary Golf Club Tour 34

G-9 Memorandum (Green) – Re: Council Rule Confirmation 34

G-10 Memorandum – SmartZone LDFA 34

G-11 Memorandum – Cricket Field – Resident Concerns 34

G-12 Memorandum – Videography Services at Community Center 34

G-13 Memorandum – Naming of Public Lands 34

G-14 Memorandum (Green) – City Calendar Program Review 34

PUBLIC COMMENT 34

CALL TO ORDER

Invocation & Pledge Of Allegiance – Mr. Robert McIlwaine – First Baptist Church

ROLL CALL

Mayor Matt Pryor
Robin Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

A-1 Presentations: (a) "Students Taking A New Direction" (STAND); (b) Proclamation to Honor William McCabe as the 2002 Police Officer of the Year; (c) Proclamation to Honor JoAnn Irvin as the 2002 Non-Sworn Police Department Employee of the Year; (d) Proclamation to Honor Robert Potts as the 2002 Fire Fighter of the Year; and (e) Introduction of Fred Wong – Student Representative Applicant for the Downtown Development Authority (DDA)

PUBLIC HEARINGS

C-1 Request for Parking Variance – 208 W. Fourteen Mile (Proposed Address) – Krispy Kreme Doughnuts, Oakland Mall

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

Suggested Resolution
Resolution #2003-06-
Moved by
Seconded by

(a) Proposed Resolution A for Approval

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

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, That the request from DRM Development Company, representing Sears for waiver of 88 parking spaces at the development at 208 W. Fourteen Mile (proposed address) be **APPROVED**.

OR

(b) <u>Proposed Resolution B for Denial</u>

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED, That the request from DRM Development Company, representing Sears for waiver of 88 parking spaces at the development at 208 W. Fourteen Mile (proposed address) be **DENIED**.

Yes:

No:

C-2 Request for Commercial Vehicle Appeal – 1093 W. Wattles

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

Suggested Resolution
Resolution #2003-06-
Moved by
Seconded by

(a) Resolution A for Approval

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

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

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

NOW, THEREFORE, BE IT RESOLVED, That the request from Bruce Byrd, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford cube van in a residential district is hereby **APPROVED** for _____ (not to exceed two years).

OR

(b) Resolution B for Denial

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

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

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

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

Yes:
No:

C-3 Proposed Zoning Ordinance Text Amendment – Article XXXIX (ZOTA 193) – Environmental Provisions – Walls, Article 39.00.00

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

Suggested Resolution
Resolution #2003-06-
Moved by
Seconded by

(a) Proposed Resolution A

RESOLVED, that Article XXXIX (ENVIRONMENTAL PROVISIONS), of the Zoning Ordinance, Option A, be adopted, as recommended by City Management.

Amend the indicated portions of the Environmental Provisions text in the following manner:

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

39.00.00 ARTICLE XXXIX ENVIRONMENTAL PROVISIONS

39.10.00 WALLS:

39.10.01 For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential District an obscuring wall as required below:

	District/Use	Requirements
(A)	P-1 Vehicular Parking District	4'-6" high wall
(B)	Off-street parking areas in residential Districts and C-F Districts	4'-6" high wall
(C)	B-1, B-2, B-3, H-S, O-1, O-M, O-S-C, R-C and M-1	6'-0" high wall
(D)	E-P Districts, when such are a part of a non-residential development site involving Non-Residential Zoning Districts.	4'-6" high wall
(E)	M-1 Districts - open storage area	6'-0" to 8'-0" high wall. See Article XXVIII, Section 28.25.02 and 28.30.04
(F)	Hospital ambulance and delivery areas	6'-0" high wall

(Rev. 10-7-96)

In those instances when a wall is required by Article 39.10.01(B) and there is a distance of at least two-hundred (200) feet between the property line and the off-street parking area, the Planning Commission or City Council, if applicable, may permit a landscape buffer within the two-hundred (200) foot distance, in lieu of the required wall. The landscape buffer shall include at a minimum a double row of upright coniferous evergreen trees (pine or spruce species, as acceptable to the Department of Parks and Recreation). The plantings shall be a minimum of five (5) to six (6) feet in height, planted twenty (20) feet on center. The rows shall be spaced ten (10) feet apart and staggered ten (10) feet on center. The location of such landscape buffer shall be determined by the Planning Commission or City Council, if applicable.

OR

(b) <u>Proposed Resolution B</u>

RESOLVED, that Article XXXIX (ENVIRONMENTAL PROVISIONS), of the Zoning Ordinance, be adopted, as recommended by the Planning Commission.

Amend the indicated portions of the Environmental Provisions text in the following manner:

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

39.00.00 ARTICLE XXXIX ENVIRONMENTAL PROVISIONS

39.10.00 WALLS:

39.10.01 For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential District an obscuring wall as required below:

	District/Use	Requirements
(A)	P-1 Vehicular Parking District	4'-6" high wall
(B)	Off-street parking areas in residential Districts and C-F Districts	4'-6" high wall
(C)	B-1, B-2, B-3, H-S, O-1, O-M, O-S-C, R-C and M-1	6'-0" high wall
(D)	E-P Districts, when such are a part of a non-residential development site involving Non-Residential Zoning Districts.	4'-6" high wall
(E)	M-1 Districts - open storage area	6'-0" to 8'-0" high wall. See Article XXVIII, Section 28.25.02 and 28.30.04
(F)	Hospital ambulance and delivery areas	6'-0" high wall

(Rev. 10-7-96)

In those instances when a wall is required by Article 39.10.01(B) and there is a distance of at least two hundred (200) feet between the property line and the off-street parking area, the Planning Commission or City Council, if applicable, may permit a landscape buffer within the two hundred (200) foot distance, in lieu of the required wall. In those instances where there is less than two hundred (200) feet but at least seventy five (75) feet between the property line and the off-street parking area, the Planning Commission may permit a landscaped berm, in lieu of the required wall. The landscaped berms shall be at least four and one half (4 1/2) feet in height and the landscape buffer shall include at a minimum a double row of upright coniferous evergreen trees (pine or spruce species, as acceptable to the Department of Parks and Recreation). The plantings shall be a minimum of five (5) to six (6) feet in height, planted twenty (20) feet on center. The rows shall

be spaced ten (10) feet apart and staggered ten (10) feet on center. The location of such landscape buffer or landscaped berm shall be determined by the Planning Commission or City Council, if applicable

Yes:
No:

C-4 Special Assessment District – Standard Resolution #2 – 2 Speed Humps-Chestnut Hill and Walnut Hill

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

(a) Resolution to Revise Standard Resolution #2 - #2002-12-646 of December 16, 2002 for Chestnut Hill and Wallnut Hill Paving

Suggested Resolution
Resolution #2003-06-
Moved by
Seconded by

RESOLVED, That Standard Resolution #2, #2002-12-646, approved December 16, 2002 be hereby **REVISED** to add the costs of three (3) speed humps at a total additional estimated cost of $5,570.00, to Special Assessment District #02-109.1.

BE IT FURTHER RESOLVED, That the portion of the estimated cost for the project shall increase to cover the additional cost of installing one (1) speed hump to the project as stated below.

BE IT FINALLY RESOLVED, That the portion of the estimated cost for the project to be special assessed shall be **REVISED** to include the costs for two (2) speed humps as stated below, all pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy:

Total Estimated Cost	$460,974.83
Assessment (28 units @ $3,882.29 ea.)	$108,704.12
City's Share	$352,207.71

Yes:
No:

(b) Resolution to Revise Standard Resolution #4 - #2003-02-036 of February 3, 2003 for Chestnut Hill and Wallnut Hill Paving

Suggested Resolution
Resolution #2003-06-
Moved by
Seconded by

RESOLVED, That Standard Resolution #4, #2003-02-036, approved February 3, 2003, be hereby **REVISED** to change the scope of the work to include three (3) speed humps.

BE IT FURTHER RESOLVED, That Standard Resolution #4, #2003-02-036, approved February 3, 2003, be further **REVISED** to correct the amount of Special Assessment Roll No. 02.109.1 from $104,000.00 to $108,704.12.

BE IT FINALLY RESOLVED, That Standard Resolution #4, #2003-02-036, approved February 3, 2003, be **REVISED** to read as follows:

> 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, with three (3) speed humps [one (1) on Chestnut Hill and two (2) on 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; and
>
> THEREFORE, BE IT RESOLVED, That Special Assessment Roll No. 02.109.1 in the amount of $108,704.12 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:

C-5 Request for Alley Vacation – Daley Street

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

Suggested Resolution
Resolution #2003-06-
Moved by
Seconded by

WHEREAS, Troy City Council adopted Resolution #2000-569 on December 18, 2000, which provided the following:

> Resolution #2000-569
>
> WHEREAS, A request has been received for the vacation of the 20-foot wide public alley right-of-way extending west approximately 126 feet from Daley Street

in the area north of Big Beaver Road and abutting Lots 1-7 of Schroeders Subdivision (Liber 47, Page 35 of Oakland County Plats); and

WHEREAS, The properties which shall benefit from this requested vacation include Lots 1-6 of Schroeders Subdivision (City of Troy Tax Parcel 20-23-354-036) and Lot 7 of Schroeders Subdivision (Tax Parcel 20-23-354-035); and

WHEREAS, City Management and the Planning Commission have recommended that this alley vacation be granted, subject to the following conditions:

1. Retention of an easement for sidewalk and other public utility purposes over the east 5 feet of the subject alley area.
2. Conveyance of a 5-foot wide easement for sidewalk and other public utility purposes across the Daley Street frontage of Lots 7 and 8 of Schroeders Subdivision.
3. Retention of an easement for public utility purposes over the subject alley right-of-way, to the extent determined to be necessary by the City Engineer.
4. Retention of an easement for private driveway access purposes to Lot 7 of Schroeders Subdivision, if such is determined to be necessary in order to accommodate the driveway area presently lying within the subject alley right-of-way.

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

BE IT FURTHER RESOLVED, That final action on this alley vacation request shall be taken by the City Council, after the following actions:

1. Receipt of the above-noted easement conveyance from the owners of Lots 7 and 8 of Schroeders Subdivision.
2. Determination by the City Engineer of the nature and extent of easements to be retained over the subject alley right-of-way, based in part on responses from the applicable utility companies.

WHEREAS, The conditions of the previous vacation action are not necessary or no longer exist.

NOW THEREFORE BE IT RESOLVED, That the Troy City Council **VACATES** the 20 foot wide public alley right of way, extending west approximately 126 feet from Daley Street in the area north of Big Beaver Road and abutting Lots 1-7 of Schroeders Subdivision (Liber 47, Page 35 of Oakland County Plats) without any conditions.

BE IT FURTHER RESOLVED, That the properties, which **SHALL BENEFIT** from this requested vacation, include Lots 1-6 of Schroeders Subdivisions (City of Troy Tax Parcel 20-23-354-036) and Lot 7 of Schroeders Subdivision (Tax Parcel 20-23-354-035).

Yes:

No:

POSTPONED ITEMS

D-1 Project X

Resolution #2003-06-
Moved by Stine
Seconded by Howrylak

RESOLVED, That the City Council **APPROVES** the placement of the Project X artwork to include sites on public property.

Yes:
No:

Proposed Amendment
Moved by
Seconded by

RESOLVED, That the Postponed Resolution on Project X be **AMENDED** by **STRIKING** "APPROVES the placement of Project X artwork to include sites on public property." and **INSERTING** "ACCEPT the letter of withdrawal from the petitioner."

Yes:
No:

Proposed Amended Main Motion

RESOLVED, That the City Council **ACCEPT** the letter of withdrawal from the petitioner."

Yes:
No:

D-2 Request for Commercial Vehicle Appeal – 4101 Cherrywood – Continuation of Public Hearing

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

Suggested Resolution
Resolution #2003-06-
Moved by
Seconded by

(a) Resolution for Approval

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

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

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

_____.

NOW, THEREFORE, BE IT RESOLVED, That the request from Kenneth Follis – 4101 Cherrywood, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford one-ton stake truck in a residential district is hereby **APPROVED** for _____ (not to exceed two years).

OR

(b) <u>Resolution for Denial</u>

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

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

negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and

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

NOW, THEREFORE, BE IT RESOLVED, That the request from Kenneth Follis – 4101 Cherrywood, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of a Ford one-ton stake truck in a residential district is hereby **DENIED.**

Yes:
No:

D-3 Standard Purchasing Resolution 8: Best Value Award – Emergency Medical Services Contract – Known and Possible Ramifications for Award to Other than the Recommended Best Value Company – Emergency Medical and First Responder Services

Suggested Resolution
Resolution #2003-06-
Moved by
Seconded by

RESOLVED, That a three-year contract to provide for Emergency Medical Services with an option to extend for three additional one-year periods is hereby **AWARDED** to the low bidder submitting the best value proposal, Alliance Mobile Health, which the Troy City Council determines to be in the public interest at unit prices contained in the tabulation opened January 31, 2003 for an estimated cost of $463,623.00 per year, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

Yes:
No:

D-4 Appointments to Boards and Committees: City Council Appointments: Ethnic Community Issues Advisory Committee

(b) City Council Appointments

Resolution #2003-05-
Moved by Lambert
Seconded by Beltramini

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

Ethnic Community Issues Advisory Committee

Appointed by Council (9) – 3 years

Flora M. Tan	**Unexpired term expires 09/30/05**
Charles Yuan	**Unexpired term expires 09/30/05**

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 #2003-06-
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 May 12, 2003 and Special Meeting of May 13, 2003

Suggested Resolution
Resolution #2003-06-

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of May 12, 2003 and the Minutes of the 7:30 PM Special Meeting of May 13, 2003, be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations:

Suggested Resolution
Resolution #2003-06-

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

(a) William McCabe – 2002 Police Officer of the Year
(b) JoAnn Irvin – 2002 Non-Sworn Police Department Employee of the Year
(c) Robert Potts – 2002 Fire Fighter of the Year
(d) 16th Annual Celebration of Life Picnic – William Beaumont Hospital

---

E-4 Request to Excuse Council Member Eisenbacher's Absence from Closed Session Held on Monday, May 12, 2003

Suggested Resolution
Resolution #2003-06-

RESOLVED, That Council Member Eisenbacher's absence from the Closed Session held on Monday, May 12, 2003 be **EXCUSED** due to his being outside the county.

E-5 Application for new Specially Designated Merchant (SDM) Licensed Business by Gabriel Imported Foods, Inc.

A copy of the Liquor Advisor Committee Minutes are located under Agenda Item G-01.

(a) **New SDM Licensed Business**

Suggested Resolution
Resolution #2003-06-

RESOLVED, That the request from Gabriel Imported Foods, Inc. for a new Specially Designated Merchant (SDM) licensed business, located at 42889 Dequindre Road, Troy, MI 48085, Oakland County, [MLCC REQ ID# 177687]; be **CONSIDERED** for **APPROVAL**.

(b) **Agreement**

Suggested Resolution
Resolution #2003-06-

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

NOW, THEREFORE BE IT RESOLVED, That the City of Troy hereby **APPROVES** an agreement with Gabriel Imported Foods, Inc. which shall become effective upon the approval of the request for a new Specially Designated Merchant (SDM) licensed business, located at 42889 Dequindre Road, Troy, MI 48085; and the Mayor and City Clerk are **AUTHORIZED** to **EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-6 Revisions to Chapter 60 and Chapter 83 of the Troy City Code Regarding Fence Permit Fees

a) Fee Language in Chapter 60 – Section 60.03

Suggested Resolution
Resolution #2003-06-

RESOLVED, That an ordinance amendment to Chapter 60, Section 60.03 is hereby **ADOPTED** as recommended by the City Manager, a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

b) Fee Language in Chapter 83 – Section 5

Suggested Resolution
Resolution #2003-06-

RESOLVED, That an ordinance amendment to Chapter 83, Section 5 is hereby **ADOPTED** as recommended by the City Manager, a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

E-7 Request for Acceptance of Permanent Water Main Easement Sidwell #88-20-17-200-025, Project No. 97.906.3 – Long Lake/Northfield, L.L.C.

Suggested Resolution
Resolution #2003-06-

RESOLVED, That the Permanent Easement for Water Main from Long Lake/Northfield, L.L.C., having Sidwell #88-20-17-200-025, is hereby **ACCEPTED**.

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

E-8 Request for Acceptance of Permanent Public Utilities and Clear Vision Easement and Permanent Water Main Easement Sidwell #88-20-28-101-019, Candlewood, Troy, MI, L.L.C. – Project 97.919.3

Suggested Resolution
Resolution #2003-06-

RESOLVED, That the Permanent Easement for Public Utilities and Clear Vision and Permanent Easement for Water Main from Candlewood Troy, MI, L.L.C., having Sidwell #88-20-28-101-019, are hereby **ACCEPTED**.

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

E-9 Standard Purchasing Resolution 1: Award to Low Bidder Cable Bulletin Board System

Suggested Resolution
Resolution #2003-06-

RESOLVED, That a contract for Cable Bulletin Board System is hereby **AWARDED** to the low bidder, City Animation at prices contained in the bid tabulation opened April 14, 2003, a copy of which shall be **ATTACHED** to the original minutes of this meeting, at an estimated total cost of $12,810.00, contingent upon contractor submission of properly executed bid and contract documents including insurance certificates and all other specified requirements.

BE IT FURTHER RESOLVED, That the Maintenance Contracts for website and internet software are hereby **REJECTED**, as well for news and weather subscription services, software to provide for Website presence and content, and software to change or update content through the internet.

E-10 Mar-ty, LLC and Marriott International, Inc., 200 W. Big Beaver, Troy, Oakland County, Request to Transfer Ownership of 2002 B-Hotel Licensed Business With Dance-Entertainment Permit, Official Permit (Food), and 8 Bars from CHC REIT Lessee Corp.; PA Troy Hospitality Investors LP, and CHC REIT Management Corporation (Step II). Request to add Marriott International, Inc. as Co-Licensee in 2002 B-Hotel Licensed Business With Dance-Entertainment Permit, Official Permit (Food) and 8 Bars (Step III). [MLCC REQ ID# 95266]

A copy of the Liquor Advisory Committee Minutes are located under Agenda Item G-01

(a) License Transfer

Suggested Resolution
Resolution #2003-

RESOLVED, that the request by Mar-ty, LLC and Marriott International, Inc., 200 W. Big Beaver, Troy, Oakland County, to transfer ownership of 2002 B-Hotel licensed business with Dance-Entertainment Permit, Official Permit (Food), and 8 bars from CHC REIT Lessee Corp.; PA Troy Hospitality Investors LP, and CHC REIT Management Corporation (Step II). Request to add Marriott International, Inc. as co-licensee in 2002 B-Hotel licensed business with Dance-Entertainment Permit, Official Permit (Food) and 8 bars (Step III). [MLCC REQ ID# 95266], be considered for **APPROVAL**.

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

(b) Agreement

Suggested Resolution
Resolution #2003-

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby **APPROVES** an agreement with Mar-ty, LLC and Marriott International, Inc., 200 W. Big Beaver, Troy, Oakland County, to transfer ownership of 2002 B-Hotel licensed business with Dance-Entertainment Permit, Official Permit (Food), and 8 bars from CHC REIT Lessee Corp.; PA Troy Hospitality Investors LP, and CHC REIT Management Corporation (Step II). Request to add Marriott International, Inc. as co-licensee in 2002 B-Hotel licensed business with Dance-Entertainment Permit, Official Permit (Food) and 8 bars (Step III). [MLCC REQ ID# 95266], a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-11 Rejection of Bid – Fishing Pier

Suggested Resolution
Resolution #2003-06-

RESOLVED, That the bid proposal for ITB-COT 03-14, to design, furnish and install, a Fishing Pier at Sylvan Glen Park, opened May 7, 2003, is hereby **REJECTED**.

E-12 Standard Purchasing Resolution 1: Award To Low Bidder – Mosquito Control Services

Suggested Resolution
Resolution #2003-06-

RESOLVED, That a contract to furnish one (1) year requirements of mosquito control services on various City sites is hereby **AWARDED** to the low bidder, Advanced Pest Management, at unit prices contained in the tabulation opened May 22,2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting at an estimated total cost of $13,436.00 for Proposal B.

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

E-13 Medi-Go Service Agreement

Suggested Resolution
Resolution #2003-06-

RESOLVED, That the request for funding in the amount of $170,000.00 for Troy Medi-Go Plus for Fiscal Year 2003/2004, and the Funding Agreement between the City of Troy and Troy

Medi-Go Plus covering July 1, 2003 through June 30, 2004 are hereby **APPROVED**, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents and copies shall be **ATTACHED** to the original Minutes of this meeting.

E-14 Request for Acceptance of Permanent Sanitary Sewer Easement and Permanent Water Main Easement – Sidwell #88-20-08-476-013 – Hughes & Sheila Potiker

Suggested Resolution
Resolution #2003-06-

RESOLVED, That the Permanent Easement for Sanitary Sewer and the Permanent Easement for Water Main from Hughes and Sheila Potiker, having Sidwell #88-20-08-476-013, are hereby **ACCEPTED**.

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

E-15 Private Agreement for Empire Electronics – Project No. 03.902.3

Suggested Resolution
Resolution #2003-06-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Empire Electronics is hereby **APPROVED** for the installation of water main 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-16 Request for Acceptance of Permanent Sanitary Sewer Easement & Approval to Pay Consideration – Sidwell #88-20-13-429-020 – Dequindre Sewer - Project No. 02.406.5

Suggested Resolution
Resolution #2003-06-

RESOLVED, That the Permanent Easement for Sanitary Sewer from Amir J. and Widad Hallac, property owners of 39839 Dequindre, having Sidwell #88-20-13-429-020 is **ACCEPTED.**

BE IT FURTHER RESOLVED, That payment is **AUTHORIZED** in the amount of $1,000.00.

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

E-17 Request for Acceptance of Permanent Sanitary Sewer Easement – Sidwell #88-20-25-428-012 – Project No. 01.403.3 – Daniel E. Bora, Daniel T. Bora and Silvia Bora

Suggested Resolution
Resolution #2003-06-

RESOLVED, That the Permanent Easement for Sanitary Sewer from Daniel E. Bora, Daniel T. Bora and Silvia Bora, having Sidwell #88-20-25-428-012, is hereby **ACCEPTED**.

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

E-18 Troy v. Ronald R. Theuer (Section 24 Park)

Suggested Resolution
Resolution #2003-06-

RESOLVED, That the Troy City Council **APPROVE** the payment of the amounts set forth in the Judgment of Jury Verdict Determining Just Compensation entered in the case of City of Troy v. Ronald R. Theuer (Case No. 01-037097-CC) by the Oakland County Circuit Court on May 20, 2003.

E-19 Recognition as a Nonprofit Organization Status from Troy Police Benevolent Association

Suggested Resolution
Resolution #2003-06-

BE IT RESOLVED, That the City of Troy City Council **RECOGNIZE** the Troy Police Benevolent Association as a nonprofit organization operating in the City of Troy.

E-20 City of Troy v. Livernois Road Partners

Suggested Resolution
Resolution #2003-06-

RESOLVED, That the Troy City Council **APPROVES** the payment of $194,000.00, plus statutory interest in the City of Troy v. Livernois Road Partners condemnation case and **AUTHORIZES** the City Attorney's Office to **EXECUTE** the attached Order for Interim Payment of Just Compensation.

E-21 City of Troy v. Corazza and Rehse (Square Lake/Dequindre)

Suggested Resolution

Resolution #2003-06-

RESOLVED, That the Troy City Council **APPROVES** the payment of $519,120.90, as set forth in the Judgment on Jury Verdict Determining Just Compensation entered in the case City of Troy v. Henry E. Corazza and David Rehse by the Oakland County Circuit Court on May 8, 2003.

E-22 Standard Purchasing Resolution 1: Award to Low Bidder – Park Shelter at Boulan Park

Suggested Resolution
Resolution #2003-06-

RESOLVED, That a contract to remove and dispose of an existing park shelter and to furnish and install a new park shelter at Boulan Park is hereby **AWARDED** to the low bidder, Michigan Playgrounds, Inc., at an estimated total cost of $50,650.00, plus an amount not to exceed $2,000.00 for insurance, to be paid directly to the insurance company; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed proposal and bid 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-23 Private Agreement for Woodside Bible Church – Project No. 01.945.3

Suggested Resolution
Resolution #2003-06-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Woodside Bible Church is hereby **APPROVED** for the installation of water main, storm sewer, detention basin, sanitary sewer, sidewalks, landscaping, soil erosion control measures 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.

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: (1) Mayoral Appointments: (a) Economic Development Corporation; (b) Downtown Development Authority; and (c) Planning Commission (2) City Council Appointments: (a) Advisory Committee for Persons with Disabilities and (b) Historic District

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:

(a) Mayoral Appointments

Suggested Resolution
Resolution #2003-06-
Moved by
Seconded by

RESOLVED, That the following persons are hereby **APPOINTED BY THE MAYOR** with **COUNCIL APPROVAL** to serve on the Boards and Committees as indicated:

Economic Development Corporation

Mayor, Council Approval (9) – 6 years

Term expires 04-30-2009

Term expires 04-30-2009

Term expires 04-30-2009

CURRENT MEMBERS

NAME	TERM EXPIRES
Bluhm, Kenneth	04/30/06
Gigliotti, Robert S	04/30/08
Licari, Leger (Nino)	04/30/04
Parker, Michael	04/30/07
Redpath, Stuart F	04/30/03
James A. Rocchio	04/30/03

Salgat, Charles	04/30/04
Sharp, John	04/30/03
Smith, Douglas	04/30/05

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Almassian, Carolyn	04/22/02-04/2004	05/06/02
Baughman, Deborah L	06/18/01-05/2003	07/09/01
Chang, Jouky	10/02/01-10/2003	10/15/01
Chhaya, Dhimant	09/26/02	10/07/02
Hall, Patrick C	01/26/01-06/12/01-05/2003	02/05/01-07/09/01
Hoef, Paul V	09/12/01-08/14/02-08/2004	09/17/01
Freliga, Victor P	11/25/02-11/2004	12/02/02
Pritzloff, Mark	04/17/03-04/2003	04/28/03
Shah, Jayshree	08/28/01	09/17/01
Silver, Neil S	08/11/00-06/20/01-05/2003	08/21/00-07/09/01

Downtown Development Authority

Mayor, Council Approval (13) – 4 years

(Student) **Term expires 7-01-04**

In 2000, the Student Representative for this Board was removed due to the conflict of student schedules with the DDA meetings. However, at this time, the School Administration has agreed to accommodate this Student's wish to serve on this board without conflict with his school responsibilities.

CURRENT MEMBERS

NAME	TERM EXPIRES
Culpepper, Michael W	09/30/04
Frankel, Stuart	09/30/03
Hodges, Michele	09/30/05
Kennis, William	09/30/06
Kiriluk, Alan M	09/30/04
MacLeish, Daniel	09/30/05
Maxson, Clarke B	09/30/03
Price, Carol A	09/30/03
Pryor, Matt	09/30/04
Reschke, Ernest C	09/30/06
Schroeder, Douglas J	09/30/06
Weiss, Harvey	09/30/05
York, G Thomas	09/30/04

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL

Fred Wong **05/20/03** **06/02/03**

Planning Commission

Mayor, Approved by Council (9) – 3 years

Cynthia Pennington (Resigned) **Unexpired Term expires 12/31/05**

CURRENT MEMBERS

NAME	TERM EXPIRES
Chamberlain, Gary G	12/31/05
Kramer, Dennis	12/31/03
Littman, Larry	12/31/04
Pennington, Cynthia **(Resigned)**	12/31/05
Ong, James P (Student)	07/01/03
Schultz, Robert M.	12/31/05
Storrs, Walter A III	12/31/03
Vleck, Mark J	12/31/04
Waller, David T	12/31/03
Wright, Wayne C	12/31/04

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Baughman, Deborah L	03/29/01-06/18/01-05/2003	04/09/01-07/09/01
Bertin, Leonard G.	10/10/02	11/04/02
Culpepper, Michael	12/97	
D'Anna, Philip	02/08/99	
Deel, Ryan J	05/17/01-06/25/01-05/2003	05/21/01-07/09/01
Drake-Batts, Lynn	05/13/03-05/2005	06/02/03
Godlewski, W S		
Hall, Patrick C	01/26/01-03/10/03/03/2005	02/05/01-03/17/03
Hanna, Atef A	10/28/02-10/2004	11/04/02
Hoef, Paul V	08/14/02-08/2004	
Howrylak, Frank J	04/05/01	04/09/01
Joseph, Luke	03/10/03-03/2005	03/17/03
Kohut, Gary L	02/17/03-02/2005	03/03/03
Kovacs, Matthew	01/08/01	01/22/01
Lang, Victoria	07/09/01-06/2003	07/23/01
Laze, Rudolf Q	03/01/01-03/2003	03/05/01
Lepp, Gary R	04/16/01-04/2003	04/23/01
Lin, Paul Chu	05/22/00	06/05/00
Manetta, Pauline	11/26/01	12/03/01
Milia, Carmelo	06/14/01/5/2003	07/09/01
Minnick, Richard D II	04/29/024/2004	05/06/02

Nelson, Albert Taylor		
Ogg, David	02/9/99-04/16/01	04/23/01
Peard, James R	11/25/02	12/02/02
Petrulis, Al	02/11/03-02/2005	02/17/03
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Rocchio, James	04/16/01	04/23/01
Sawyer, Thomas G	10/04/02	11/04/02
Shah, Jayshree	12/06/00-12/2002	12/04/00
Shier, Frank	02/18/03-02/2005	03/03/03
Silver, Neil S	08/11/00-06/20/01-05/2003	08/21/00-07/09/01
Strat, Thomas	09/16/02	09/23/02
Ullmann, Lon M	03/19/01	04/09/01
Walker, James	06/11/99-06/14/01-05/2003	07/09/01
Wattles, Brian J	07/10/01	07/23/01
Wilberding, Bruce	08/05/99	
Ziegenfelder, Peter F	12/07/00-06/11/01	12/18/00-07/09/01

Yes:
No:

(b) City Council Appointments

Suggested Resolution
Resolution #2003-06-
Moved by
Seconded by

RESOLVED, That the following persons are hereby **APPOINTED BY THE CITY COUNCIL** to serve on the Boards and Committees as indicated:

Advisory Committee for Persons w/Disabilities

Approved by Council (9)- 3 years

Term expires 07-01-2003 (Student)

CURRENT MEMBERS

NAME	TERM EXPIRES
Susan Burt **(Alternate)**	11/01/03
Angela Done	11/01/05
Nancy Johnson	11/01/03
Leonard Bertin	11/01/05
Pauline Manetta **(Alternate)**	11/01/03
Dick Kuschinsky	11/01/04
Theodora House	11/01/03
Sharon Lu **(Student)**	07/01/02

Dorothy Ann Pietron	11/01/04
Nada Raheb **(Student)**	07.01/03
John J. Rodgers	11/01/03
Cynthia Buchanan	11/01/04
Kul B. Gauri	11/01/05
Jayshree Shah **(Alternate)**	11/01/03

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file.		

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 05-15-2003**

CURRENT MEMBERS

NAME	TERM EXPIRES
Marjorie A Biglin	03/01/04
Wilson Deane Blythe	03/01/05
Barbara Chambers	03/01/05
Kevin Danielson **(Resigned)**	05/15/03
Paul C Lin	05/15/06
Ann Partlan	03/01/05
Dorothy Scott	05/15/06

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Kerry S Krivoshein	08/12/99-06/14/01-05/2003	07/09/01
Mark Pritzloff	04/17/03-04/2005	04/28/03

Yes:
No:

F-2 Closed Session

Suggested Resolution
Resolution #2003-06-
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. Livernois Road Partners and Catherina Castiglione v. City of Troy, after adjournment of this meeting.

Yes:
No:

F-2b Request to Excuse Council Member Beltramini's Absence from Closed Session to be Held on Monday, June 2, 2003

Suggested Resolution
Resolution #2003-06-

RESOLVED, That Council Member Beltramini's absence from the Closed Session to be held on Monday, June 2, 2003 be **EXCUSED** due to her being outside the county.

F-3 Proposed 2003-2004 City of Troy Downtown Development Authority Budget

Suggested Resolution
Resolution #2003-06-
Moved by
Seconded by

WHEREAS, The Troy Downtown Development Authority has adopted, and recommends City Council approval of its 2003-2004 Budget.

NOW, THEREFORE, BE IT RESOLVED, That the Troy Downtown Development Authority's Annual Budget for fiscal year July 1, 2003 through June 30, 2004 is hereby **APPROVED**.

Yes:
No:

F-4 Final Planned Unit Development Approval and Planned Unit Development Agreement Approval - Woodside Bible Church (Formerly Troy Baptist Church)/Northwyck Planned Unit Development (PUD-1), Located on the East Side of Rochester Road, North of Square Lake Road and South of South Boulevard – Section 2

Suggested Resolution
Resolution #2003-06-
Moved by
Seconded by

RESOLVED, That the Final Plan and Agreement for a Planned Unit Development, pursuant to Section 35.60.01 and Section 35.80.00, as requested by the Robertson Brothers Co. and Woodside Bible Church, for the Woodside Bible Church/Northwyck Planned Unit Development (FKA Troy Baptist PUD), located on the east side of Rochester Road and south of South Boulevard, located in section 2, within the R-1D zoning district, being 89.83 acres in size, is hereby **APPROVED** and shall be known as PUD - 1;

BE IT FURTHER RESOVLED, That the PUD Plans for the Woodside Bible Church/Northwyck Planned Unit Development, as approved by the Troy City Council (referred to herein as the "Site Plans"), shall **INCLUDE** the following:

1. The Final Plan consists of a document dated May 15, 2003, the document contains narratives and the following reduced plans:

GWE1	Final Site Plan Cover, 04/11/03
GWE2	Land Use/General Development Map, 04/11/03
GWE3	Natural Features Plan, 04/11/03
GWE4	Tree Inventory Plan, 04/11/03
GWE5	Storm Water Management Plan, 04/11/03
GWE6	Utility Layout Plan, 04/11/03
GWE7	Final Site Plan, 04/11/03
GWE8	Final Site Plan, 04/11/03
GWE9	Final Site Plan, 04/11/03
GWE10	Final Site Plan, 04/11/03
GWE11	Preliminary Site Plan, 04/11/03
L1	Overall Site Landscape/Tree Preservation Plan, 05/09/03
L2	The Townes Site Landscape Plan, 05/09/03
L3	The Townes Unit Landscape Plan, 05/09/03
L4	The Villas Site Landscape Plan, 05/09/03
L5	The Villas Site Landscape Plan, 05/09/03
L6	The Villas Unit Landscape Plan, 05/09/03
L7	Clubhouse Layout Plan, 05/09/03
L8	Clubhouse Planting Plan, 05/09/03
L9	Clubhouse Detail Plan, 05/09/03
L10-N	Northwyck Entrance (Northern Wall), 05/09/03
L10-S	Northwyck Entrance (Southern Wall), 05/09/03
L11	Northwyck Entrance Planting Plan, 05/09/03
L12	Seed and Sod Plan, 04/18/03
L13	Landscape Planting Details, 1/15/03

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby **AUTHORIZED** to **EXECUTE** the Development Agreement for the Woodside/Northwyck Planned Unit Development dated May 28, 2003; a copy shall be attached to the original minutes of this meeting.

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby **AUTHORIZED** to **EXECUTE** the Conservation and Access Easement dated May 28, 2003; a copy shall be attached to the original minutes of this meeting.

BE IT FURTHER RESOLVED, That the Woodside Bible Church/Northwyck Planned Unit Development Agreement and the Conservation and Access Easement be **RECORDED** with the Oakland County Register of Deeds.

Yes:
No:

F-5 Final Preliminary Plat Review – The Estates at Cambridge Subdivision – Section 18- R-1B

Suggested Resolution
Resolution #2003-06-
Moved by
Seconded by

RESOLVED, That Final Approval of the Preliminary Plat for The Estates at Cambridge Subdivision located on the east side of Beach Road, north of Wattles Road and south of Long Lake Road, within Section 18 is hereby **GRANTED;** and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby **AUTHORIZED TO EXECUTE** the Subdivision Agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

F-6 Request for Temporary Sales/Office Trailer – Northwyck Condominiums

Suggested Resolution
Resolution #2003-06-
Moved by
Seconded by

RESOLVED, That the request from Douglas T. Smith of Robertson Brothers to place and occupy a sales trailer during construction of Northwyck Condominiums is hereby **APPROVED** until June 2, 2004 in accordance with Chapter 47, House Trailers and Trailer Courts, Section 6.41 (3), of the Code of the City of Troy.

Yes:
No:

F-7 Vacation of Part of Crestfield Street – Section 15 – Crestfield Subdivision and Acceptance of Warranty Deed for Wattles Road Right-of-Way Sidwell #88-20-15-355-066

Suggested Resolution
Resolution #2003-06-
Moved by
Seconded by

WHEREAS, The owners of the property at the northeast corner of Wattles and Livernois have voluntarily dedicated the required 7 feet of right-of-way for Wattles Road as required by City Council Resolution #96-368 for the Final Vacation of Crestfield Street in Crestfield Subdivision;

THEREFORE, BE IT RESOLVED, That the portion of Crestfield Street, described as beginning at a point 60 feet east of the west line of Section 15 and up to and including the west ½ of the previously vacated alleys adjacent to Lots 5 and 124 **BE VACATED** with an easement for public utilities being retained over the entire area being vacated; and

THEREFORE, BE IT FURTHER RESOLVED, That City Council **ACCEPTS** the Warranty Deed for the voluntary dedication of Wattles Road right-of-way from Wattles Investment Company Limited for property being part of Sidwell #88-20-15-355-066; and

BE IT FINALLY RESOLVED, That the City Clerk is hereby **DIRECTED TO RECORD** said final vacation resolution and Warranty Deed with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

F-8 Sole Source – M26 Advanced Taser Less than Lethal Electrical Impulse Devices

Suggested Resolution
Resolution #2003-06-
Moved by
Seconded by

WHEREAS, Michigan Taser Distributing is the sole source provider in Michigan of the M-26 Advanced Taser and Accessories, and

WHEREAS, This electrical impulse tool has now become legal for Michigan law enforcement to use to reduce injury and potential liability for the City;

NOW, THEREFORE, BE IT RESOLVED, That a contract is hereby **AWARDED** to Michigan Taser Distributing, the sole source provider, for the M-26 Advanced Tasers and accessories, at an estimated total cost of $20,322.00, which includes freight.

Yes:
No:

F-9 Final Vacation of a Portion of Hartland Street (Platted Meadowcrest St.) - East of Daley Street, North of Big Beaver Road - Section 23

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

Suggested Resolution
Resolution #2003-06-
Moved by
Seconded by

WHEREAS, A request has been received for the vacation of a portion of Hartland Street (platted Meadowcrest St.) that is 50-feet wide by approximately 1,469 feet, within Supervisor's Plat of Beaver Run Subdivision No. 1, Section 23, and

WHEREAS, The properties which shall benefit from this requested vacation include the proposed West Oaks Subdivision No. 1 and 2; and

WHEREAS, The Planning Commission and City Management have recommended that this street vacation **BE GRANTED SUBJECT** to the following actions:

1. Determination by the City Engineer of the nature and extent of easements to be retained over the subject street right-of-way, based in part on input or responses from applicable utility companies, for West Oaks Subdivision No. 1 and 2.
2. Dedication of the relocated Hartland Street within the proposed West Oaks Subdivision No. 1 and 2.

NOW, THEREFORE, BE IT RESOLVED, That final action can now be taken as the two conditions have been met:

1. Utility easements are now platted in the Final Plat approved by City Council on February 2, 2003.
2. Relocated Hartland Street is dedicated in the Final Plat approved by City Council on February 2, 2003.

BE IT FINALLY RESOLVED, That the portion of Hartland Street (platted Meadowcrest St.) that is 50 feet wide by approximately 1,469 feet, located east of Daley Street and north of Big Beaver Road, within Supervisor's Plat of Beaver Run Subdivision No. 1, Section 23 is **VACATED.**

Yes:
No:

F-10 Upgrade – Mug Shot Computer Hardware and Conversion Services

Suggested Resolution
Resolution #2003-06-
Moved by
Seconded by

WHEREAS, DATAWORKS Plus, Inc. is the single source provider of the project to upgrade and provide new printers and all conversion services for the mug shot and empl9oyee database system.

NOW, THEREFORE, BE IT RESOLVED, That a contract to purchase and upgrade the mug shot and employee database system is hereby **AWARDED** to DATAWORKS Plus, Inc., in accordance with Appendix A at an estimated total cost of $12,950.00, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

F-11 Durant Development Corporation v. Neumann, et. al

Suggested Resolution
Resolution #2003-06-
Moved by
Seconded by

RESOLVED, That the Assistant City Attorney is hereby **AUTHORIZED** to sign the Consent Judgment in the matter of Durant Development Corporation v. City of Troy, et. al (Case No. 03-048644-CH).

Yes:
No:

F-12 Proposed Acknowledgement and Lease – Sylvan Glen Tower

Suggested Resolution
Resolution #2003-06-
Moved by
Seconded by

RESOLVED, That the Acknowledgement and Lease Agreement between the City of Troy and Omnipoint Holdings, Inc. is hereby **APPROVED,** the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, and a copy is to be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

COUNCIL COMMENTS/REFERRALS

REPORTS AND COMMUNICATIONS

G-1 Minutes – Boards and Committees:

(a) Parks & Recreation Advisory Board/Final – March 13, 2003
(b) Advisory Committee for Persons with Disabilities/Final – April 2, 2003
(c) Ethnic Issues Advisory Board/Final – April 8, 2003
(d) Planning Commission/Final – April 8, 2003
(e) Liquor Advisory Committee/Final - April 14, 2003
(f) Planning Commission/Final – April 22, 2003
(g) Parks & Recreation Advisory Board/Final – April 24, 2003
(h) Planning Commission/Draft – May 6, 2003
(i) Advisory Committee for Persons with Disabilities/Draft – May 7, 2003
(j) Building Code Board of Appeals/Draft – May 7, 2003
(k) Liquor Advisory Committee/Draft – May 12, 2003

G-2 Department Report(s):

(a) April 30, 2003 Monthly Financial Report
(b) 2003 Year-to-Date (1st Quarter) Crime and Police Calls for Service Report

G-3 Announcement of Public Hearings:

(a) Rezoning Application Z-688 – East Side of Coolidge, South of Maple, Section 32 – M-1 to O-1 – **Scheduled for June 16, 2003**
(b) Preliminary Planned Unit Development Review – PUD-002, Rochester Commons – North Side of Big Beaver Road, East of Rochester Road and West of Daley Street, Section 23 – **Scheduled for June 16, 2003**
(c) Street Vacation Application (SV-182) – A Section of Alley Located South of Chopin and North of Maple – Section 27 – **Scheduled for June 16, 2003**

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

G-5 Letters of Appreciation:

(a) Letter From Daryl Jamison to John Szerlag Complimenting Police Records and Nancy Paulus on the Excellent Customer Service He Received When He Applied for a Green Safety Registration Card for Firearms

(b) Letter From Chief Kevin M. Sagan, Madison Heights Police to Chief Craft Thanking the Troy Police Department for Their Assistance During the Search of Jenna Hart

(c) Letter From Terry Self, Brinks, to Chief Craft Recognizing Officers Breidenich and Barrows for Their Assistance in a Recent Disturbance

(d) Letter From Donna M. St. John to Chief Craft Recognizing Officer Sewell for his Assistance in a Recent Accident

(e) Letter of Thanks and Appreciation From Kathleen Martin to the Troy Police Department

(f) Letter from Laith, Jonna, Jonna Management Group to Ronald Figlan Thanking Him for His Assistance on the Long Lake and John R Project

(g) Letter from Mr. William J. Bratton to Chief Craft Thanking him for The City of Troy Police Department's Professional Treatment

(h) Letter from George O'Brien, Advanced Placement Coordinator - Troy High School, to Beverly Sackner Thanking the Community Center Staff and Milton Richards for their Assistance in Successfully Implementing their Advanced Placement Program

G-6 Calendar

G-7 Memorandum (Green) – Re: Joel Garrett Property – Section 11

G-8 Memorandum (Green) – Re: The Sanctuary Golf Club Tour

G-9 Memorandum (Green) – Re: Council Rule Confirmation

G-10 Memorandum – SmartZone LDFA

G-11 Memorandum – Cricket Field – Resident Concerns

G-12 Memorandum – Videography Services at Community Center

G-13 Memorandum – Naming of Public Lands

G-14 Memorandum (Green) – City Calendar Program Review

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

A-01b &
E-03a

PROCLAMATION TO HONOR
WILLIAM MCCABE
2002 POLICE OFFICER OF THE YEAR

WHEREAS, Officer **William (Bill) McCabe**, currently assigned to the traffic safety unit as an accident investigation officer, is a 24-year veteran of the Troy Police Department; and

WHEREAS, He also serves as an OUIL training instructor for the MML, a PPCT Instructor, DUI/Drug recognition instructor, and a speaker on impact panels for MADD; and

WHEREAS, His selection was based on his commitment to both the department and the community, as well as his superior performance, hard work and dedication to duty; and

WHEREAS, Officer McCabe has given outstanding performance in a variety of assignments including Administrative Assistant, Accident Investigation Office and Tactical Support Team member; and

WHEREAS, Achievements in his career include ten Commendations, three Unit Citations, two Departmental Citations, one Merit Service Award and three-time MADD Award Recipient; and

WHEREAS, Officer McCabe has distinguished himself through exemplary performance in regards to specific tasks and incidents, as well as outstanding performance of routine duties including his sincere commitment to traffic safety. An asset to the Department, he overcame injury without any visible negative impact to his performance; and

WHEREAS, Through **Officer McCabe's** leadership, hard work and commitment to providing quality service, the Troy Police Department has gained the respect of the community and other law enforcement agencies.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy, does hereby join with the citizens of Troy, to express sincere congratulations to **Officer William McCabe** on the occasion of being chosen **2002 Police Officer of the Year** by the Troy Police Department.

BE IT FURTHER RESOLVED that the City Council commends **Officer McCabe** for his achievement, leadership and dedicated service to the citizens of Troy.

Signed this 2nd day of June 2003.

A-01c &
E-03b

PROCLAMATION TO HONOR
JOANN IRVIN
2002 NON-SWORN POLICE DEPARTMENT
EMPLOYEE OF THE YEAR

WHEREAS, JoAnn Irvin's City of Troy Police Department career began on July 28, 1980 as a Police Service Aide. She was promoted in 1984, and again in 1986 to Civilian Communications Supervisor; and

WHEREAS, Communications Supervisor **JoAnn Irvin** has distinguished herself in her career by being a truly outstanding employee who displays professionalism and enthusiasm in all of her job duties; and

WHEREAS, JoAnn's many accomplishments include being on the Board of Directors of the Oakland County Response Team, serving as the Project Blue Light Coordinator, receiving ten Department Commendations and eleven Letters of Appreciation for outstanding performance; and

WHEREAS, JoAnn's kind manner and unwavering commitment to her work, friends and helping others has made her both a role model for all those around her and an asset to the City of Troy all the organizations that she supports with her time, effort and positive energy; and

WHEREAS, Always willing to go out of her way to help others, **JoAnn** helps organize Police Memorial Day, works on the Chivas/Smetana/Mulvihill Golf Outing and always volunteers to do the decorations for department retirement parties; and

WHEREAS, Through **JoAnn's** leadership, hard work and commitment to providing quality service, the Troy Police Department has gained the respect of the community and other law enforcement agencies.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy, does hereby join with the citizens of Troy, to express sincere congratulations to **JoAnn Irvin** on the occasion of being chosen **2002 Non-Sworn Employee of the Year by the Troy Police Department**.

BE IT FURTHER RESOLVED that the City Council commend **JoAnn Irvin** for her achievement, leadership and dedicated service to the citizens of Troy.

Signed this 2nd day of June 2003.

A-01d &
E-03c

PROCLAMATION TO HONOR
ROBERT POTTS
2002 FIRE FIGHTER OF THE YEAR

WHEREAS, Robert (Bob) Potts has been a volunteer Fire Fighter since joining Troy's Fire Station 5 in October of 1975; and

WHEREAS, His selection as **Fire Fighter of the Year** is due to his dedication to the Troy Fire Department, having served with honor and dignity in all of his roles at the station including leadership roles as Lieutenant, Captain, and Assistant Chief for a total of 21 years; and

WHEREAS, Bob is a member of the Water Rescue Team, an active participant of the Station 5 Association having served on several committees, and the Station 5 liaison to Beaumont Hospital for their ongoing construction projects; and

WHEREAS, Bob's employment at Simplex Grinnell Fire Protection has been an asset to the Troy Fire Department, for **Bob** has expertise in installed fire protection systems and has used that knowledge to provide several training programs to the Fire Department; and

WHEREAS, In addition to fire service, **Bob** is a role model in the community by serving as a team manager for youth baseball, Boy Scout leader, Dad's Club member at Bishop Foley High School, and volunteer for various other community groups; and

WHEREAS, Through **Fire Fighter Pott's** leadership, commitment, hard work and countless hours of service, the Troy Fire Department has become even more efficient in its delivery of quality service to the community.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy, does hereby join with the citizens of Troy, to express sincere congratulations to **Fire Fighter Bob Potts** on the occasion of being chosen **2003 Fire Fighter of the Year** by the Troy Fire Department.

BE IT FURTHER RESOLVED that the City Council commends **Fire Fighter Bob Potts** for his achievement, leadership and dedicated service to the citizens of Troy.

Signed this 2nd day of June 2003.

DATE: May 13, 2003

TO: The Honorable Mayor and City Council

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

SUBJECT: Parking Variance Request
208 W. Fourteen Mile (proposed address)
Krispy Kreme Doughnuts, Oakland Mall

We have received an application from Dan Krull, of DRM Development, to construct a new freestanding restaurant in front of the Sears store at Oakland Mall. This new building will not only increase the required parking for the mall but also eliminate existing parking spaces. Based upon the requirements of Section 40.21.42 of the Zoning Ordinance, a total of 10,745 parking spaces are required for a commercial building that is 1,826,789 square feet in area. Previous actions by the Board of Zoning Appeals and City Council have granted variances reducing the parking requirement by 2,742 spaces. This makes the parking requirement 8,003 spaces. Their plans show that only 7,915 parking spaces would be available. Due to the insufficient on-site parking available, the application has been denied. In response to our denial of the plan, the applicant has filed an appeal for the deficiency of the 88 spaces.

A Public Hearing has been scheduled for your meeting of June 2, 2003, in accordance with Section 44.01.00.

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

Attachments:

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

RECEIVED
MAY 0 2 2003
BUILDING DEPARTMENT

TO TROY CITY COUNCIL DATE: 4/30/03

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

Applicant: Dough Re. Mi C. Ltd. Phone: 231-881-0008

Address: 1191 Cedar Ln. Bay Harbor, Mi. 49770

Address of Property: 208 W. Fourteen Mile Rd.

Lot # _____ Subdivision: _____

Zoning District: B-3 Sidwell # 20-35-400021

Owner of Property: Sears, Roebuck and Co. Phone: 847-286-5226

Address: 3333 Beverly Rd. B2-207A Hoffman Estates, IL 60179

This appeal is made on a determination by the Director of Building & Zoning, in the enforcement of the Zoning Ordinance, in a letter dated: 5/1/

Has there been a previous appeal involving this property? Yes If Yes, state date 4/28/03

and particulars To have 7977 spaces where 9,083 spaces were required

REASON FOR VARIANCE:

Dimension of Stall? _____ Parking Spaces Required: 8,003

Number of Stalls? X Parking Spaces Provided: 7,915

Other Dimensions? _____ Variance Requested: 88

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

RECEIVED
MAY 0 2 2003
BUILDING DEPARTMENT

PLOT PLAN OF SITE ATTACHED HERETO

STATE OF MICHIGAN)
)
COUNTY OF _____)

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

Date: May 2, 2003 _____
(Signature of Applicant)

Signed and Sworn to before me this 2nd day of May 20 03.

Judith M. Smith
Notary Public

JUDITH M. SMITH
NOTARY PUBLIC MACOMB CO., MI
MY COMMISSION EXPIRES Jun 23, 2005

My Commission Expires: 6-23-05

Filing Fee $200.00 Date Paid

REV:2/2002

RECEIVED
MAY 0 5 2003
BUILDING DEPARTMENT

May 5, 2003

Mr. Mark Stimac, R.A., C.B.O.
Director of Building & Zoning
500 West Big Beaver
Troy, MI 48084

RE: DOUGH RE MI. CO. LTD. (KRISPY KREME)
PARKING VARIANCE APPLICATION
OUTLINE OF APPEAL

Dear Mr. Stimac:

As a result that the plans and specifications submitted to your office do not meet the requirements as set forth in the City Ordinance. Dough Re Mi Co. Ltd. is applying for a parking variance for the following reasons. The proposed new building will result in a total building area for the shopping center of 1,826,789 square feet. Based upon the requirements of Section 40.21.42 of the Troy Zoning Ordinance, a total of 10,745 parking spaces are required for a shopping center of this size. After a total of previously approved deductions of 2,742 cars, the required parking of the site for a building this size is 8,003 parking spaces (10,745-2,742). Our application indicates there will be 7,915 parking spaces available on the site thus creating a deficiency of 88 spaces.

Dough Re Mi. Ltd. is proposing a variance for 88 parking spaces to develop a freestanding Kripsy Kreme Doughnut Restaurant.

The variance that Dough Re Mi Co. Ltd. is requesting meets the following outlined variance conditions listed in section 43.72.00 of the Zoning Ordinance...

A. The proposed use is not contrary to the public interest or general purpose and intent of the Chapter.
B. The proposed use does not permit the establishment of a prohibited use as the principal use within the sites zoning district.
C. The proposed use does not cause substantial adverse effect to properties in the immediate vicinity or in the zoning District.
D. The proposed use relates only to the property described in the application for the variance

The specific hardships and practical difficulties that that Dough Re Mi, Ltd. is faced with can also be found in section 43,72.00 of the Zoning Ordinance, these hardships are as follows...

A. Absent of a variance, no reasonable use can be made of the property

RECEIVED

MAY 0 5 2003

BUILDING DEPARTMENT

D. Literal enforcement of the Zoning Ordinance precludes full enjoyment of the permitted use and makes conforming unnecessarily burdensome. In this regard, the Board shall find that a lesser variance does not give substantial relief, and that the relief requested can be granted with in the spirit of the Ordinance, and within the interests of public safety and welfare.

Sincerely,

DOUGH RE MI CO. LTD.

Dan Krull
Director of Real Estate & Development

SEARS
Heather Summers
Real Estate Manager

Sears, Roebuck and Co.
3333 Beverly Road, B2-207A
Hoffman Estates, IL 60179
(847) 286-5226
Fax: (847) 286-3803
E-mail: hsummer@sears.com

May 1, 2003

RECEIVED
MAY 0 2 2003
BUILDING DEPARTMENT

Mr. Mark Stimac
Director of Building and Zoning
City of Troy Building Department
500 West Big Beaver Road
Troy, MI 48084

Re: Oakland Mall Sears Pad Site
Troy, Michigan

Dear Mr. Stimac:

This letter will acknowledge that DRM Development Group, LLC d/b/a Krispy Kreme has permission to request a parking variance on the Sears Oakland Mall pad site to accommodate their site plan proposal.

If you should have any questions, please contact me at the number above.

Sincerely,

Heather Summers

Heather Summers
Real Estate Manager

City of Troy

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

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Operations
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Technology
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

May 1, 2003

Dough Re Mi Co. Ltd.
1191 Cedar Lane
Bay Harbor, MI 49770

Dear Sirs:

We are in receipt of your application for a Building Permit to construct a new free standing restaurant at the Oakland Mall Shopping Center at 208 W. Fourteen Mile (proposed address).

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

The proposed new building will result in a total building area for the shopping center of 1,826,789 square feet. Based upon the requirements of Section 40.21.42 of the Troy Zoning Ordinance, a total of 10,745 parking spaces are required for a center of this size. Previous actions by the appeal boards have resulted in the following reductions of required parking:

January 1977	-1,111 cars
May 1995	-264 cars
July 1999	-261 cars
April 2003	-1,106 cars
Total Previously Approved Reduction	-2,742 cars

Therefore, the required parking for this site for a building of this size is 8,003 parking spaces (10,745 – 2,742). Your application indicates that there will be only 7,915 spaces available on the site. This is a deficiency of 88 spaces.

Therefore, your application may not be further processed until the above items are corrected and/or you receive a variance from the City Council. Applications are available through the Building Department.

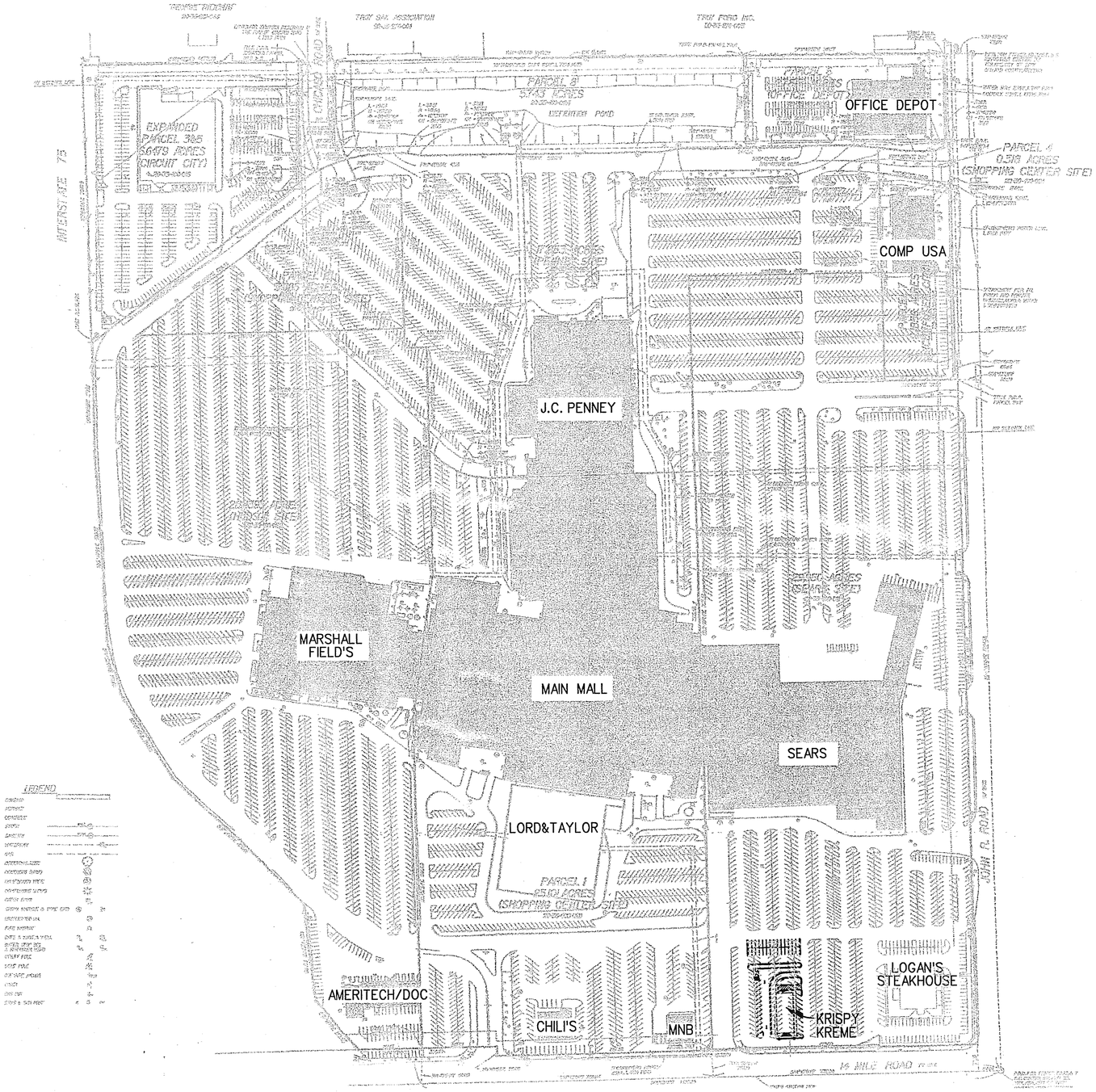
If you have any questions regarding the above, please feel free to contact me.

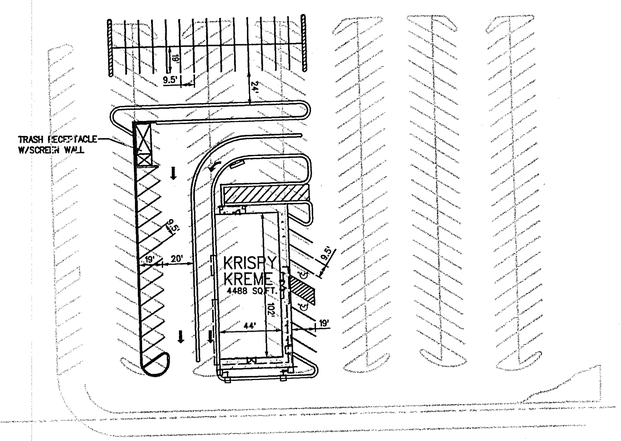
Sincerely,

Mark Stimac, R.A., C.B.O.
Director of Building & Zoning

PARCEL DESIGNATION	SITE ACREAGE (ACRES)	BUILDING G.B.A. (SQ. FT.)	BUILDING G.L.A. 80% OF G.B.A. (SQ. FT.)	PARKING (SPACES) PROVIDED
SEARS INCLUDING LOGAN'S STEAKHOUSE KRISPY KREME	25.87 2.88 1.2	411,895 8,329 4,488	329,516 6,664 3,590	2,130 176 26
MARSHALL FIELD'S	28.5006	378,617	302,894	2,541
J.C. PENNEY	17.253	208,600	166,880	1,187
SHOPPING CENTER SITE (MALL PARCEL) LORD AND TAYLOR	35.047*	581,193 140,000	464,955 112,000	1,061 285
SHOPPING CENTER SITE (RESIDUAL PARCEL) COMP. USA OFFICE DEPOT CIRCUIT CITY	11.6212	- 25,000 25,983 42,684	- 20,000 20,286 34,147	- 125 133 251
TOTAL	122.3718	1,826,789	1,461,432	7,915**

* SHOPPING SITE (MALL PARCELS) INCLUDES DETENTION POND PARCEL
** RATIO: 5.42 CARS PER 1000 SQ.FT. G.L.A. ONCE LORD & TAYLOR IS BUILT





14 MILE ROAD

ENLARGED PLAN
SCALE: 1"=50'

STATE OF MICHIGAN
FRANK D. PATRELLO
ENGINEER No. 30293
LICENSED PROFESSIONAL ENGINEER

RECEIVED
APR 30 2003
BUILDING DEPARTMENT

NO.	ISSUE/REVISION	BY	CHKD	DATE	APP
△				/ /	
△				/ /	
△				/ /	
△				/ /	
△	ISSUED TO CITY	FP		04/30/03	

Wilcox Professional Services
ISO 9001 CERTIFIED
37987 INTERCHANGE DRIVE
FARMINGTON HILLS, MI 48335
PH: 248-478-3690 / FX: 248-478-3986

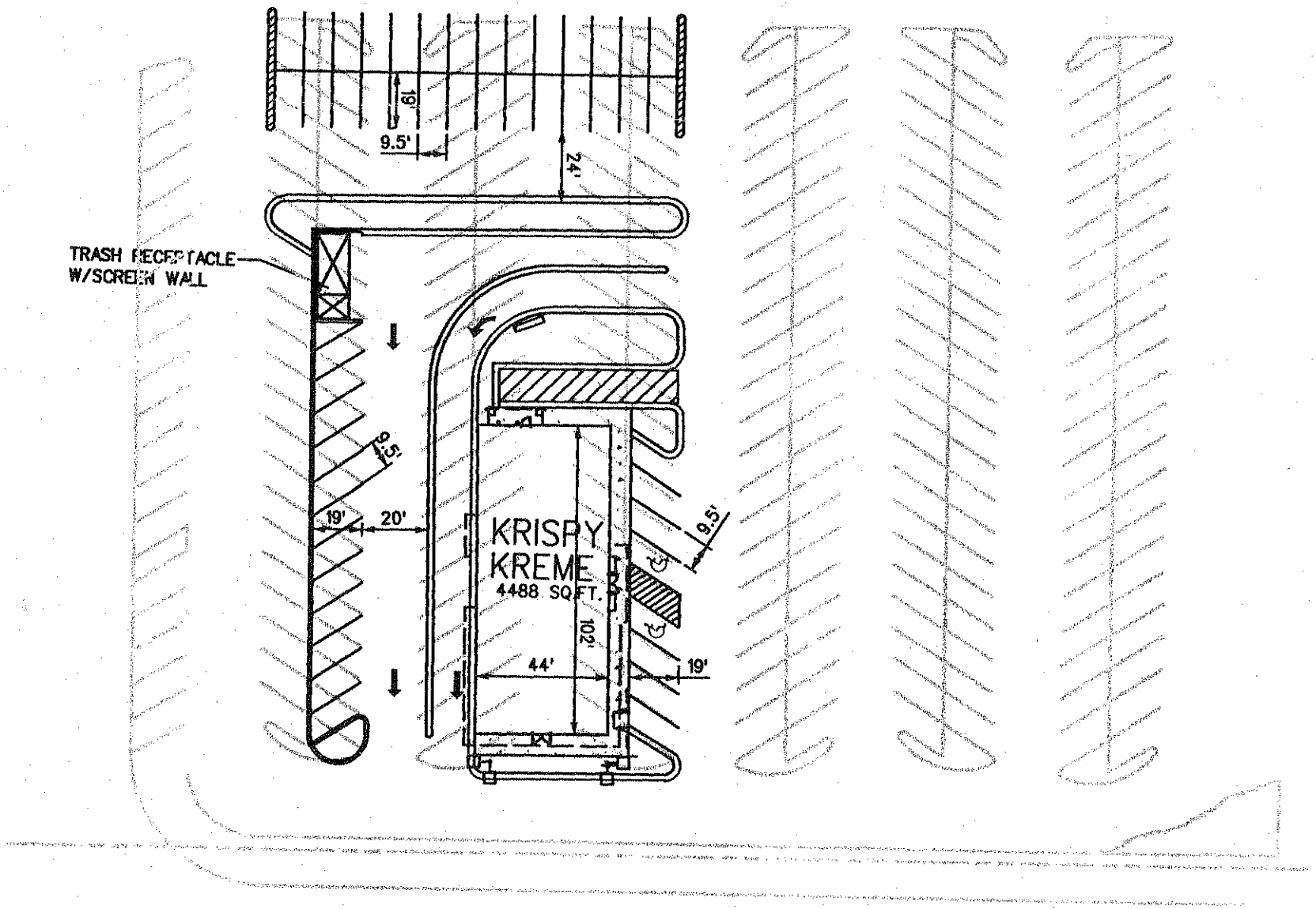
ENGINEER	F. PATRELLO	
SURVEY		
DRAWN	CMO	04/30/2003
CHECKED		/ /
APPROVED		/ /
SCALE	1"=150'	

PROPOSED KRISPY KREME
AT OAKLAND MALL
OVERALL SITE PLAN
TROY, MICHIGAN

PROJECT NUMBER 2003-325

DRAWING

REV


TRASH RECEPTACLE
W/SCREEN WALL
19'
9.5'
24'
6.5'
19'
20'
KRISPY
KREME
4488 SQ.FT.
9.5'
10.2'
44'
19'

14 MILE ROAD

PARCEL DESIGNATION	SITE ACREAGE (ACRES)	BUILDING G.B.A. (SQ. FT.)	BUILDING G.L.A. 80% OF G.B.A. (SQ. FT.)	PARKING (SPACES) PROVIDED
SEARS INCLUDING LOGAN'S STEAKHOUSE KRISPY KREME	25.87 2.88 1.2	411,895 8,329 4,488	329,516 6,664 3,590	2,130 176 26
MARSHALL FIELD'S	28.5006	378,617	302,894	2,541
J.C. PENNEY	17.253	208,600	166,880	1,187
SHOPPIING CENTER SITE (MALL PARCEL) LORD AND TAYLOR	35.047*	581,193 140,000	464,955 112,000	1,061 285
SHOPPIING CENTER SITE (RESIDUAL PARCEL) COMP. USA OFFICE DEPOT CIRCUIT CITY	11.6212	- 25,000 25,983 42,684	- 20,000 20,286 34,147	- 125 133 251
TOTAL	122.3718	1,826,789	1,461,432	7,915**

* SHOPPING SITE (MALL PARCELS) INCLUDES DETENTION POND PARCEL
** RATIO: 5.42 CARS PER 1000 SQ.FT. G.L.A. ONCE LORD & TAYLOR IS BUILT

Oakland Mall LLC

Executive Offices
39577 Woodward Ave.
Suite 220
Bloomfield Hills
MI 48304
248.647.3838 phone
248.647.6231 fax

Jay M. Kogan
Douglas S. Mossman

Mall Offices
412 W. 14 Mile Road
Troy, MI 48083
248.585.4114 phone
248.585.2440 fax
www.oaklandmall.com

Joy S. Powell, CMD, CSM
Mall Manager

Charles Miller
Director of Construction

Laurie Fielder
Controller

May 20, 2003

RECEIVED
MAY 21 2003
BUILDING DEPARTMENT

Mr. Mark Stimac
Directing of Building & Zoning
City of Troy
500 W. Big Beaver
Troy, Michigan 48084

RE: Sears/Oakland Mall
Parking Variance
Request for Krispy
Kreme

Dear Mark:

Enclosed herewith is a copy of our affidavit in support of the above mentioned request set for the public hearing on June 2, 2003. If questions please feel free to call me.

Very truly yours,

OAKLAND MALL, LLC.

Douglas Mossman

DSM/tn

RECEIVED
MAY 21 2003
BUILDING DEPARTMENT

TO: CITY COUNCIL

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

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

We hereby support the parking variance on the Sears tract requested by DRM Development at Oakland Mall for a parking variance of 88 cars to erect a 5,000 square foot one story restaurant because the overall effect on the Mall parking ratio would be diminitive. The addition of the Logan restaurance site had the effect of cleaning up a good portion of the 14 mile road frontage in front of Sears. If the developers would be required to landscape the proposed site in the same manner that Logans did it would have a positive effect of making the rest of the site to the 14 mile road Sears entrance look much better.

NAME: OAKLAND MALL, LLC.

By: Douglas Mossman, Managing Partner

ADDRESS OR PROPERTY DESCRIPTION

DATE: May 6, 2003

TO: The Honorable Mayor and City Council

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

SUBJECT: Commercial Vehicle Appeal
1093 W. Wattles

On April 1, 2003, information was sent to Mr. Bruce Byrd, resident of 1093 W. Wattles that identified restrictions related to commercial vehicles located on residential property. As part of that information, he was advised that the Ford cube van parked on that property did not comply with the exceptions found in Chapter 39, Section 40.66.00. He was given the option to remove the vehicle or appeal to City Council for relief of the Ordinance.

In response to our letters, Mr. Byrd has filed an appeal. The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of June 2, 2003.

Although the building department has typically noticed the vehicle parked in the front yard of the property, as seen in the photos taken by staff on April 22, 2003, Mr. Byrd has indicated that he will be storing the vehicle in the rear of the property as indicated in his application.

The existing main structure on the property has a ground floor area 1948 square feet. Section 40.57.04 of the Zoning Ordinance would allow up to 974 square feet of accessory building.

Should you have any questions or require additional information, kindly advise.

MS/pr

Attachments

RECEIVED
APR 17 2003
BUILDING DEPARTMENT

COMMERCIAL VEHICLE APPEAL APPLICATION

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

NAME: Bruce Edward Bagel

ADDRESS: 1093 W. Wattles

CITY: Troy MI. ZIP: 48098 PHONE: 816-0734

ADDRESS OF SITE:

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S) 1FDKE37H6RHA76307

LICENSE PLATE NUMBER(S) 1253 LF

DESCRIPTION OF VEHICLE(S) Box Truck

REASON FOR APPEAL (see A - D below) B, C, D.

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

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

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

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

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

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

These ~~Is~~ Do Should Apply
BB

COMMERCIAL VEHICLE APPEAL APPLICATION

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

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

Bruce Byrd
(signature of applicant)

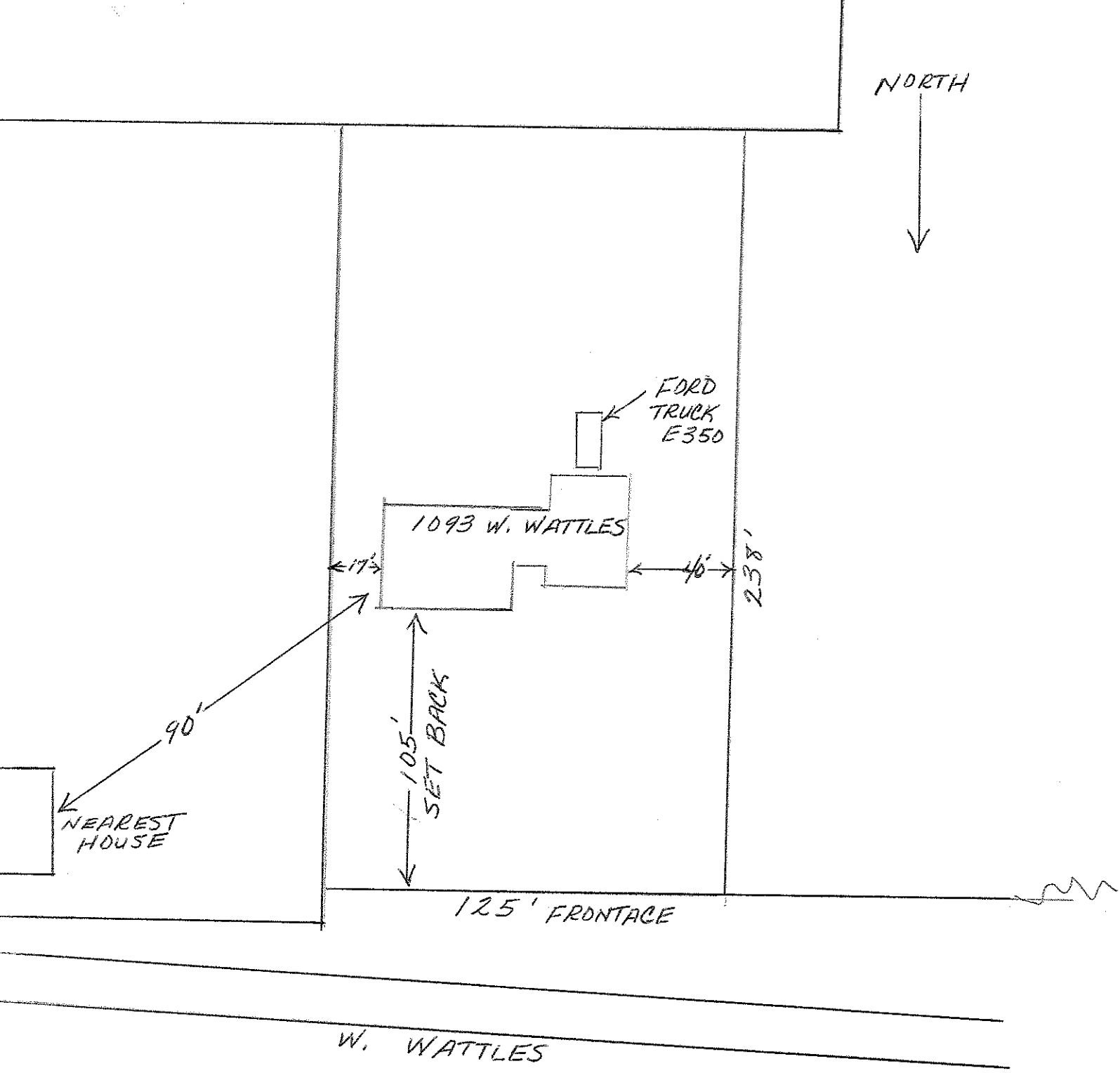
STATE OF MICHIGAN
COUNTY OF Oakland

On this 14th day of April, 2003 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Amy L. Sharpe
Notary Public, County, Michigan

My Commission Expires:

AMY L. SHARPE
NOTARY PUBLIC, OAKLAND COUNTY, MI
ACTING IN Oakland CO., MI
MY COMMISSION EXPIRES 11-30-2004



(PLOT MAP)

Bruce Byrd
1093 W. Wattles
Troy, Mi 48098
(248) 816-0734

RECEIVED
APR 25 2003
BUILDING DEPARTMENT

Photos Supplied by the Petitioner

View of house from Wattles

View of proposed parking for vehicle (back of House

View from driveway to neighbor east of house

View from house directly across Wattles

View from street back of house
with the vehicle parked in back

View from backyard from backdoor

Neighbor east of house from driveway

Photos Taken by the Building Department April 22, 2003

City of Troy
Building and Inspection Division
Commercial vehicle Violation Notice
500 West Big Beaver, Troy, MI 48084

April 1, 2003

Bruce Byrd
1093 W. Wattles
Troy, MI 48084

Subject: Outside Commercial Vehicle Storage on Residential Sites
1093 W. Wattles

Dear Mr. Byrd,

I recently observed a White Ford box truck parked at the above location, in violation of the Zoning Ordinance, Chapter 39, of the Troy City Code. Section 40.66.00 of the ordinance restricts the type of commercial vehicles parked on residential property. Specifically, one commercial pickup truck or passenger/cargo-style van is permitted.

The outdoor storage of the box truck does not comply with the ordinance. Therefore, to correct the violation, please remove the vehicle from the property or store it in the garage.

You also have the right to request a variance from City Council, if you wish to continue storing the vehicle on site. Council has the authority to grant variances, in certain circumstances, to store commercial vehicles on residential property. The process begins with the completion and submission of the enclosed application.

The deadline for removeing the vehicle from the site, storing it in the garage, or submitting the appeal form is April 15, 2003.

The complete text of the Troy Zoning Ordinance can be viewed at the City's website at www.ci.troy.mi.us. If you have any questions, please call me at 248-680-7284.

Sincerely,

_____
Don Phillips
Housing & Zoning Inspector

TO: CITY COUNCIL

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

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

House sits so far back from road you really don't even notice the truck

RECEIVED
MAY 21 2003
BUILDING DEPARTMENT

NAME: Kimberly A. Nielsen - K.A. Nielsen

ADDRESS OR PROPERTY DESCRIPTION 4046 Parkstone Ct
Troy, MI 48098

DATE: May 23, 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: PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT ARTICLE XXXIX (ZOTA 193) – Environmental Provisions – Walls, Article 39.00.00

RECOMMENDATION

City Management recommends approval of Amendment Option "A" via Resolution A. This amendment will recognize that when there is a substantial distance between parking areas and property lines, the proposed landscape buffer, in addition to the 200-foot distance, is a sufficient buffer.

BACKGROUND

When Sanctuary Golf Club (f.k.a. Section 1 Golf Course) received Preliminary Site Plan Approval by City Council, a wall was required to buffer the maintenance building parking area from the adjacent single family zoning district (Section 39.10.01). The City acquired the Mead property that abuts the golf course to the west and there is now over 200 feet from the parking lot to the west property line. It was recognized that the wall would not serve a useful purpose. However, only the Board of Zoning Appeals has the authority to waive or modify screen wall requirements. City Council directed City Management not to seek a Board of Zoning Appeals variance from the wall requirement and to consider ordinance revisions that would eliminate the wall requirement on a City-wide basis when similar circumstances occur.

City Management prepared a zoning ordinance amendment that permits the Planning Commission or City Council, if required, to waive the wall requirement when there is a 200-foot distance between parking areas and a property line. This buffer area is required to contain a double row of coniferous evergreen trees (i.e., spruce, pine). Please see Amendment Option "A".

The Planning Commission conducted a Public Hearing and recommended that when a parking area is 75 to 200 feet to a property line, a wall can be waived, with the provision of a 4-1/2 foot earthen berm. This berm includes the double row of coniferous evergreen trees as required in the City Management amendment. The Planning Commission kept the provision permitting a landscape buffer if the distance between the parking area and property line exceeded 200 feet. Please see Amendment Option "B".

Attachments: City Management Amendment Option “A”
Planning Commission Amendment Option “B”
Planning Commission Minutes, April 1, 2003
Planning Commission Minutes, April 8, 2003
Planning Commission Minutes, April 22, 2003

cc: Planning Commission
File/ZOTA 193

G:\Zoning Ordinance\ZOTA 193 CC 06-02-03 PH.doc

PROPOSED ZONING ORDINANCE TEXT AMENDMENT
OPTION A – CITY MANAGEMENT
Environmental Provisions - Walls

Amend the indicated portions of the Environmental Provisions text in the following manner:

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

39.00.00 ARTICLE XXXIX ENVIRONMENTAL PROVISIONS

39.10.00 WALLS:

39.10.01 For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential District an obscuring wall as required below:

	District/Use	Requirements
(A)	P-1 Vehicular Parking District	4'-6" high wall
(B)	Off-street parking areas in residential Districts and C-F Districts	4'-6" high wall
(C)	B-1, B-2, B-3, H-S, O-1, O-M, O-S-C, R-C and M-1	6'-0" high wall
(D)	E-P Districts, when such are a part of a non-residential development site involving Non-Residential Zoning Districts.	4'-6" high wall
(E)	M-1 Districts - open storage area	6'-0" to 8'-0" high wall. See Article XXVIII, Section 28.25.02 and 28.30.04
(F)	Hospital ambulance and delivery areas	6'-0" high wall

(Rev. 10-7-96)

In those instances when a wall is required by Article 39.10.01(B) and there is a distance of at least two-hundred (200) feet between the property line and the off-street parking area, the Planning Commission or City Council, if applicable, may permit a landscape buffer within the two-hundred (200) foot distance, in lieu of the required wall. The landscape buffer shall include at a minimum a double row of upright coniferous evergreen trees (pine or spruce species, as acceptable to the Department of Parks and Recreation). The plantings shall be a minimum of five (5) to six (6) feet in height, planted twenty (20) feet on center. The rows shall be spaced ten (10) feet apart and staggered ten (10) feet on center. The location of such landscape buffer shall be determined by the Planning Commission or City Council, if applicable.

PROPOSED ZONING ORDINANCE TEXT AMENDMENT
OPTION B – PLANNING COMMISSION
Environmental Provisions - Walls

Amend the indicated portions of the Environmental Provisions text in the following manner:

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

39.00.00 ARTICLE XXXIX ENVIRONMENTAL PROVISIONS

39.10.00 WALLS:

39.10.01 For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential District an obscuring wall as required below:

	District/Use	Requirements
(A)	P-1 Vehicular Parking District	4'-6" high wall
(B)	Off-street parking areas in residential Districts and C-F Districts	4'-6" high wall
(C)	B-1, B-2, B-3, H-S, O-1, O-M, O-S-C, R-C and M-1	6'-0" high wall
(D)	E-P Districts, when such are a part of a non-residential development site involving Non-Residential Zoning Districts.	4'-6" high wall
(E)	M-1 Districts - open storage area	6'-0" to 8'-0" high wall. See Article XXVIII, Section 28.25.02 and 28.30.04
(F)	Hospital ambulance and delivery areas	6'-0" high wall

(Rev. 10-7-96)

In those instances when a wall is required by Article 39.10.01(B) and there is a distance of at least two hundred (200) feet between the property line and the off-street parking area, the Planning Commission or City Council, if applicable, may permit a landscape buffer within the two hundred (200) foot distance, in lieu of the required wall. In those instances where there is less than two hundred (200) feet but at least seventy five (75) feet between the property line and the off-street parking area, the Planning Commission may permit a landscaped berm, in lieu of the required wall. The landscaped berms shall be at least four and one half (4 1/2) feet in height and the landscape buffer shall include at a minimum a double row of upright coniferous evergreen trees (pine

or spruce species, as acceptable to the Department of Parks and Recreation). The plantings shall be a minimum of five (5) to six (6) feet in height, planted twenty (20) feet on center. The rows shall be spaced ten (10) feet apart and staggered ten (10) feet on center. The location of such landscape buffer or landscaped berm shall be determined by the Planning Commission or City Council, if applicable.

10. ORDINANCE REVISION DISCUSSION – Environmental Provisions – Walls – Article 39.10.01 (ZOTA # 193)

Mr. Miller reported that City Management is aware that one of the Commission's future tasks is the review of wall and landscaping standards, but that a practical problem in completing construction of the Section 1 Golf Course has occurred. Mr. Miller recollected that the Planning Commission made a recommendation to City Council to construct a berm in lieu of the required wall adjacent to the maintenance area parking lot, and that City Council overrode that recommendation because they prefer not to seek variances as a general rule. Mr. Miller cited that City Council had no concerns with the berm, but concerns with the City itself seeking a variance. In addition, the City purchased the Mead property that abutted the maintenance building and parking lot to the west. The property purchase resulted in the maintenance area parking lot being over 200 feet from the new Golf Course property line.

Mr. Miller reported that City Management developed the opinion that when a parking lot is at least 200 feet from a property line, a landscape buffer would be sufficient to screen headlights and automobiles. Mr. Miller provided a draft ordinance amendment that gives authority to the Planning Commission to permit the distance and landscaping in lieu of the required wall, and noted that the proposed ordinance text amendment has been published as a Public Hearing item for the April 8, 2003 Planning Commission Regular Meeting.

Mr. Vleck questioned the timing of the proposed ordinance change and City Council's reasoning for not seeking a variance.

Mr. Schultz wondered what City Council and staff's reception would be if a developer insisted on changing an ordinance to get what he/she desires on a site plan. Additionally, Mr. Schultz recalled that at the time the Mead property was acquired, it was City Council's intent to sell the property after the necessary easements had been obtained. He believes that if the change is wanted specifically at this point in time for the Golf Course, there should be something in writing stipulating that the Mead property has permanently become part of the Golf Course and that it would not be sold without a vote of the people.

Ms. Pennington questioned what plan is in place for the Mead property.

Mr. Storrs commented that the Commission reviewed of the Golf Course site plan and made its recommendation on that defined site plan which was not inclusive of the Mead property, and noted agreement with Mr. Schultz.

Ms. Lancaster confirmed that a City vote would be required to sell land acquired for parks and recreational purposes, and agreed that a setback on the Mead property

would have to be determined and a revised site plan would have to come back before the Commission.

Mr. Miller said that he would confirm if the Mead property was or was not incorporated in the Golf Course site plan at the time of City Council review and consideration.

Chairman Littman referenced the City Manager's memorandum dated April 1, 2003, that was sent to the Commission late this afternoon with respect to "Methodology to Propose Ordinance Changes; in this Case, Off-Street Parking." Chairman Littman questioned if the Golf Course matter has gone through the empirical analysis that the City Manager is proposing for all ordinance changes.

Mr. Schultz referenced the partnership between the Commission and City Management that the City Manager spoke of at an earlier Planning Commission meeting, and stated that the proposed ordinance change specifically addressing the Golf Course matter should be held to the same standards.

Mr. Vleck questioned the specifications quoted in the proposed ordinance change.

Mr. Miller stated that the language used in the proposed ordinance amendment references standard language used in the Zoning Ordinance that relates to other berm situations and the landscape design tree preservation ordinance.

Chairman Littman directed the Planning Department to place the City Manager's memorandum *"Methodology to Propose Ordinance Changes; in this Case, Off-street Parking"* on a future agenda for discussion.

Mr. Chamberlain requested that the Planning Department prepare a report on the City's position on the Mead property; i.e., what is the City's plan for the property, how does the property tie into the Golf Course, and if the property was inclusive of City Council's site plan approval.

Mr. Schultz requested a descriptive site plan showing the relationship of the wall, the Mead property and the maintenance area parking lot.

ZONING ORDINANCE TEXT AMENDMENTS

12. PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (ZOTA-193) – Article 39.00.00 Parking Screen Wall Waiver

Mr. Savidant presented a review of the Parking Screen Wall Waiver zoning ordinance text amendment. The proposed amendment was initiated because of a practical problem at the Section 1 Golf Course with respect to the maintenance area parking lot. Mr. Savidant stated that City Management recommends amending the existing environmental provision of the ordinance that would essentially provide more landscaping in lieu of a wall in instances where the property line next to a residential district is 200 feet or more from an off-street parking area. Mr. Savidant said that he was informed by the Real Estate and Development Department that the Mead property is not officially a part of the Golf Course yet and the City at this time is not selling the property nor are there any specific plans for the property.

Discussion followed with respect to revising the distance between the property line and the off-street parking area, placing restrictions on the location of the landscape buffer within the designated distance, and including the term landscape berm.

Mr. Savidant reminded the Commission that this text amendment would affect all property in the City, not just the Section 1 Golf Course and the Mead property.

The Commission requested the Planning Department provide a scaled drawing of the affected area inclusive of the proposed landscape buffer and the Mead property.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

There was brief discussion.

Resolution

Moved by Waller Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that ARTICLE XXXIX (ENVIRONMENTAL PROVISIONS) of the Zoning Ordinance, be amended to read as follows:

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

39.00.00 ARTICLE XXXIX ENVIRONMENTAL PROVISIONS

39.10.00 WALLS:

39.10.01 For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential District an obscuring wall as required below:

	District/Use	Requirements
(A)	P-1 Vehicular Parking District	4'-6" high wall
(B)	Off-street parking areas in residential Districts and C-F Districts	4'-6" high wall
(C)	B-1, B-2, B-3, H-S, O-1, O-M, O-S-C, R-C and M-1	6'-0" high wall
(D)	E-P Districts, when such are a part of a non-residential development site involving Non-Residential Zoning Districts.	4'-6" high wall
(E)	M-1 Districts - open storage area	6'-0" to 8'-0" high wall. See Article XXVIII, Section 28.25.02 and 28.30.04
(F)	Hospital ambulance and delivery areas	6'-0" high wall

(Rev. 10-7-96)

In those instances when a wall is required by Article 39.10.01(B) and there is a distance of at least **fifty (50) feet** between the property line and the off-street parking area, the Planning Commission may permit a landscape buffer **or landscape berm** within the **fifty (50) foot** distance, in lieu of the required wall and **at a location to be determined by the Planning Commission**. The landscape buffer shall include at a minimum a double row of upright coniferous evergreen trees (pine or spruce species, as acceptable to the Department of Parks and Recreation). The plantings shall be a minimum of five (5) to six (6) feet in height, planted twenty (20) feet on center. The rows shall be spaced ten (10) feet apart and staggered ten (10) feet on center.

Discussion followed with respect to determination of the property line, hypothetical situations involving the sale of the Mead property, whether the revised motion satisfies the existing problem at the Golf Course and further revisions to the text amendment.

It was the consensus of the Commission to table the proposed ordinance text amendment to give the Planning Department an opportunity to incorporate the recommended changes into the draft text.

Resolution

Moved by Vleck Seconded by Schultz

RESOLVED, that the Planning Commission hereby recommends that ARTICLE XXXIX (ENVIRONMENTAL PROVISIONS) of the Zoning Ordinance, be tabled to the April 22, 2003 Special/Study Meeting.

Yeas	Absent
All present (8)	Chamberlain

MOTION CARRIED

Chairman Littman re-opened the Public Hearing for the April 22, 2003 Special/Study Meeting.

4. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA-193) – Article 39.00.00 Parking Screen Wall Waiver

Mr. Miller reviewed the concerns and questions raised at the April 8th Public Hearing with respect to the minimum distance required between the property line and the parking lot and the requirement of a landscaped berm or a landscape buffer. Mr. Miller reported that the Mead property has been combined with the Section 1 Golf Course. He said the City Surveyor prepared the legal descriptions for the Assessing Department to officially combine the two properties, and subsequently the appropriate documents would be filed with the County. Mr. Miller stated that if in the future there was a request to split the combined property, the split would be reviewed administratively and public notification would not be required because the approved site plan for the Golf Course did not originally include the Mead property. Mr. Miller reported that currently a wall has been approved in the maintenance parking area of the Golf Course because City Council directed management to seek an alternative to the practical issue instead of seeking a variance from the Board of Zoning Appeals. He explained that if there were a future request by City Council for a waiver of the wall that would create a distance requirement, a revised site plan would then be required for consideration of approval.

A brief discussion followed with respect to the minimum distance required between the property line and the parking lot. The Planning Department provided two options for the proposed text amendment: Option 1 provides a 50 foot requirement between the property line and parking lot for buffers and berms; and Option 2 provides a 50 foot requirement for berms and a 200-foot requirement for buffers.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Miller stated that Option 1 is not a viable option, and recommended Option 2 with a 75-foot requirement between the parking lot and property line, with a 4'6" high berm.

Resolution

Moved by Vleck Seconded by Storrs

RESOLVED, that the Planning Commission hereby recommends to City Council that ARTICLE XXXIX (ENVIRONMENTAL PROVISIONS) of the Zoning Ordinance, be amended to read as follows:

39.00.00 ARTICLE XXXIX ENVIRONMENTAL PROVISIONS

39.10.00 WALLS:

39.10.01 For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential District an obscuring wall as required below:

	District/Use	Requirements
(A)	P-1 Vehicular Parking District	4'-6" high wall
(B)	Off-street parking areas in residential Districts and C-F Districts	4'-6" high wall
(C)	B-1, B-2, B-3, H-S, O-1, O-M, O-S-C, R-C and M-1	6'-0" high wall
(D)	E-P Districts, when such are a part of a non-residential development site involving Non-Residential Zoning Districts.	4'-6" high wall
(E)	M-1 Districts - open storage area	6'-0" to 8'-0" high wall. See Article XXVIII, Section 28.25.02 and 28.30.04
(F)	Hospital ambulance and delivery areas	6'-0" high wall

(Rev. 10-7-96)

In those instances when a wall is required by Article 39.10.01(B) and there is a distance of at least two hundred (200) feet between the property line and the off-street parking area, the Planning Commission may permit a landscape buffer within the two hundred (200) foot distance, in lieu of the required wall. In those instances where there is less than two hundred (200) feet but at least seventy five (75) feet between the property line and the off-street parking area, the Planning Commission may permit a landscaped berm, in lieu of the required wall. The landscaped berms shall be at least four and one half (4.5) feet in height and the landscape buffer shall include at a minimum a double row of upright coniferous evergreen trees (pine or spruce species, as acceptable to the Department of Parks and Recreation). The plantings shall be a minimum of five (5) to six (6) feet in height, planted twenty (20) feet on center. The rows shall be spaced ten (10) feet apart and staggered ten (10) feet on

center. The location of such landscape buffer or landscaped berm shall be determined by the Planning Commission.

Yeas	Absent
All present (8)	Pennington

MOTION CARRIED

May 28, 2003

To: The Honorable Mayor and City Council

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

Re: Public Hearing for Speed Humps on Chestnut Hill and Walnut Hill

At the May 12, 2003 City Council meeting, a public hearing was set for June 2, 2003. This meeting was scheduled to allow the residents of Chestnut Hill and Walnut Hill the opportunity to circulate a petition for two (2) additional speed humps to be installed in conjunction with the approved amended Special Assessment District for asphalt paving (with the addition of one (1) speed hump on Walnut Hill).

The revised cost estimates, Special Assessment Roll, Roll Certification and revised Standard Resolutions #2 and #4 are submitted for your consideration.

As of the date of this memorandum, no petition has been submitted requesting the additional speed humps be installed. There has not been any submittal of a petition stating the residents' concurrence to have this cost added to their share of the costs of the improvement.

Preliminary Cost Estimate

May 13, 2003

Project Location: Walnut Hill & Chestnut Hill S.A.D. Paving and Speed Humps
Project No.: ___02.109.1____
Proposed Improvement: 2200 lf, 24' Bituminous Asphalt Pavement with Underdrain, Adams to Wattles

Item	Quantity		Description	Unit Cost	Total Cost
			SAD Share - Asphalt Section (2,200')		
1.	1000	Tons	Bit. Mix No. 500, 20C - 3"	45.00	45,000.00
2.	500	Tons	Bit. Mix No. 1100T, 20AA - 1 1/2"	50.00	25,000.00
3.	80	Tons	Bit. Mix No. 1100T, 36B - 4" Driveway	100.00	8,000.00
4.	350	Tons	21AA Aggregate for Shoulders	15.00	5,250.00
5.	23.33	Tons	**Bituminous Handpatching**	100.00	**3,500.00**
6.	21.33	SY	**Milled Butt Joint for Speed Hump**	6.67	**213.32**
			Sub-Total		**86,963.32**
			Engineering, Admin. And Contingencies, 25%		21,740.80
Total Special Assessment Share - Asphalt & 2 Speed Humps					**108,704.12**
			City Share		
5.	200	SY	Remove Pavement	10.00	2,000.00
6.	30	Each	Remove Culvert	150.00	4,500.00
7.	350	CY	Earth Excavation	10.00	3,500.00
8.	40	CY	Subgrade Undercut	30.00	1,200.00
9.	5900	SY	Grading	3.00	17,700.00
10.	195	Tons	Aggregate Base, 21AA	18.00	3,510.00
11.	150	CY	Subbase	15.00	2,250.00
12.	200	LF	18" Storm Sewer	50.00	10,000.00
13.	400	LF	15" Storm Sewer	40.00	16,000.00
14.	1,000	LF	12" Storm Sewer	35.00	35,000.00
15.	10	Each	4' Dia. Manhole	1,700.00	17,000.00
16.	4,400	LF	8" Edge Drain	25.00	110,000.00
17.	40	Each	Drainage Structure	750.00	30,000.00
18.	28	Each	Relocate Mailbox Post	100.00	2,800.00
19.	5	Each	Reconstruct/Adjust Structure	500.00	2,500.00
20.	4,400	LF	Ditching	5.00	22,000.00
21.	4,600	SY	Turf Restoration		Incidental
Speed Humps (1)					
22.	35	Tons	Bituminous Handpatching	50.00	1,750.00
23.	32	SY	Milled Butt Joint for Speed Hump	3.33	106.67
			Sub-Total		**281,816.67**
			Engineering, Admin. And Contingencies, 25%		70,454.04
			Total City Share		**352,270.71**
			TOTAL PROJECT COST		**460,974.83**

(4110 Chestnut Hill)

88-20-18-353-001
KIAMTIA, OLIVER & CLAIRE
320 E MAPLE #253
BIRMINGHAM MI 48009
1 unit - $3,882.29

88-20-18-353-002
RODGERS, JERRY L
4096 CHESTNUT HILL
TROY MI 48098-4206
1 unit - $3,882.29

88-20-18-353-003
ZAKIR, MUHAMMAD AMIR
4076 CHESTNUT HILL
TROY MI 48098-4206
1 unit - $3,882.29

88-20-18-353-004
MALOTA, PETER & LISA
4056 CHESTNUT HILL
TROY MI 48098-4206
1 unit - $3,882.29

88-20-18-353-005
MORGAN TRUST, LELAND & BERNICE
4036 CHESTNUT HILL
TROY MI 48098-4206
1 unit - $3,882.29

88-20-18-353-006
SALKOWSKI, DAVID M
4016 CHESTNUT HILL
TROY MI 48098-4206
1 unit - $3,882.29

88-20-18-354-001
BLASER, GARY & LEE O'HARE
4075 CHESTNUT HILL
TROY MI 48098-4205
1 unit - $3,882.29

88-20-18-354-002
BACHAN, MICHAEL & ROSE
4045 CHESTNUT HILL
TROY MI 48098-4205
1 unit - $3,882.29

88-20-18-354-003
GORDON TRUST, SHARI
4015 CHESTNUT HILL
TROY MI 48098-4205
1 unit - $3,882.29

88-20-18-352-001
AYERS, MARGUERITE
4190 WALNUT HILL
TROY MI 48098-5906
1 unit - $3,882.29

88-20-18-352-002
SCHWARB, RAYMOND E
4174 WALNUT HILL
TROY MI 48098-5906
1 unit - $3,882.29

88-20-18-352-003
PARDEE, CLARK E & MARY G
4158 WALNUT HILL
TROY MI 48098-5906
1 unit - $3,882.29

88-20-18-352-004
MILLER, PAUL & MICHELLE
4140 WALNUT HILL
TROY MI 48098-5906
1 unit - $3,882.29

88-20-18-352-005
BELKNAP, SUE A
4120 WALNUT HILL
TROY MI 48098-5906
1 unit - $3,882.29

88-20-18-352-006
SOLD, ELIZABETH & GEORGE
4100 WALNUT HILL
TROY MI 48098-5906
1 unit - $3,882.29

88-20-18-352-007
VALENTE, ANTHONY & KATHRY
4090 WALNUT HILL
TROY MI 48098-4221
1 unit - $3,882.29

88-20-18-352-008
POOLE, ALBERT & SANDRA
4080 WALNUT HILL
TROY MI 48098-4221
1 unit - $3,882.29

88-20-18-352-009
BANDURIC, PAMELA T
4054 WALNUT HILL
TROY MI 48098-4221
1 unit - $3,882.29

88-20-18-352-010
GHOLZ JR, ANTHONY & MARY
4030 WALNUT HILL
TROY MI 48098-4221
1 unit - $3,882.29

88-20-18-352-011
THOMAS TRUST, RICHARD & GERTRUD
4010 WALNUT HILL
TROY MI 48098-4221
1 unit - $3,882.29

88-20-18-353-007
WEBER, MARK E
4185 WALNUT HILL
TROY MI 48098-5907
1 unit - $3,882.29

88-20-18-353-008
HURLEY, CRAIG & SUSAN
4159 WALNUT HILL
TROY MI 48098-5907
1 unit - $3,882.29

88-20-18-353-009
DIXON, ROBERT W & VERA R
4135 WALNUT HILL
TROY MI 48098-5907
1 unit - $3,882.29

88-20-18-353-010
WANECEK, JASON K & LISA
4111 WALNUT HILL
TROY MI 48098-5907
1 unit - $3,882.29

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 - $3,882.29

BAKKA, GERALDINE B, HOAGG GLENN
4085 WALNUT HILL
TROY MI 48098-4220
1 unit - $3,882.29

HWANG, MYUNG S
4055 WALNUT HILL
TROY MI 48098-4220
1 unit - $3,882.29

88-20-18-353-014
OLIVER, JAMES & MARGARET
4021 WALNUT HILL
TROY MI 48098-4220
1 unit - $3,882.29

CITY OF TROY

Special Assessment Roll Number: **02.109.1** For defraying the expense of construction for:

Walnut Hill & Chestnut Hill Bituminous Paving with 2 Speed Humps

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 **2nd** day of **June** A.D. **2003**, for the purpose of paying that part of the cost which the Council decided should be paid and borne by special assessmentfor the purpose of **Asphalt paving of Chestnut Hill & Walnut Hill with 2 speed humps**

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 **2nd** day of **June** 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 **2nd** day of **June** A.D., **2003**, and approved and confirmed by the Council of the City of Troy on the **2nd** day of **June** 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 **June 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 **June 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 **2nd** day of **June** A.D., **2003**.

Tonni Bartholomew, City Clerk

TO: Mayor and Members of Troy City Council
FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/ Services
Lori Grigg Bluhm, City Attorney
Mark Miller, Planning Director
Steven Vandette, City Engineer
Douglas Smith, Real Estate & Development Director
DATE: May 29, 2003
SUBJECT: Request for Alley Vacation- West of Daley, North of Big Beaver (Section 23)

After a public hearing on December 18, 2000, the Troy City Council approved the conditional vacation of a 20 foot wide public alley, extending west approximately 125 feet from Daley Street, in the area north of Big Beaver Road abutting Lots 1-7 of Schroeders Subdivision. Robert and Barbara Jackson of 3035 Daley Street initially requested the vacation of this alley, so that their driveway could be expanded. The request was made at the time that a new development north of the Jackson property was being proposed. At that time, Council granted the requested vacation, subject to four conditions.

The first condition required an easement over the east five feet of the alley for a sidewalk. A second condition required the retention of an easement over the alley for public utility purposes. The Engineering Department has determined that there is no significant need to retain these easements over the subject alley.

In addition, the December 2000 vacation action also required the Jacksons to convey a 5 foot wide easement on the Daley Street frontage for the installation of sidewalks and other public utility purposes. Unfortunately, in order to install sidewalks along the Daley Street frontage, the drainage swales would need to be replaced with enclosed drainage. This would require a large financial commitment, especially since additional easements would also need to be obtained over the other Daley Street properties. As such, this is not a feasible option at this time.

The last condition of the December 2000 vacation action was the retention of an easement for Mr. and Mrs. Jackson for private driveway purposes if necessary to "accommodate the driveway area presently lying within the alley right of way". The adjoining property owners constructed a garage 6 feet from the property line. They would acquire an additional 10 feet if the alley is vacated, which would provide a clearance of 16 feet to access the garage. This vacation would also eliminate the public alley, so the homeowners would no longer need to park in a public alley or have others use the public alley for parking.

It has been over two years since the previous action was taken. In addition, there have been modifications since that time, and the previously imposed conditions are no longer necessary. As a result, the matter has been set for a public hearing for your consideration. It is the recommendation of City Management that the 20 foot wide public alley right of way be vacated with no conditions.

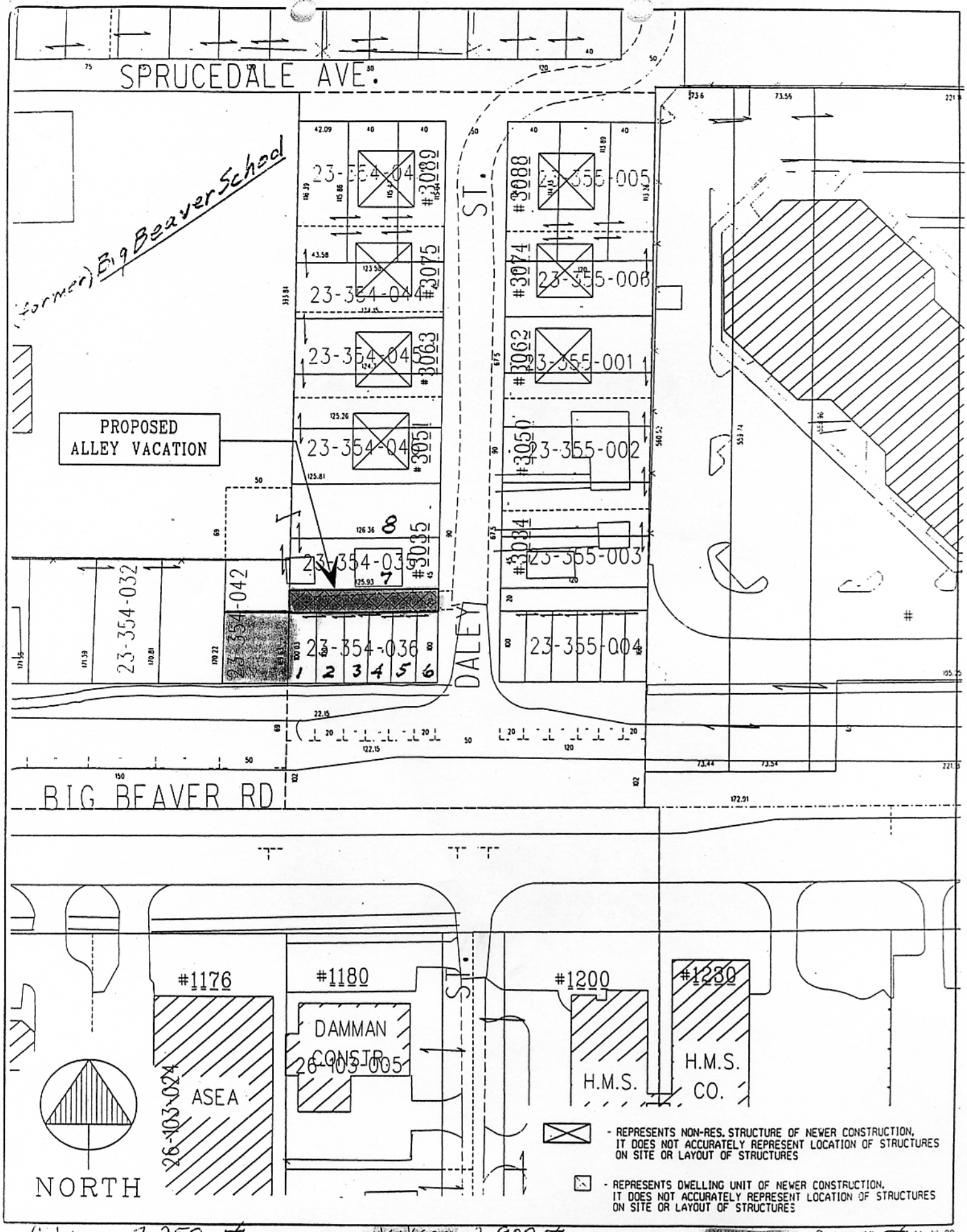
Background: Staff has met several times with Mr. and Mrs. Jackson regarding the proposed vacation of the alley. The goal of the staff at this time is to complete the alley vacation that was started two years ago, which will provide clearly established property lines. This is especially important at this time, since there is now an offer from the developer of the Rochester Commons development to design and implement landscaping, in conjunction with the City, on the north side of Big Beaver Road from Rochester Road all the way to Daley Street. The upgraded landscaping is proposed to be an irrigated berm with shrubbery.

The first step in the discussions was to ascertain whether Mr. and Mrs. Jackson had any interest in acquiring the City's half (10 feet) of the vacated public alley. This acquisition would provide 26 feet from the property line to the garage, and would provide additional room to back in their boat. Attached is a map that shows the property in question. The proposed alley vacation is highlighted in orange, the Jackson' s property is colored green, and the City owned property is yellow.

Staff pursued a potential land exchange with the Jackson's abutting parcel of property, which has Big Beaver frontage. This parcel was desirable to the City, since the acquisition would allow the City to provide enhanced landscaping along Big Beaver Road. The Jacksons could also benefit, in that there would be a landscaped buffer to shield the Jackson's home from traffic noise, fumes and dirt from Big Beaver Road. The Jacksons would also have the opportunity to square off their property. Since the Big Beaver frontage parcel was larger than the 10 foot vacated alley right of way, it was understood that this land exchange would also involve the payment of additional compensation. The Jacksons initially made it clear that they did not want to pursue a land exchange, so the value of the 10 foot vacated alley right of way has not yet been ascertained by an independent appraiser. However, it is estimated that the entire northwest corner parcel (including the proposed 10 foot vacated alley portion) is valued at approximately $100,000, since a home could conceivably be built on the parcel that would meet all applicable set back requirements.

Based on a review of all available information, including the discussion at meetings with Mr. and Mrs. Jackson, a sale of the City's parcel is not in the best interest of the City. This is due, in part, to the offer of the developer of the proposed Rochester Commons to landscape and improve upon a City owned property at the developers' expense. In addition to being both practical and prudent, acceptance of this offer would provide a polished and superior entrance from Big Beaver to Daley Street. The developer would berm and irrigate the northwest corner of Daley and Big Beaver, and it is anticipated that the City would do the same at a later date to the City owned property on the northeast corner of the intersection.

Since there appears to be an impasse at this time, a simple vacation of the public alley appears to be the best course. It will provide a clear property line demarcation for the City and developer to provide enhanced landscaping on Big Beaver Road. If you have any questions concerning the above, please let us know.



City 7,250 ¢
(+1,250 ¢) ½ alley

Jackson 2,900 ¢

Alley 2,500 ¢
(½ alley - 1,250 ¢)

May 5, 2003

TO: John Szerlag, City Manager

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

SUBJECT: Waiver of Sidewalks on Daley Street
Lots 9-22, Schroeder Subdivision, Section 23

The developer of the subject subdivision was given a waiver of the sidewalk requirement from then-City Manager James Bacon following receipt of a June 25, 1997 waiver request letter from the developer. The Contract for Installation of Municipal Improvements (Private Agreement) was subsequently approved by City Council Resolution 98-510 on November 2, 1998 without sidewalks.

Please contact me should you need any additional information.

G:\Council Reports and Communications\SchroederSubSidewalkWaiver.doc

10-24-00.

REC'D

OCT 25

PLANNING DEPT.

3035 DALEY
TROY
248-689-0427

To City Clerk -

a request.

We live at a home on lot 7 & 8 of Schroeder Subdivision and also own garden lot at rear facing Big Beaver. City owns lots 1 2 3 4 5 6 (of Schroeders Sub)

There is an alley next to lot 7 that is used by us as a driveway to our garage. This is the only use of and for the driveway. Our house was built in 1929 and we have lived here since 1955. (44 yrs.)

We have maintained the driveway and would like to pave.

We request that the city vacate and give us ownership of the driveway (alley).

Thank you for your consideration.

Robert Jackson & Barbara Jackson

Please respond. Thank you.

PUBLIC HEARINGS

C-1 Alley Vacation – West of Daley, North of Big Beaver – Section 23

Resolution #2000-569
Moved by Pallotta
Seconded by Allemon

WHEREAS, A request has been received for the vacation of the 20-foot wide public alley right-of-way extending west approximately 126 feet from Daley Street in the area north of Big Beaver Road and abutting Lots 1-7 of Schroeders Subdivision (Liber 47, Page 35 of Oakland County Plats); and

WHEREAS, The properties which shall benefit from this requested vacation include Lots 1-6 of Schroeders Subdivision (City of Troy Tax Parcel 20-23-354-036) and Lot 7 of Schroeders Subdivision (Tax Parcel 20-23-354-035); and

WHEREAS, City Management and the Planning Commission have recommended that this alley vacation be granted, subject to the following conditions:

1. Retention of an easement for sidewalk and other public utility purposes over the east 5 feet of the subject alley area.

2. Conveyance of a 5-foot wide easement for sidewalk and other public utility purposes across the Daley Street frontage of Lots 7 and 8 of Schroeders Subdivision.

3. Retention of an easement for public utility purposes over the subject alley right-of-way, to the extent determined to be necessary by the City Engineer.

4. Retention of an easement for private driveway access purposes to Lot 7 of Schroeders Subdivision, if such is determined to be necessary in order to accommodate the driveway area presently lying within the subject alley right-of-way.

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

BE IT FURTHER RESOLVED, That final action on this alley vacation request shall be taken by the City Council, after the following actions:

C-1 Alley Vacation – West of Daley, North of Big Beaver – Section 23 – Continued

1. Receipt of the above-noted easement conveyance from the owners of Lots 7 and 8 of Schroeders Subdivision.

2. Determination by the City Engineer of the nature and extent of easements to be retained over the subject alley right-of-way, based in part on responses from the applicable utility companies.

Yes: All-7

The Law Department received the following letter on May 23, 2003

Mr. and Mrs. R. Stumph owned the property we now own. In 1955 we bought the house and lot to the north (Schroeders Sub. 7 & 8). The Stumphs kept and used the garden lot until 1964 when we then purchased it from them. We traded frontage {for the road} for property at the back in 1981.

The city was leaving lots 1-6 (Schroeder Sub) as a weedy lot, cut only twice a year. We have cut the grass and beautified with flowers and trees. I don't think any city property along Big Beaver or anywhere else has been so lovingly cared for by a single private citizen.

We need to have access to our garage for our cars and boat. (Can't park boat outside.)

We need to keep our garden lot. It is a very important part of our joy in living here. When it becomes necessary to move to one floor, senior housing, we hope to do as the Stumphs did. We want to keep the garden and we will need to have access to it either through the alley or from Big Beaver Road.

We need to have access to our car and boat. (Can't park boat outside.) It would also be an extreme safety hazard to park either of our cars on Daley and to back out on Daley, which will soon be an even busier street.

We are not asking for anything that is detrimental to the city. We have always tried to be good citizens and do what is right for the city and schools and neighborhood.

Berms are not the best solution for the corner of Daley and Big Beaver, nor are they a requirement for development along Big Beaver. Berms that are not irrigated are an eye sore and berms that are irrigated are a waste of precious water. Trees help to reduce the pollution in the air and are beautiful.

Barbara Jackson
Robert Jackson
248 - 689 0427
3035 Daley

Barbara A Holmes

From: Mary F Redden on behalf of John Szerlag
Sent: Thursday, May 29, 2003 12:45 PM
To: agenda
Subject: FW: Project X

----- Original Message-----
From: Comiskey, Ann [mailto:AComiskey2@troy.k12.mi.us]
Sent: Tuesday, May 27, 2003 3:29 PM
To: 'szerlagaj@ci.troy.mi.us'
Cc: Denise Rondo (E-mail); Cindy Stewart (E-mail)
Subject: Project X

Dear Mr. Szerlag,
On behalf of the committee for Project X we are asking that this item be removed from the June 2nd City Council meeting agenda. The committee has come to a juncture where we are not ready to proceed with this project until some more groudwork has been completed. We will let you know when that happens and when we would like to present this idea before City Council. If you have questions in this reagard please feel free to contact me at (248) 823-5055. Thank you for your consideration in this regard.

Ann M. Comiskey
Troy Community Coalition

DATE: May 12, 2003

TO: The Honorable Mayor and City Council

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

SUBJECT: Continuation of Public Hearing
Request for Commercial Vehicle Appeal
4101 Cherrywood

We received the attached fax from the petitioner today regarding his inability to be at the public hearing that was continued to tonight's meeting.

Should you have any questions or require additional information, kindly advise.

May 12, 2003

To: Troy City Council Members

From: Ken Follis – Ken's Kardinal Lawn Care

Re: Tonight's Absence

To Whom It May Concern:

Please excuse my absence from tonight's meeting. Due to a major disaster at my home, I regretfully cannot attend.

However, as asked, I received permission from the subdivision and Mitch, the building inspector, to go ahead and build the fence, screening the West approach.

Also, I received a call from the complainant to South East denying any complaints and I quote "We never said a word to city writer or otherwise against the truck. You have our full support. There is no need to plant a tree in your front yard. I wonder who sent in my name and address?"

Mr. Mayor and city council members, please accept my appeal. This is not my permanent address and I cannot remodel the garage. With your permission, I will have the fence constructed as soon as possible and no later than June 30, 2003.

Sincerely,

Ken Follis III

Ken Follis, III
Ken's Kardinal Lawn Care

DATE: May 7, 2003

TO: The Honorable Mayor and City Council

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

SUBJECT: Continuation of Public Hearing
Request for Commercial Vehicle Appeal
4101 Cherrywood

In response to the initial public hearing regarding this request held at your meeting of April 14, 2003, some of the respondents referred to an additional commercial vehicle that was stored on the site. At the time of the hearing we had no additional information on this other vehicle. On April 28, 2003, the Building Department received notice from one of the adjacent property owners that this other vehicle had been at the site since the previous Friday. Members of the Building Department staff went to the site and took the attached photograph of the vehicle.

We have received no additional responses from the public hearing notices, but are including with this memo copies of the notices that were delivered to your table the night of the initial public hearing.

Should you have any questions or require additional information, kindly advise.

Photo Taken at 4101 Cherrywood by the Building Department 4-28-03

DATE: April 14, 2003

TO: Honorable Mayor and City Council

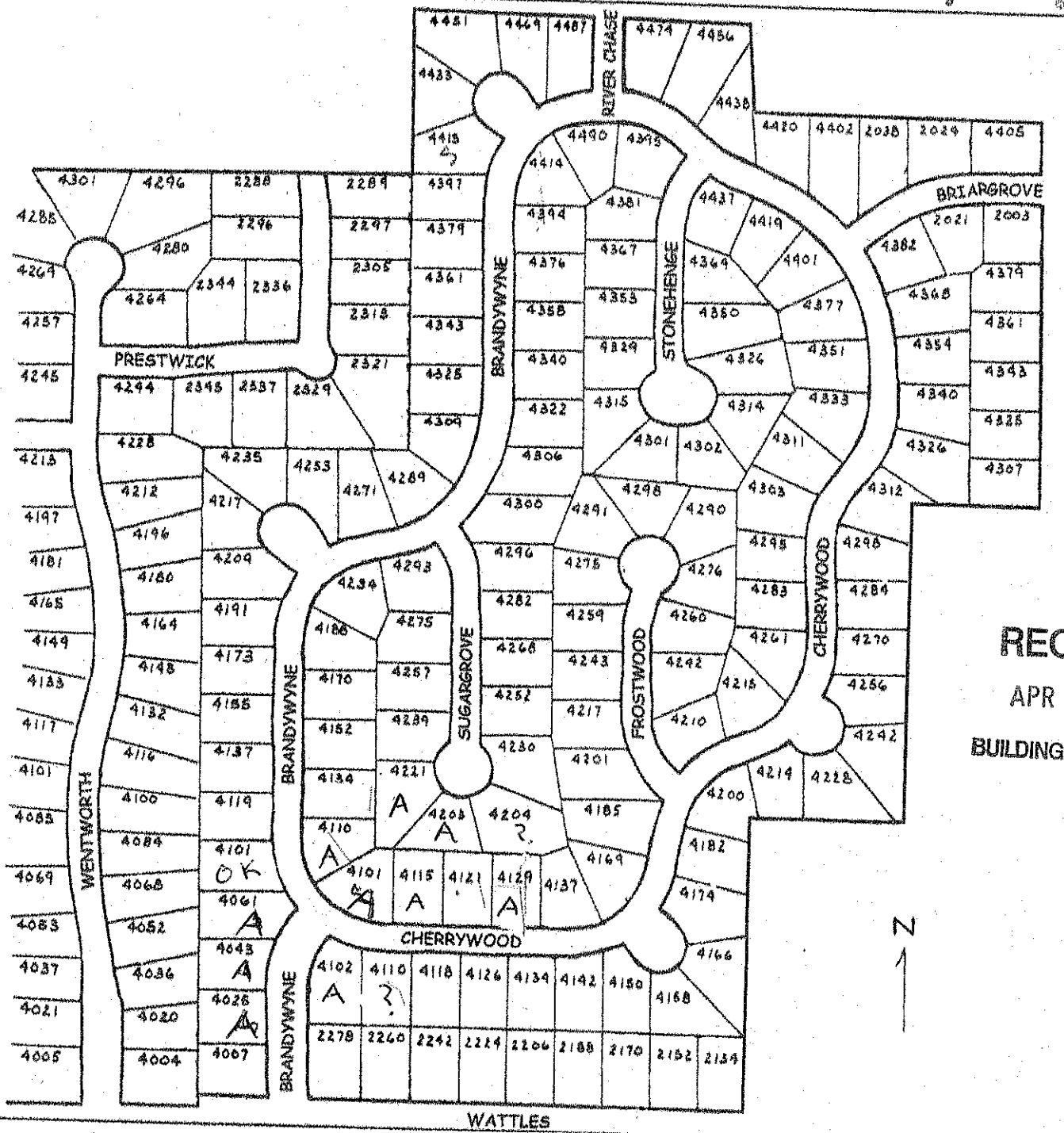
FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Mark Stimac, Director of Building and Zoning

SUBJECT: Supplemental Information Item C-2
Request for Commercial Vehicle Appeal – 4101 Cherrywood

Enclosed are responses to the public hearing for the Commercial Vehicle appeal at 4101 Cherrywood. These responses were received after your agenda packets were delivered last Friday and are in addition to those found in your packet. Additional comments may be provided at the meeting this evening. We have also enclosed a map of the properties that were notified as part of the public hearing process.

If we can provide any other information regarding this matter, kindly advise.

©2003, by Cathedral DIRECTORIES®



RECEIVED
APR 14 2003
BUILDING DEPARTMENT

TO: CITY COUNCIL

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

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

I being a resident of Greentrees Subdivision,in direct sight of the property in question, strongly support Mr. Follis, his small business, and the necessary equipment stored at 4101 Cherrywood.
The Ford F-350 is stored away from all traffic, children and pets in the neighborhood.
I see no reason for this violation to be enforced as the property in question is properly maintained and stored daily.

Billy Hurlbert 4115 Cherrywood

RECEIVED
APR 14 2003
BUILDING DEPARTMENT

NAME:

ADDRESS OR PROPERTY DESCRIPTION

TO: CITY COUNCIL

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

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

I being a resident of Greentrees Subdivision,in direct sight of the property in question, strongly support Mr. Follis, his small business, and the necessary equipment stored at 4101 Cherrywood.
The Ford F-350 is stored away from all traffic, children and pets in the neighborhood.
I see no reason for this violation to be enforced as the property in question is properly maintained and stored daily.

RECEIVED
APR 14 2003
BUILDING DEPARTMENT

NAME: RAM MOHAN GOPARAJU

ADDRESS OR PROPERTY DESCRIPTION 4102 CHERRYWOOD LN
TROY MI-48098

TO: CITY COUNCIL

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

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

I being a resident of Greentrees Subdivision,in direct sight of the property in question, strongly support Mr. Follis, his small business, and the necessary equipment stored at 4101 ~~Cherrywood.~~
The Ford F-350 is stored away from all traffic, children and pets in the neighborhood.
I see ~~no reason for this violation to be enforced as the property in question~~ is properly maintained and stored daily.

RECEIVED
APR 14 2003
BUILDING DEPARTMENT

NAME: Jennifer L Martin

ADDRESS ~~OR~~ PROPERTY DESCRIPTION 4001 Brandywine Troy MI 48098

TO: CITY COUNCIL

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

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

I being a resident of Greentrees Subdivision,in direct sight of the property in question, strongly support Mr. Follis, his small business, and the necessary equipment stored at 4101 Cherrywood.
The Ford F-350 is stored away from all traffic, children and pets in the neighborhood. I see no reason for this violation to be enforced as the property in question is properly maintained and stored daily.

RECEIVED
APR 14 2003
BUILDING DEPARTMENT

NAME: Jamie Ureel + Bryan Ureel

ADDRESS OR PROPERTY DESCRIPTION 4110 Brandywyne Dr.

TO: CITY COUNCIL

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

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

I being a resident of Greentrees Subdivision,in direct sight of the property in question, strongly support Mr. Follis, his small business, and the necessary equipment stored at 4101 Cherrywood.
The Ford F-350 is stored away from all traffic, children and pets in the neighborhood.
I see no reason for this violation to be enforced as the property in question is properly maintained and stored daily.

RECEIVED
APR 14 2003
BUILDING DEPARTMENT

NAME: Susan Ball

ADDRESS OR PROPERTY DESCRIPTION 4221 Sugargrove

TO: CITY COUNCIL

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

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

I being a resident of Greentrees Subdivision,in direct sight of the property in question, strongly support Mr. Follis, his small business, and the necessary equipment stored at 4101 Cherrywood.
The Ford F-350 is stored away from all traffic, children and pets in the neighborhood. I see ~~no reason for this violation to be enforced as the property in question~~ is properly maintained and stored daily.

RECEIVED
APR 14 2003
BUILDING DEPARTMENT

NAME: [illegible]

ADDRESS OR PROPERTY DESCRIPTION 4203 SUGARGROVE CT.

TO: CITY COUNCIL

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

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

I being a resident of Greentrees Subdivision,in direct sight of the property in question, strongly support Mr. Follis, his small business, and the necessary equipment stored at 4101 Cherrywood.
The Ford F-350 is stored away from ~~all~~ traffic, children and pets in the neighborhood.
I see ~~no reason for this violation to be enforced as the property in question~~ is properly maintained and stored daily.

RECEIVED
APR 14 2003
BUILDING DEPARTMENT

NAME: [illegible]

ADDRESS OR PROPERTY DESCRIPTION 4129 Cherrywood

TO: CITY COUNCIL

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

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

I being a resident of Greentrees Subdivision,in direct sight of the property in question, strongly support Mr. Follis, his small business, and the necessary equipment stored at 4101 Cherrywood.
The Ford F-350 is stored away from all traffic, children and pets in the neighborhood.
I see ~~no reason for this violation to be enforced as the property in question~~ is properly maintained and stored daily.

RECEIVED
APR 14 2003
BUILDING DEPARTMENT

NAME: Sharon & Ken Follis

ADDRESS OR PROPERTY DESCRIPTION 4101 Cherrywood

RECEIVED
APR 14 2003
BUILDING DEPARTME

TO: CITY COUNCIL

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

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

Can't change rules for one person or everyone has the same right

NAME: MARK J TAGGART

ADDRESS OR PROPERTY DESCRIPTION 4152 BRANDYWYNE DR
TROY MI 48098

RECEIVED

APR 14 2003

BUILDING DEPARTMENT

TO: CITY COUNCIL

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

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

It is our belief that commercial vehicles that can not be stored with some amount of concealment should not be allowed in a residential area.

The residence under question is in plain view of drivers making turns onto Cherrywood or Brandywine. The driveway has no way of hiding, even partially, a vehicle parked or stored in it.

NAME: Robert + Karen Ostrander

ADDRESS OR PROPERTY DESCRIPTION 2278 N. Wattles

TO: CITY COUNCIL

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

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

What an unsightly entrance to our subdivision - I've taken to giving guests directions to enter from Coolidge just to avoid this (industrial) site in our neighborhood. The flat-bed truck in question has been on "good behavior" the last couple of weeks - it usually is sporting a hundreds-of-gallons fertilizer tank that really adds to the panorama. And it's big brothers - a semi-tractor with sleeper cab and another moving van style truck frequently stop by + stay overnight. Please do our residential neighborhood a favor and clean up this situation. Thank you

NAME: Dan Beeke

ADDRESS OR PROPERTY DESCRIPTION 4239 Sugar Grove Ct.
Troy MI 48098
ph. 248-

City of Troy

Geographical Information Systems

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

NORTH

DATE: April 7, 2003

TO: The Honorable Mayor and City Council

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

SUBJECT: Public Hearing
Request for Commercial Vehicle Appeal
4101 Cherrywood

On February 14, 2003, information was sent to the residence of Mr. Kenneth Follis that identified restrictions related to a commercial vehicle located on residential property. As part of that information, he was advised that the Ford stake truck parked on that property did not comply with the exceptions found in Chapter 39, Section 40.66.00. He was given the option to remove the vehicles or appeal to City Council for relief of the Ordinance.

In response to our letter, Mr. Follis has filed an appeal. The appeal requests that a public hearing date be held in accordance with the ordinance. A public hearing has been scheduled for your meeting of April 14, 2003.

Section 40.57.04 limits the size of accessory buildings on a site to one-half the ground floor area of the main building or 600 square feet, whichever is less. The existing home on the site has a ground floor area of 1884 square feet. Therefore a total of 942 square feet of accessory building could be constructed. There are no accessory building currently located on the site. There is also room on the northwest side of the home to construct additional attached garage space to contain this vehicle.

A copy of the application and photo are attached for your reference.

Should you have any questions or require additional information, kindly advise.

RECEIVED
FEB 28 2003
BUILDING DEPARTMENT

COMMERCIAL VEHICLE APPEAL APPLICATION

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

NAME: Kenneth Follis III

ADDRESS: 4101 Cherrywood Ln.

CITY: Troy MI. ZIP: 48098 PHONE: (248) 816-2240

ADDRESS OF SITE: 4101 Cherrywood Ln.

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)
1FDKF38G4PNB11668

LICENSE PLATE NUMBER(S) 3192CA

DESCRIPTION OF VEHICLE(S) 1993 Ford STAKE

REASON FOR APPEAL (see A - D below) C & D

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

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

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

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

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

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

COMMERCIAL VEHICLE APPEAL APPLICATION

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

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

(signature of applicant)

STATE OF MICHIGAN
COUNTY OF Macomb

On this 28 day of February, 2003 before me personally appeared the above named person who depose and sayeth that he/she signed this application with full knowledge of its contents and that all matters stated therein are true.

Notary Public, Macomb County, Michigan Acting in Oakland

My Commission Expires: 1-13-2004

GEORGE JEROME & CO.

MORTGAGE REPORT for:

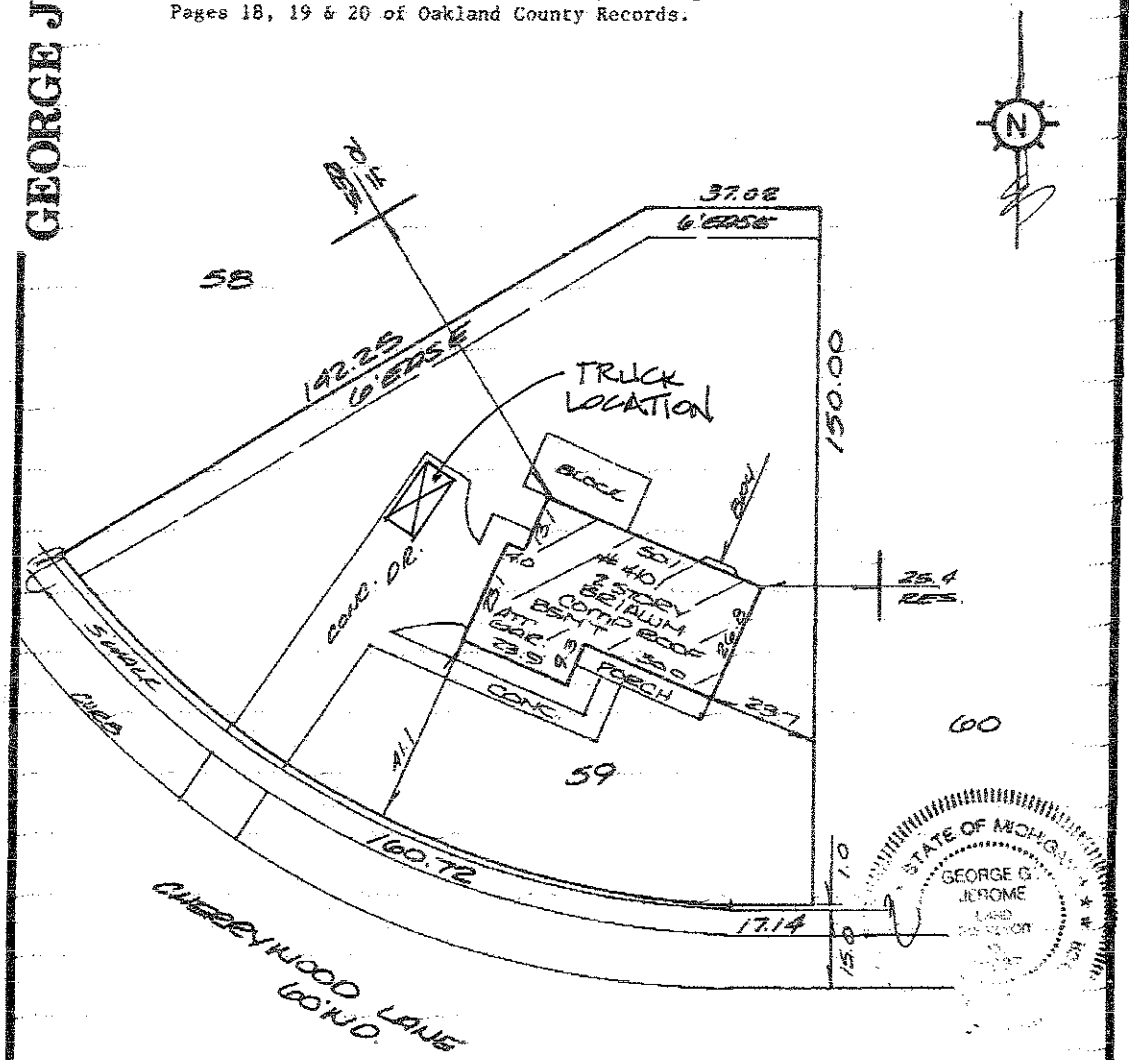
ST. JAMES SERVICING CORPORATION

RECEIVED
MAR 0 5 2003
BUILDING DEPARTMENT

CONSULTING MUNICIPAL & CIVIL ENGINEERS · SURVEYORS 28304 HAYES · ROSEVILLE, MI 48066 · (810) 774-3000

LEGAL DESCRIPTION OF PROPERTY (AS FURNISHED BY CLIENT) DATE: 7/10/96

Lot 59, "GREENTREES EAST SUB.", part of the S.E. 1/4 of Section 18, T.2 N., R.11 E., City of Troy, Oakland County, Michigan. Recorded in Liber 115 of Plats Pages 18, 19 & 20 of Oakland County Records.



CERTIFICATE: We hereby certify to ST. JAMES SERVICING CORPORATION that we have surveyed the above described property in accordance with the description furnished by you for the purpose of a mortgage loan to be made by KEN FOLLIS AND SHARON FOLLIS, mortgagor, and that the buildings located thereon do not encroach on the adjoining property, nor do the buildings on the adjoining property encroach upon the property heretofore described, except as shown; and that we examined the Flood Hazard Boundary Maps (Community I.D. NO. 260180 0003E Effective Date SEPTEMBER 16, 1988) prepared in accordance with the National Flood Insurance Program of 1968 and that the property as shown above, description furnished by you, is located OUTSIDE of a designated flood area as shown on said map. This survey is not to be used for the purpose of establishing property lines, nor for construction purposes, no stakes have been set at any of the boundary corners.

SCALE: 1"=30'
DR. BY GC
REV. BY

GEORGE JEROME & CO.

REGISTERED LAND SURVEYOR

JOB NO. 74797

Photos taken by the
Building Department March 6, 2003

City of Troy
Building Department
500 West Big Beaver, Troy, MI 48084

Final Notice of Violation

02/14/2003

KENNETH FOLLIS
4101 CHERRYWOOD
TROY, MI 48098-4236

Subject: 4101 Cherrywood - Commercial Vehicle Violation

Dear Mr. Follis,

I inspected the above site on February 14, 2003, and observed:

1993 Ford flatbed stored in your driveway.

The above condition(s) violate(s) section(s) 40.65.00 of the Troy City Zoning Ordinance. You must remove the vehicle by March 2, 2003.

As this violation was previously addressed in March 2002, you may consider this your final notice. Failure to remove the vehicle by the March 2, 2003 deadline will result in legal action. Future violations will also result in legal action without prior notification.

Please call me at 248-680-7284 if you have any questions.

Sincerely,

_____
Don Phillips
Housing & Zoning Inspector

City of Troy Geographical Information Systems

RECEIVED

APR 09 2003

BUILDING DEPARTMENT

TO: CITY COUNCIL

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

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

There is no reason to allow any homeowner in a neighborhood such as ours to park a commercial vehicle in his/her driveway when there is an ordinance against it. Besides, it detracts from the aesthetics of the neighborhood.

By the way, is there an ordinance which deals with the number of vehicles allowed to be parked in one's driveway, and what about parked vehicles which are just parked and not driven? This same home has a large number of vehicles parked in the drive and/or on the street, especially in the spring-summer-fall.

NAME: Margaret + Larry Maddux

ADDRESS OR PROPERTY DESCRIPTION 4110 Cherrywood

RECEIVED
APR 0 8 2003
BUILDING DEPARTMENT

April 7, 2003

Mayor Pryor & the Troy City Council
City of Troy
500 West Big Beaver
Troy, MI 48084

Re: Public Hearing Request for Commercial Vehicle Appeal
4101 Cherrywood

Dear Mayor Pryor & City Council Members:

As residents of the Greentrees Subdivision for 10 years and officers of the Greentrees Homeowners Association for 3 years, we would like to submit our opinion regarding the request for commercial vehicle storage at 4101 Cherrywood.

While we are very supportive of small business owners, we are not interested in having commercial vehicles parked in our neighborhood for extended periods. Such vehicles detract from the aesthetics of our family-oriented subdivision. Most home-based small businesses do not involve over-sized vehicles, and those with larger vehicles generally have an alternate location to park and/or store non-conforming equipment.

If the property in question were in an "out of the way" location, having commercial vehicles may be a bit more palatable. However, 4101 Cherrywood is at the main entrance of the Greentrees subdivision (please see enclosed map). As soon as guests venture into our neighborhood, their first impression will be of a 10 year-old, large commercial truck. This is far from ideal.

Additionally, over the past few years the homeowners association has received several complaints concerning commercial vehicles parked at 4101 Cherrywood. Most complaints involve a large Federal Express vehicle (the size of a large moving van), which is often at the house on weekends. The homeowners association has also received complaints about numerous cars parked on the street in front of the home on a daily basis between May and September. These cars never seem to be left overnight, and we assume they are employees parking for the day and using business vehicles. Nevertheless, they detract from the initial impression of the neighborhood.

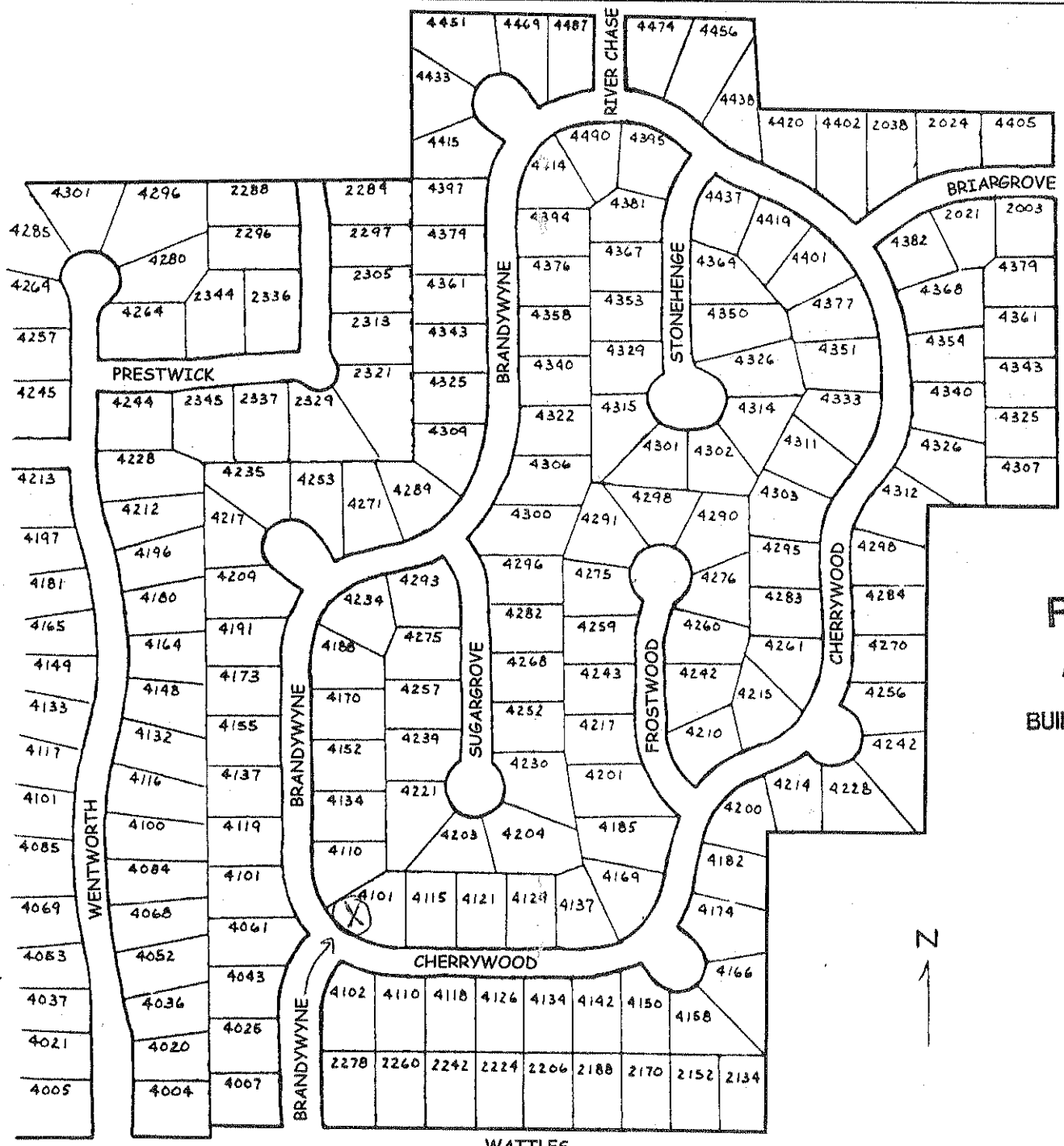
We hope the residents at 4101 Cherrywood can find an alternate location to park their commercial vehicles that will not cause them too much inconvenience. Thank you for your consideration.

Sincerely,

John & Karen James

John & Karen James
4200 Cherrywood

©2003, by Cathedral DIRECTORIES®



RECEIVED
APR 08 2003
BUILDING DEPARTMENT

RECEIVED

APR 07 2003

BUILDING DEPARTMENT

TO: CITY COUNCIL

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

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

Whenever someone drives in the Entrance and approches Brandywyne & Cherrywood the first thing they see are several trucks in Mr. Follis drive. The Greentrees Assoc. has asked several times for them to be moved. This is a residental area and not for business use.

It is enough to have so many cars outside many homes but if we allow this variance we open the doors for many more requests. Keep business and their equipment out of residential areas.

The appearance of each home helps in resale value and having commerical trucks parked outside detracts also semis and Fed Ex parked overnight doesn't help either.

NAME: Barbara A. Gospel

ADDRESS OR PROPERTY DESCRIPTION 4134 Brandywyne

88-20-18-476-005 4134 Brandywyne

T2N, R 11E, Sec. 18 Greentrees East Sub. Lot 57

RECEIVED
APR 07 2003
BUILDING DEPARTMENT

TO: CITY COUNCIL

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

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

The stake truck is very unsightly and other commercial trucks have been parked there including at times a very large truck which is the size of a large cross-country moving van. This is a very nice residential subdivision and storage of commercial vehicles here will reduce the value of the homes in area.

NAME: David Waring

ADDRESS OR PROPERTY DESCRIPTION 4204 Sugargrove Ct.

May 23, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Lori Grigg Bluhm, City Attorney
John Lamerato, Assistant City Manager/Finance Administration
Police Chief Charles Craft
Fire Chief William Nelson
Jeanette Bennett, Purchasing Director

SUBJECT: Known and Possible Ramifications for Award to Other Than The Recommended Best Value Company
Emergency Medical and First Responder Services

City management wishes to address the known and possible ramifications that would and could result from an award to other than the Best Value recommended vendor. The following issues are presented for your consideration:

- The first known ramification is that the recommendation as presented by City management offers a ***defendable award based on stated criteria.*** Vendors were given the criteria for award with the Request for Proposal (copy attached). Whoever the ***highest scoring service provider*** was, would be recommended for award and this did occur. In this case the highest scoring provider was also low bidder.

- It is also known that since staff recommends awards in compliance with stated award criteria, ***no awards recommended by staff have resulted in a court challenge or monetary court award*** since at least 1985 when the Purchasing Director became staff member. Awarding bids on the basis of other than stated criteria can result in court action by the protesting bidder that is costly and time consuming.

- Another known is that the City will pay more for the Emergency Medical Services to be provided. Although the yearly difference is estimated to be $2,847.00, extrapolated to the length of the initial contract period, the amount increases to $8,541.00. Over the total contract term including the exercise of proposed options, ***the amount could be $17,082.00***.

- By adhering to stated criteria, the vendor pool recognizes that if money is spent to prepare a Request for Proposal, the City's process is fair and objective, and they have a ***fair and equitable chance to be awarded the contract***. In particular, the Emergency Medical and First Responder Services program depends upon competition from number of providers to keep prices down with corresponding high quality service. ***Privatized services such as this contract require competition to be cost effective.***

- If the vendor community perceives that bypassing City management and directly lobbying Council members for awards is acceptable, the entire bid process is compromised. ***A possible ramification is fewer bids with resultant increasingly expensive projects.*** To date, the City has enjoyed a diverse, large vendor base that is competitive based on stated criteria.

- Specifically, the philosophy purported by Community Emergency Medical Services that the ***continuity in the community that exists currently would be disrupted by a change of vendor is misleading.*** Management of this contract has been passed to at least 9 CEMS management staff during the past 6 years who have interfaced with Police and Fire staff. In addition, there has been a continual turnover of field personnel. Those two facts negate the continuity factor in this award.

SUMMARY

Our previous provider, AMR, expressed concern about changing providers during the previous contract's deliberations. Community EMS was presented as the highest rated provider over AMR who had come in second. It is a fact that no one company likes to lose our business but staying the course and awarding to the highest rated bidder, whoever that may be, has not had a detrimental effect on the City's Emergency Medical and First Responder Services program.

SELECTION PROCESS

CRITERIA FOR SELECTION OF THE MOST QUALIFIED COMPANY:
The City of Troy Police & Fire Departments will review the proposals. The City of Troy reserves the right to award this proposal to the service provider considered the most qualified based upon a combination of factors including but not limited to the following:

Evaluation Process

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

Bidders will be required to meet minimum specified requirements. The City of Troy Police & Fire Department will make the initial pass/ fail evaluation.

Phase 2: **Weighted Service Evaluation Process**.

The City of Troy Police & Fire Department will evaluate targeted items of the proposals to determine the level of service to be provided. A weighted score sheet to evaluate the proposals will be used.

Phase 3: **Final Scoring and Service Provider Selection**.

1. The proposals shall be arranged from lowest proposal to highest proposal

2. High Proposal (-) Low Proposal = Range

3. A mean or average will be calculated from the data, as well as the variance and standard deviation. This information will be used to compare and interpret the measures of location and variability within the population. Points will be given based upon the number of standard deviations that the bid price is from the mean or average or similar process depending upon the population.

4. In the case of a “0” cost item such as ambulance service, those bidders at “0” will receive 100 points.

For award purposes only, calculations for the Ambulance service will be based upon the ***minimum response times.***

For award purposes only, calculations for Medical First Responders will be based upon the normalized (averaged) number of hours for those providers who have passed Phase 1 of the evaluation process.

Final Scoring:

The final score for each bidder qualifying from Phase 1 will be determined as follows:

40% x Ambulance Service Price Score
40% x Medical First Responder Price Score
\+ 20% x Average of Service Weighted Scores
100% = Final Weighted Score

The highest final weighted scored service provider will be recommended for Award.

TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: May 29, 2003
SUBJECT: Emergency Medical and First Responder Service

Enclosed please find a letter from Alliance Mobile Health, in response to the questions raised concerning the ability to comply with Section III (C) of the bid specifications for the Emergency Medical and First Responder Service. In the letter, they demonstrate how their compliance with Section III (C) of the bid specifications is in compliance with state law.

Section III (C) of the bid specifications states the following:

Section III. FIRST RESPONDER SERVICE- The City of Troy currently contracts for medical first responder service in addition to ambulance service. This service consists of one-person units, staffed by paramedics, operating within the context of the integrated first responder/ambulance system. It is the intent of the City to have these units licensed as non-transporting advanced life support units. While current Medical Control Board policy does not recognize this concept, the City expects the successful provider to assist in pursuing this objective. The provider shall include a proposal to incorporate a paramedic first responder component for Troy. In addition to meeting the preceding requirements for ambulance service the provider shall comply with the following requirements for the medical first responder program for Troy:

C. **Transport capability-** In order to provide backup transport capability in the event no ambulances are available, the MFR vehicle shall be capable of an improvised transport, leaving a first responder vehicle at the scene.

In their proposal, **Alliance** responded as follows:

At least one Paramedic First Response (PFR) Unit will operate in a licensed advanced life support ambulance. Remaining PFR units will be in non-transporting vehicles. In the event of system overload or disaster, where an ambulance is not available in a timely manner, one non-transporting PFR paramedic will team up with the PFR ambulance to complete the transport.

In their proposal, **Community Emergency Medical Service** responded as follows:

If Oakland County guidelines regarding staffing of an ALS unit should change, Community EMS would be happy to revisit and reevaluate the transport capabilities of our first responder units. However, until rules are changed, we will continue to follow Oakland County standards.

Due to current Oakland County requirements and the infrequent need for this type of service/vehicle, it becomes cost prohibitive, due to staffing requirements, for CEMS and the City of Troy to provide a MFR vehicle with full transport capabilities.

In rare circumstances, due to mechanical or other isolated incidents, an ambulance may be used by our MFR personnel, but would not be a transporting unit. It is important to note that Community EMS has a comprehensive mutual aid and back-up plan in place.

Alliance has proposed to comply with the City's demand by providing a dedicated licensed advanced life support ambulance to be manned by a medical first responder. Community EMS has indicated that they are unable to comply with the City's demand for this service.

Alliance's proposal is not in violation of state law. State law is especially concerned that the employees of the ambulance service have the proper medical training to respond appropriately to the situation. The ambulance and/or MFR personnel are prohibited from performing services that exceed their educational attainments. (MCL 333.20941) State law also specifies that at least two qualified persons must be present at any time that a patient needs to be transported. (MCL 333.20921) Alliance has proposed to have another MFR employee respond to the scene when transport is deemed necessary, and therefore the fact that one person will normally occupy the specially designated MFR "ambulance" is not fatal to their proposal.

This service admittedly goes beyond the protocols of the Oakland County Medical Control Authority. However, as long as the personnel are properly licensed or certified to provide the required level of service, there is no violation of the protocols. There was also some discussion about the allowances, under Michigan law, for the spontaneous use of any vehicle to provide transportation to an emergency patient. (MCL 333.20939) However, this statutory provision is not applicable to this analysis, since Alliance has proposed to supply a licensed ambulance as the dedicated MFR unit.

In response to an inquiry at the City Council meeting, Community EMS indicated that if legal, it would match the service offered by Alliance. This service would extend beyond the services offered in the bid proposal. City Council is free to ask for these additional services AFTER a decision is made on the bid award. However, in order to insure the integrity of the competitive bid process, only the submitted bids should be considered in the determination of which provider is the lowest responsible bidder.

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

Alliance
Mobile Health

1633 Star-Batt Drive Bldg. 7 East ~ Rochester Hills, MI 48309
248.852.6072 ~ Fax 248.852.8947 ~ Dispatch 888.843.3772

May 15, 2003

Ms. Lori Grigg Bluhm
City Attorney
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Re: Ambulance Proposal

Dear Ms. Bluhm:

At the Monday, May 11, 2003 meeting of the Troy City Council, questions were raised about our ability to dynamically create a vehicle capable of transporting a patient, using the paramedics that are assigned to contracted paramedic first response vehicles. We are providing you with additional information on how we propose to create this transport vehicle within the parameters of Act 368 of 1978, Section 209 - the EMS section of the Michigan Public Health Code (the "Code").

Our approach to this concept is two tiered. Our preferred approach (which we will refer to as **Method 1**) is to license one of our paramedic response vehicles as a licensed advanced life support (ALS) ambulance. The Code requires an ambulance to be staffed with two medics "while transporting"[1]. There is no requirement that the vehicle physically contain two paramedics when it is not on a call, nor when in route to a call.

Under Method 1, we will license one of our three contracted paramedic responder vehicles as an Advanced Life Support ambulance[2]. During normal operations, the ambulance will be driven by one paramedic. Other paramedic response vehicles will be licensed (under Section 333.20926) as non-transporting advanced life support units, also with one paramedic. In all cases, a transporting paramedic ambulance with two paramedics will be simultaneously dispatched with the paramedic first responder to the medical emergency. Normally, the ambulance will take over clinical care and transport the patient to the hospital, freeing up the paramedic response vehicle for other calls.

---

[1] Section 333.20921(3) An ambulance operation shall not operate, attend, or permit an ambulance to be operated while transporting a patient unless the ambulance is, at a minimum, staffed as follows: (c) If designated as providing advanced life support, with at least 1 paramedic and 1 emergency medical technician.

[2] We will use a smaller, Type II style ambulance for this purpose.

Alliance
Mobile Health

In a peak period or community disaster, if no ambulance is available to be dispatched to the emergency, we will send two paramedic response vehicles to the emergency (one in the Type II ambulance, and one in a paramedic first response vehicle). The paramedics from these two vehicles will be teamed up to staff the Type II ambulance, and transport the patient to the hospital with a legal crew.

We believe that this proposed practice is appropriate under the law, and clinically sound. As we have stated before, this is a common staffing practice in parts of Michigan. If for some reason the Michigan Department of Consumer and Industry Services determines that operation in this manner is unlawful, we will fall back to **Method 2**.

Under **Method 2**, all of our paramedic response vehicles will be licensed as paramedic non-transporting vehicles. One of these vehicles will be in a Type II ambulance, though that vehicle will not be licensed to transport. Under normal circumstances, our paramedic response vehicles will be met at emergencies by our ambulance for patient transport. If a transporting ambulance is not immediately available, we will attempt to summon another ambulance from an adjacent ambulance service to provide transport, using our mutual aid agreements.

If a mutual aid ambulance is also not available, we will combine our staff members from two of our paramedic response vehicles, and they will transport the patient using the vehicle that is transport capable. There will be no charge to the patient for this transport and a written report will be made to the Oakland County Medical Control Authority.

Method 2 is allowed under the Code in Section 333.20939, which says:

> **333.20939 Spontaneous use of vehicle under exceptional circumstances; written report.** If an ambulance operation is unable to respond to an emergency patient within a reasonable time, this part does not prohibit the spontaneous use of a vehicle under exceptional circumstances to provide, without charge or fee and as a humane service, transportation for the emergency patient. Emergency medical personnel who transport or who make the decision to transport an emergency patient under this section shall file a written report describing the incident with the medical control authority.

We anticipate that transport of a patient utilizing Method 2 would be a highly unusual situation which would seldom, if ever, occur. But we see the capability as a valuable tool, particularly in a multi-casualty or disaster situation, and we commend the City for being innovative in considering this capability. Again, we would prefer to provide this capability using our proposed Method 1, but Method 2 would be our fall back plan.

Alliance
Mobile Health

At the meeting, officials of Community EMS cited a difference in the Code as it relates to staffing of Fire Department ambulance services. We disagreed with this interpretation at meeting, and we continue to find nothing in the Code which gives Fire Departments or municipal providers different staffing standards when compared to private ambulance services.

Community EMS officials may be attempting to describe what is commonly called the "Bennett provision" (Section 333.20920(7) through (12), named after the Senator who sponsored the amendment). I would point out that this section is not applicable to any ambulance operation which is already licensed as an advanced life support provider, including both Alliance and CEMS.

I hope that this information is helpful to you. If I may provide you with any additional information, please call me.

Sincerely yours,

Laurie Thiel
Executive Director

cc. Dale Berry

Lori G Bluhm

From: MelissaLMarkey@aol.com
Sent: Thursday, May 29, 2003 12:33 PM
To: bluhmlg@ci.troy.mi.us
Cc: cmccormick@communityems.org
Subject: Emergency Medical Services Bid Response - Ambulance as MFR

Dear Ms. Bluhm:

I represent Community EMS, a bidder for the Emergency Medical Services contract for the City of Troy. As you are aware, there was a question raised at the May City Council meeting regarding the legality of using a licensed ambulance as a medical first responder vehicle. You invited the bidders to submit any information which they thought might be helpful to you.

With the permission of my client, I am attaching a copy of a memorandum I prepared for my client, which describes our interpretation of the relevant law. I am submitting this to you in the hope that it is helpful. If you have any questions, or if I can be of assistance in any way, please feel free to call me. I can be reached at (248) 477-654 or (248) 310-4876. Thank you.

Sincerely,

Melissa Markey
M. Markey, P.C.
36221 W. Lyman
Farmington Hills, MI 48331

M. MARKEY, P.C.

36221 West Lyman
Farmington Hills, Michigan 48331
248-310-4876

MEMORANDUM

To: Catherine McCormick

From: Melissa Markey, Esq.

Date: May 29, 2003

Re: Use of Licensed Ambulance as Medical First Responder

You have requested information regarding whether it is permissible under Michigan law to use a licensed ambulance as a medical first responder vehicle.

DISCUSSION

Licensure and regulation of ambulances and first responder vehicles is governed by Part 209 of the Public Health Code, M.C.L.A. § 333.20901 *et.seq* (the "EMS Law"). Taken as a whole, this statute constitutes a comprehensive scheme of regulation of emergency medical services ("EMS") in the State of Michigan. As with all comprehensive schemes of regulation, the statute must be read as a whole, and each provision interpreted in context, to assure that the intent of the legislature is effectuated.

The term "ambulance" is defined as "a motor vehicle or rotary aircraft that is primarily used or designated as available to provide transportation and basic life support, limited advance life support, or advanced life support." M.C.L.A. § 333.20902(4). Except as permitted under an upgrade license (discussed below), each ambulance operation licensed by the State must "provide life support consistent with its license and approved local medical control authority . . ." M.C.L.A. § 333.20921(1)(e). Minimum staffing requirements are prescribed when transporting patients. M.C.L.A. § 20921(3). Basic life support ambulances must be staffed by at least one emergency medical technician ("EMT") and one first responder. Limited advanced life support ambulances must be staffed by at least one EMT and one EMT-Specialist. Advanced life support ambulances must be staffed by at least one paramedic and one EMT. M.C.L.A. § 333.20921(3). A licensed EMT, EMT-Specialist, or paramedic must generally ride with the patient in the patient compartment during transport. M.C.L.A. § 20921(4). It is impermissible to "furnish, operate, conduct, maintain, advertise, or otherwise be engaged or profess to be engaged in the business or service of the transportation of patients in this state unless the person uses an ambulance licensed" by the state. There is an exception for ambulances operated by the United States, or by ambulances from other jurisdictions providing emergency care in Michigan at the request of a state official. M.C.L.A. § 333.20924.

The term "medical first response vehicle" means "a motor vehicle staffed by at least 1 medical first responder and meeting equipment requirements of the department." M.C.L.A. § 333.20906(10). Medical first response vehicles are not intended to transport patients. Medical

first responders are not required to be licensed as EMTs, EMT-Specialists, or paramedics. There is no provision which expressly permits the use of a licensed ambulance as a medical first response vehicle.

When interpreting the meaning of a statute, it is important to read the statute in context, and to interpret the provisions of the law in a manner which gives effect to the intent of the Legislature in enacting the law. Weakland v. Toledo Engineering Co., Inc., 656 N.W.2d 175 (Mich. 2003). When reasonable minds might differ as to the meaning of the statute, the interpretor of the statute must consider the intent of the Legislature and the harm the law was intended to correct or avoid, and apply a reasonable construction that best accomplishes the goal of the statute. Piasecki v. City of Hamtramck, 640 N.W.2d 885 (Mich.App. 2001). An interpretation which gives meaning to each word (and the organization of each section) is favored. See, e.g., Hamilton v. AAA Michigan, 639 N.W.2d 837 (Mich.App. 2001).

The purpose of the Public Health Code, of which the EMS Law is a part, includes the regulation of health services in Michigan. Through the EMS Law, the Legislature created a regulatory scheme which entirely occupies the field. There are several different types of EMS providers authorized by the law – ambulances, non-transport pre-hospital life support vehicles, air transport, and medical first responders. Each type of EMS provider has specific requirements which must be met before operating in Michigan, and each type of EMS provider is structured to meet a different emergency services need. The fact that the Legislature clearly intended that ambulances be viewed as different from medical first response vehicles is indicated by the fact that the Legislature separated the provisions of law relating to licensure of ambulances and medical first response vehicles. Further support for the distinction is found in the definition of each term. A vehicle may only be licensed as an ambulance if it is *primarily used or designated as available to provide transportation . . .*" M.C.L.A. § 333.20902(4) (emphasis added). Medical first responder vehicles are not, by definition, ambulances, and are not intended to transport patients.

Regulations promulgated by the Emergency Medical Services Section of the Michigan Department of Consumer and Industry Services, which is charged with enforcement of the EMS Law, specify the insignia which must be displayed on an EMS vehicle. The insignia differ significantly between that required for licensed ambulances and that required for a medical first response vehicle. R. 325.24009. The purpose of requiring different insignia is to avoid or minimize the risk of public confusion regarding the capabilities of a given EMS vehicle. A vehicle which looks like an ambulance, including state-prescribed insignia indicating that it is an ambulance, suggests to a citizen seeing the vehicle that it is an ambulance, in full compliance with the requirements of the state. While citizens may not be fully cognizant of the difference between a medical first response vehicle and an ambulance, it is reasonable to assume that citizens do expect that ambulances transport patients to the hospital. To have an ambulance operating as a medical first response vehicle has significant potential for confusing and misleading consumers regarding the availability of a fully stocked and staffed ambulance.

It was suggested that the provision relating to the "spontaneous use of vehicle under exceptional circumstances", M.C.L.A. § 333.20939, might support the use of a licensed ambulance as a medical first response vehicle, with the potential to transport if additional transport capability was needed. However, the statute requires that such use be "spontaneous." The New Oxford Dictionary of English defines spontaneous as "performed or occurring as a result of a sudden inner impulse or inclination and without premeditation or external stimulus. . " Merriam-Webster OnLine notes that the term "spontaneous" usually means acting without deliberation. It is difficult to argue that use of a licensed ambulance, which had been functioning

as a medical first response vehicle, to transport a patient pursuant to a deployment plan, qualifies as a "spontaneous" use.

Informal conversations with Mr. John Hubinger, Section Chief of the Emergency Medical Services Section, indicate that the agency does not support the long-term use of a licensed ambulance as a medical first response vehicle. While the interpretation of the agency responsible for administering a law is not a final interpretation of that law, it is given great deference. Mr. Hubinger pointed out that significant differences exist between the licensure requirements, and that the purpose underlying the creation of the medical first response vehicle was to supplement the existing ambulance deployment models. It appears likely that this interpretation of the statute as differentiating between licensed ambulances and medical first response vehicles is consistent with the purpose and intent of the Legislature in enacting the statute, and thus is entitled to deference. See, e.g., Empire Iron Min. Partnership v. Orhanen, 565 N.W.2d 844 (Mich. 1997).

Finally, there was a question regarding the applicability of the Bennett bill. The Bennett bill permitted a 2-year transition period for licensed ambulance services which desired to upgrade from BLS to LALS or ALS, and LALS to ALS licensure. This provision was limited to companies which were licensed at the time of the bill (1997) and were operated by or under contract with a governmental body. The law required transition to the upgraded licensure on a full-time basis within 2 years. The Bennett bill may be the basis for Chief Nelson's recollection that Farmington Hills Fire Department operated an emergency medical response which varied based on personnel availability. Based on a telephone conversation this afternoon with a representative of the Farmington Hills Fire Department, they now offer 24X7 ALS response. However, this is not relevant to the issue at hand. The Bennett bill related to the upgrade of a basic life support service to a more advanced service. At no time did it authorize the use of a licensed ambulance as a first response vehicle.

CONCLUSION

In conclusion, my review of the law in question indicates that:

- The term "ambulance" means a vehicle which is primarily used or designated as available to provide transportation . . ."
- The definition of a medical first response vehicle does not refer to transport capabilities.
- The choice of the Legislature in enacting a very specific hierarchy of licensure was deliberate, with the intent of creating various types of EMS vehicles to address various needs.
- The needs addressed by licensed ambulances are different than the needs addressed by medical first responder vehicles.
- The reliance on Section 333.20939, "Spontaneous Use of Vehicle Under Exceptional Circumstances . . ." is misplaced. The use of a non-transporting vehicle to transport patients cannot be considered "spontaneous" if it is part of a plan.
- In informal conversations with officials of the Emergency Medical Services Section, it was indicated that the State did not believe the long-term use of a licensed ambulance as a medical first response vehicle was appropriate.

- It is inappropriate to rely on the Bennett bill provisions, which authorized upgrade licenses for a period of two years to permit transition from basic life support to advanced or limited advanced life support. By its terms, the bill is not longer applicable, and it only applied to upgrading of existing ambulance licenses, not use of an ambulance as a medical first response vehicle.

I hope that the foregoing discussion is helpful. Please do not hesitate to call me at (248) 310-4876 or (248) 477-6524 if I can answer any questions, or be of any further assistance.

May 23, 2003

TO: The Honorable Mayor and City Council

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

SUBJECT: Issues raised during the Council discussion on May 12, 2003 regarding the EMS bid award

---

The purpose of this memo is to provide clarification and supplemental information in response to questions raised regarding the Emergency Medical Services bid award.

Do any other EMS providers operate non-transporting EMS units with spontaneous emergency transport capability?

Bloomfield Township operates three non-transporting EMS units with emergency transport capability. These units have been operating since 1980 and typically transport on the average of once a year in situations where a private ambulance is not available and there is an urgent medical need for rapid transport.

Is providing spontaneous emergency transport capability with a licensed non-transporting EMS unit allowed under the applicable regulations?

Mr. John Hubinger, Chief, EMS Section, Michigan Department of Consumer and Industry Services, who is responsible for enforcement of the Public Health Code with respect to EMS operations, was contacted relative to this issue. He indicated that it is acceptable under the EMS regulations to have a licensed non-transporting EMS unit equipped with emergency transport capability. He indicated the following stipulations should be applied:

1) The vehicle should not be labeled as an "ambulance"
2) The vehicle should be labeled as a "non-transport vehicle"
3) Operational procedures should set criteria for the use of the vehicle to transport such as:
    a. An unstable patient with a life threatening condition.
    AND
    b. No licensed ambulance available for an extended period of time.

How did Community EMS rate a higher rating than Alliance on the deployment plan?

The ambulance deployment plan submitted by Community EMS proposes to service Troy as well as the communities of Oakland Township, Rochester, and Clawson, with from three to six ambulances depending on the time of day and day of the week. This is the approach that has been utilized by Community EMS over the past 6 years and AMR previously. This method is calculated to meet the projected service demands of several communities by pooling resources. This method presumes that multiple requests for service will not occur simultaneously in all of the municipalities.

The ambulance deployment plan submitted by Alliance proposes to service Troy only with from one to three ambulances depending on time of day and day of the week. These ambulances would be dedicated to Troy 911 calls and would not be dispatched on any calls outside of Troy.

The Community proposal scored slightly higher than the Alliance proposal due to the higher number of units typically available in the service area. Information received after the scoring and evaluation indicates that Alliance operates more ambulances in the Troy area (those dedicated to Troy plus other ambulances in the area) than Community EMS. Detailed deployment plans are included as an attachment to this memo. While Community may have more total ambulances than Alliance, many of their ambulances are used to service performance based contracts in other areas of Oakland and Wayne County. Experience has shown that when all of Community's ambulances in this area are committed and another call occurs in Troy, they typically will contact another ambulance service to respond.

Has Community EMS met the performance requirements for the existing contract?

Community EMS has been the EMS provider for the city since July 1997. During this period the performance standard for MFR was met or exceeded 38.2% of the time and the performance standard for ambulance was met or exceeded 52.2% of the time. The annual averages for MFR and ambulance are:

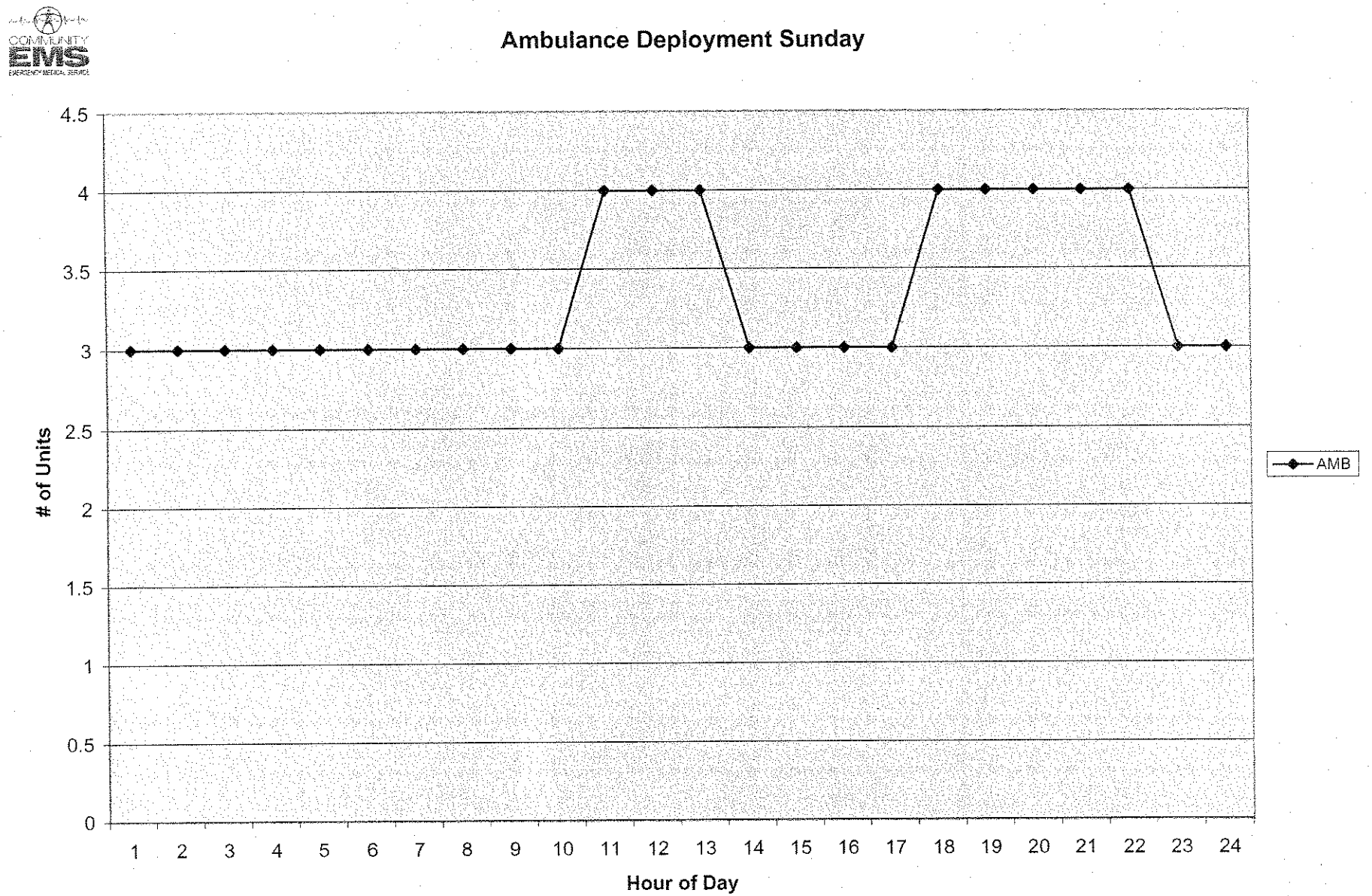
YEAR	MFR (90% Std)	Ambulance (90% Std)
1997 (6 mo.)	83.49%	87.29%
1998	88.49%	87.85%
1999	88.31%	91.60%
2000 (1st 9 mo.)	89.69%	90.24%
2000 (last 3 mo.)	88.47%	90.46%
2001	88.95%	91.43%
2002	89.55%	91.71%
2003 (2 mo.)	91.65%	88.65%

A month by month summary of performance is attached. It should be noted that the city has added hours to the MFR deployment plan during the first several years of the program due to changing trends in medical incident occurrence.

Throughout this program Troy police and fire representatives have met monthly with a succession of management personnel from Community EMS to monitor performance, resolve issues, investigate complaints, and generally oversee the provision of this service.

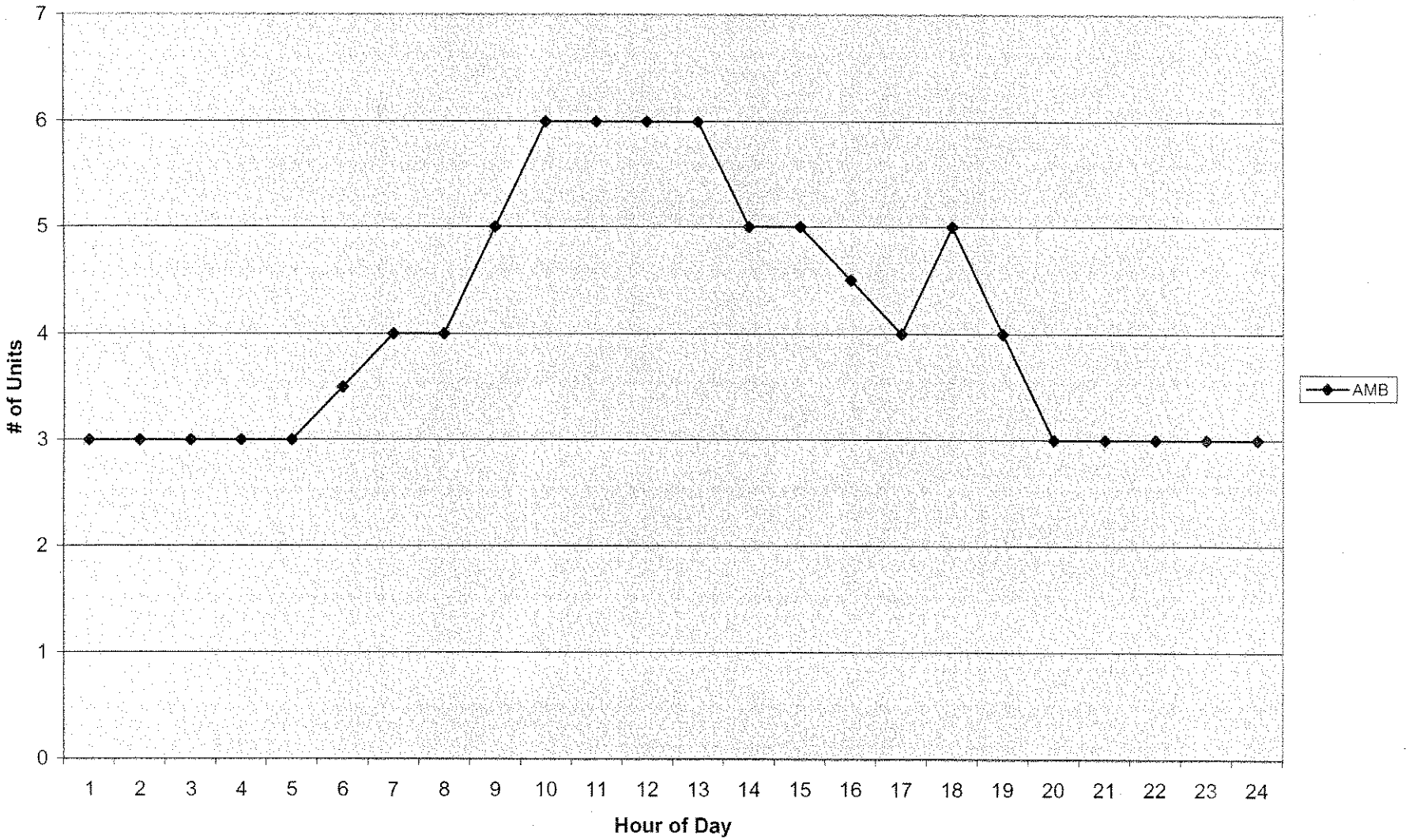
What is the reliability of an EKG in a moving vehicle? At what point would it be advantageous to the patient to have a 12 lead EKG available?

The 12 lead EKG is designed to be accomplished at patient side prior to transport. The process takes less than 2 minutes and typically is done in conjunction with other diagnostic and treatment procedures. EKG's may be completed in moving vehicles however they are subject to interference.


Ambulance Deployment Sunday
# of Units
4.5
4
3.5
3
2.5
2
1.5
1
0.5
0
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24
Hour of Day
AMB

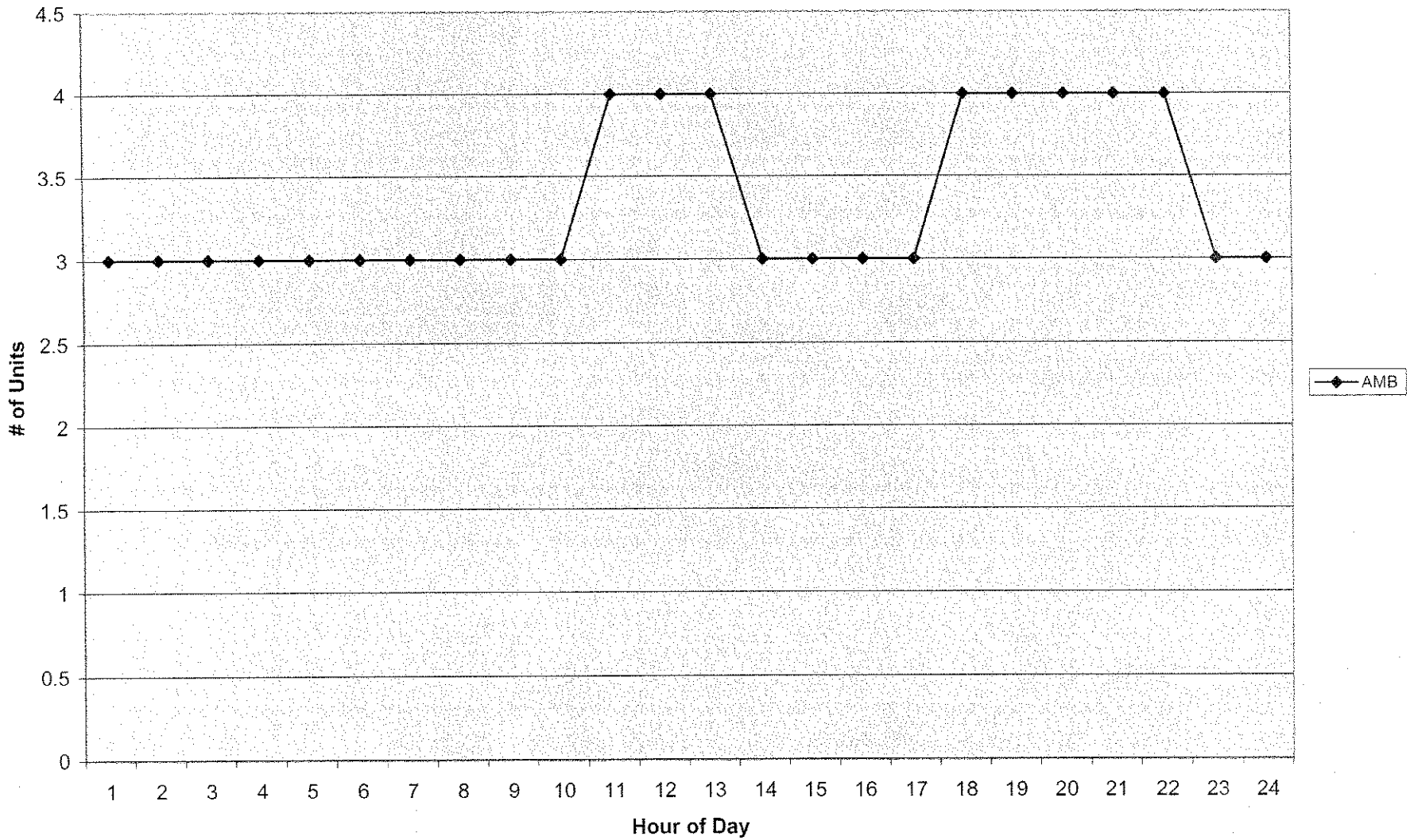
COMMUNITY EMS
EMERGENCY MEDICAL SERVICE

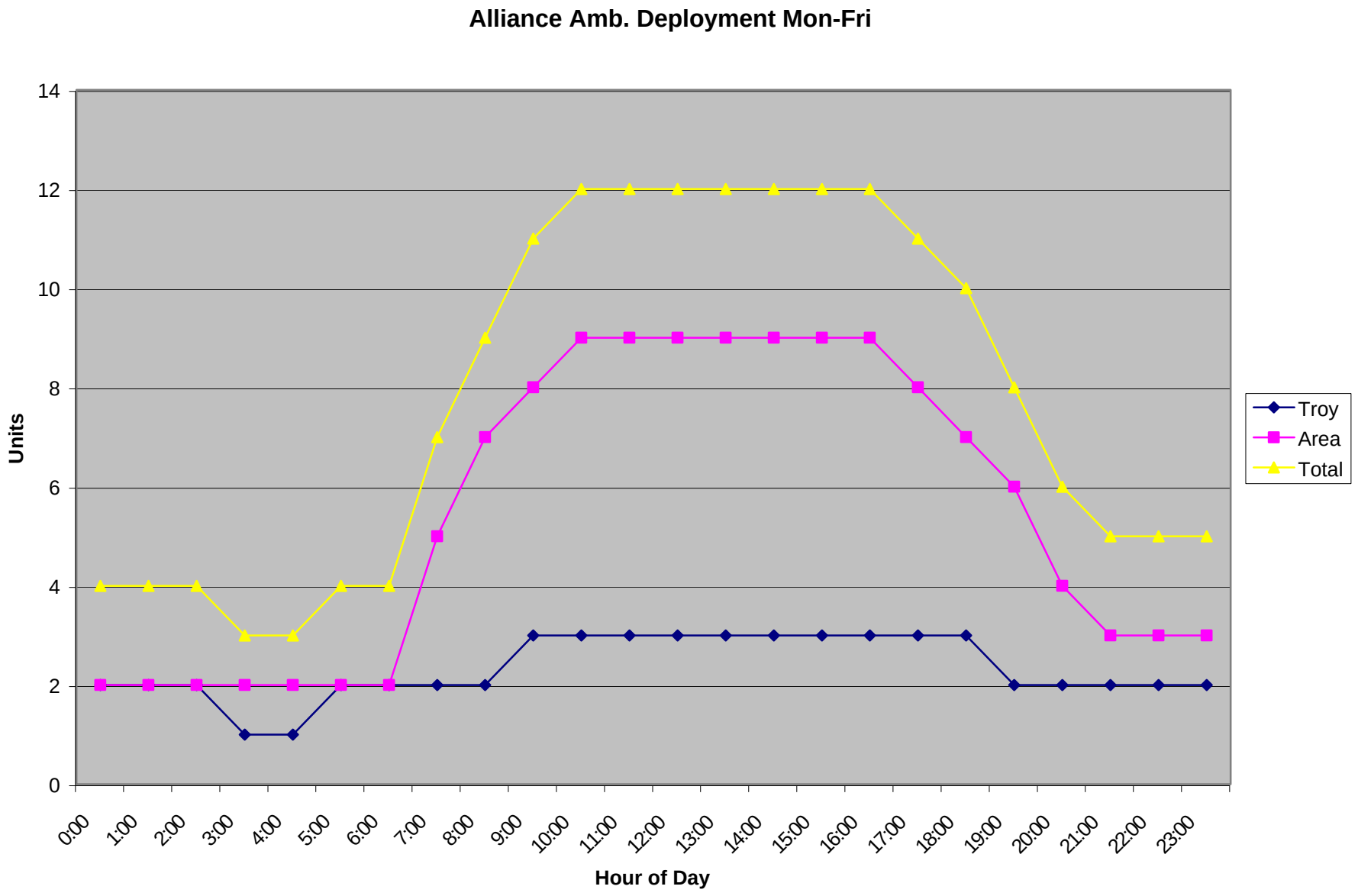
Ambulance Deployment Mon-Fri

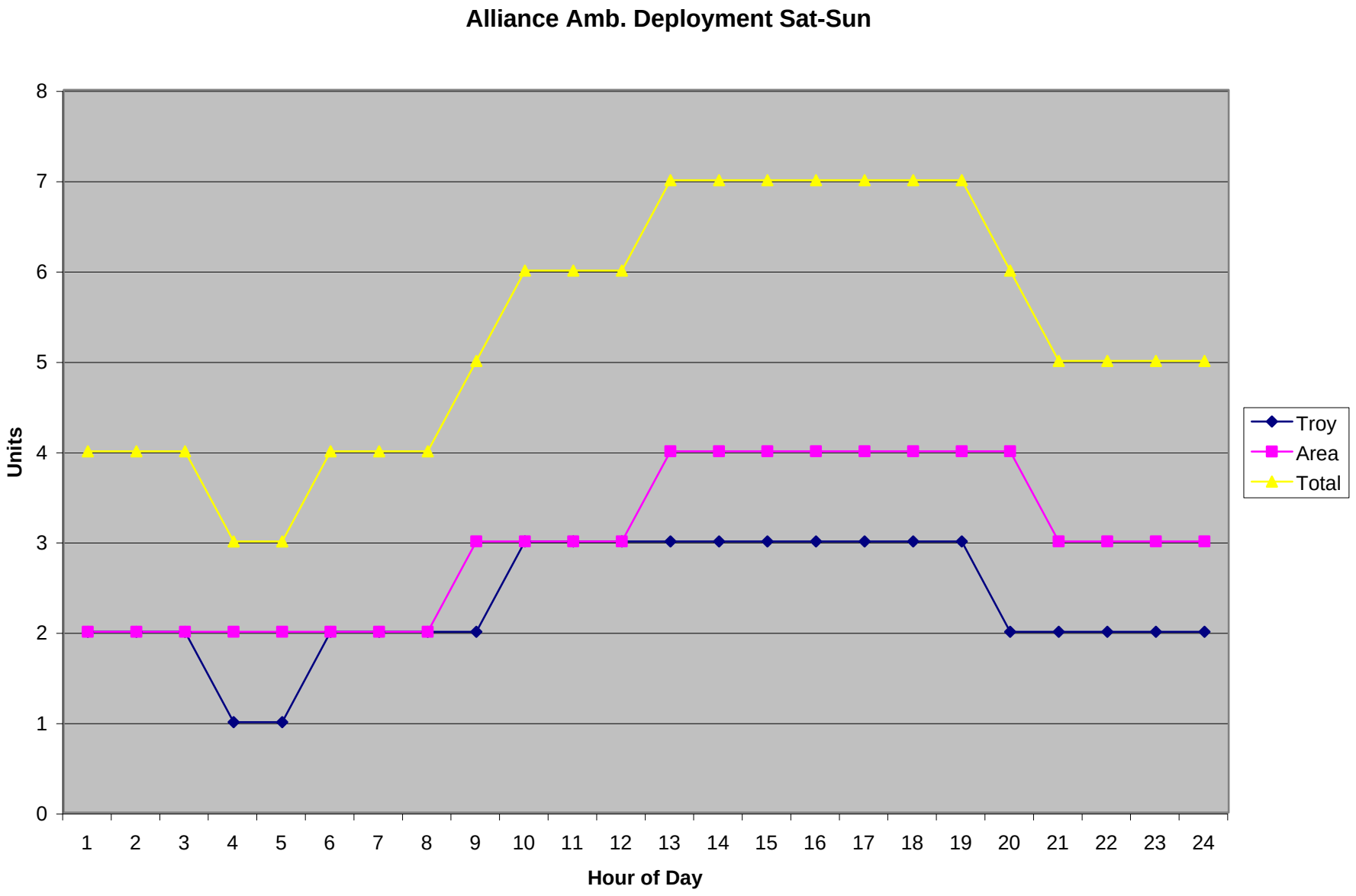


COMMUNITY EMS
EMERGENCY MEDICAL SERVICE

Ambulance Deployment Saturday




Alliance Amb. Deployment Mon-Fri
Units
14
12
10
8
6
4
2
0
0:00
1:00
2:00
3:00
4:00
5:00
6:00
7:00
8:00
9:00
10:00
11:00
12:00
13:00
14:00
15:00
16:00
17:00
18:00
19:00
20:00
21:00
22:00
23:00
Hour of Day
Troy
Area
Total


Alliance Amb. Deployment Sat-Sun
Units
0
1
2
3
4
5
6
7
8
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24
Hour of Day
Troy
Area
Total

Community EMS Response Time Summary 1997- 2000

Month	MFR incidents	<6 min.	>6 min.	%	ALS incidents	<8 min.	>8 min.	%
				1997				
July	303	244	59	80.53%	284	251	33	88.38%
August	269	226	43	84.01%	271	236	35	87.08%
September	246	212	34	86.18%	270	235	35	87.04%
October	235	197	38	83.83%	289	248	41	85.81%
November	243	207	36	85.19%	248	215	33	86.69%
December	231	193	38	83.55%	286	252	34	88.11%
Total	**1284**	**1072**	**212**	**83.49%**	**1400**	**1222**	**178**	**87.29%**
				1998				
January	266	228	38	85.71%	297	259	38	87.21%
February	194	169	25	87.11%	215	189	26	87.91%
March	242	207	35	85.54%	251	220	31	87.65%
April	217	195	22	89.86%	236	202	34	85.59%
May	227	203	24	89.43%	287	250	37	87.11%
June	235	202	33	85.96%	285	251	34	88.07%
July	221	196	25	88.69%	255	224	31	87.84%
August	236	205	31	86.86%	300	268	32	89.33%
September	190	169	21	88.95%	236	201	35	85.17%
October	224	202	22	90.18%	200	185	15	92.50%
November	227	210	17	92.51%	205	181	24	88.29%
December	206	190	16	92.23%	163	144	19	88.34%
Total	**2685**	**2376**	**309**	**88.49%**	**2930**	**2574**	**356**	**87.85%**

Month	MFR incidents	<6 min.	>6 min.	%	ALS incidents	<8 min.	>8 min.	%
				1999				
January	221	173	48	78.28%	234	200	34	85.47%
February	249	191	58	76.71%	211	187	24	88.63%
March	256	215	41	83.98%	217	198	19	91.24%
April	260	234	26	90.00%	213	199	14	93.43%
May	262	236	26	90.08%	218	207	11	94.95%
June	297	270	27	90.91%	236	229	7	97.03%
July	291	268	23	92.10%	243	223	20	91.77%
August	295	273	22	92.54%	218	200	18	91.74%
September	291	254	37	87.29%	227	213	14	93.83%
October	301	278	23	92.36%	246	224	22	91.06%
November	259	239	20	92.28%	216	200	16	92.59%
December	319	284	35	89.03%	282	249	33	88.30%
Total	**3301**	**2915**	**386**	**88.31%**	**2761**	**2529**	**232**	**91.60%**
				2000				
January	273	244	29	89.38%	224	203	21	90.63%
February	227	198	29	87.22%	204	179	25	87.75%
March	264	240	24	90.91%	222	200	22	90.09%
April	303	279	24	92.08%	303	284	19	93.73%
May	317	285	32	89.91%	274	250	24	91.24%
June	307	286	21	93.16%	274	257	17	93.80%
July	236	198	38	83.90%	207	186	21	89.86%
August	336	301	35	89.58%	282	251	31	89.01%
September	287	256	31	89.20%	274	233	41	85.04%
Total	**2550**	**2287**	**263**	**89.69%**	**2264**	**2043**	**221**	**90.24%**

Community EMS Response Time Summary 2000 - 2003

Month	MFR incidents	<5 min.	>5 min.	%	ALS incidents	<8 min.	>8 min.	%
				2000				
October	322	283	39	87.89%	210	187	23	89.05%
November	303	281	22	92.74%	259	239	20	92.28%
December	286	242	44	84.62%	286	257	29	89.86%
Total	**911**	**806**	**105**	**88.47%**	**755**	**683**	**72**	**90.46%**
				2001				
January	342	309	33	90.35%	336	289	47	86.01%
February	*				*			
March	289	250	39	86.51%	239	216	23	90.38%
April	271	243	28	89.67%	238	219	19	92.02%
May	277	252	25	90.97%	223	209	14	93.72%
June	354	311	43	87.85%	316	284	32	89.87%
July	272	252	20	92.65%	222	206	16	92.79%
August	274	239	35	87.23%	241	225	16	93.36%
September	295	253	42	85.76%	265	242	23	91.32%
October	293	259	34	88.40%	263	240	23	91.25%
November	323	292	31	90.40%	280	267	13	95.36%
December	296	263	33	88.85%	248	228	20	91.94%
Total	**3286**	**2923**	**363**	**88.95%**	**2871**	**2625**	**246**	**91.43%**

* Data not located in files

Month	MFR incidents	<5 min.	>5 min.	%	ALS incidents	<8 min.	>8 min.	%
				2002				
January	298	247	51	82.89%	267	253	14	94.76%
February	314	282	32	89.81%	295	269	26	91.19%
March	326	301	25	92.33%	295	275	20	93.22%
April	307	271	36	88.27%	267	245	22	91.76%
May	297	275	22	92.59%	265	251	14	94.72%
June	295	265	30	89.83%	263	241	22	91.63%
July	277	252	25	90.97%	242	221	21	91.32%
August	324	289	35	89.20%	297	267	30	89.90%
September	326	304	22	93.25%	309	280	29	90.61%
October	259	220	39	84.94%	232	211	21	90.95%
November	300	268	32	89.33%	271	250	21	92.25%
December	361	325	36	90.03%	340	303	37	89.12%
Total	**3684**	**3299**	**385**	**89.55%**	**3343**	**3066**	**277**	**91.71%**
				2003				
January	295	274	21	92.88%	265	232	33	87.55%
February	293	265	28	90.44%	255	229	26	89.80%
March	238	218	20	91.60%	0	N/A**		
April	0	N/A**			0	N/A**		
May	0				0			
June	0				0			
July	0				0			
August	0				0			
September	0				0			
Total	**826**	**757**	**69**	**91.65%**	**520**	**461**	**59**	**88.65%**

** Data not provided due to changeover to new CAD system

A Regular Meeting of the Troy City Council was held Monday, May 12, 2003, at City Hall, 500 W. Big Beaver Road. Mayor Pro Tem Lambert called the Meeting to order at 7:35 P.M.

The Invocation was given by Pastor Marvin Walker – Faith Apostolic Church and the Pledge of Allegiance to the Flag was given.

ROLL CALL

PRESENT: Mayor Matt Pryor (Arrived: 7:47 PM)
Robin E. Beltramini
Cristina Broomfield
David Eisenbacher (Absent)
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

Resolution to Excuse Council Member Eisenbacher

Resolution #2003-05-251
Moved by Beltramini
Seconded Howrylak

RESOLVED, That Council Member Eisenbacher's absence be excused due to his being out of the county.

Yes: Beltramini, Broomfield, Howrylak, Lambert, Stine
No: None
Absent: Pryor, Eisenbacher

MOTION CARRIED

A-1 **Presentations:** (a) Sgt. Major Jack Turner presented framed replicas of the Constitution for display in the Troy City Council Chamber; (b) No presentation was given regarding the recognition plaques received from the Michigan Cricket Club in appreciation to the City of Troy for the development of the playing field for the Michigan Cricket Club; (c) A representative from the American Red Cross recognized the City of Troy's participation in the Community Blood Drive; (d) Representatives of Cub Scout Pack 1709 presented Mayor Pryor with a trophy recognizing his taking first place in the annual Mayor's 2003 Pinewood Derby

Mayor Pryor arrived at 7:47 PM and Mayor Pro Tem Lambert relinquished the Chair to the Mayor.

PUBLIC HEARINGS

C-1 Development and Finance Plan for the Joint Local Development Finance Authority (LDFA)

Resolution #2003-05-
Moved by Stine
Seconded Beltramini

WHEREAS, Public Act 281 of 1986, the Local Development Financing Act, is an act to prevent urban deterioration and encourage economic development including, but not limited to, high-technology industries and activity and to encourage neighborhood revitalization and historic preservation and to provide a mechanism for developing and implementing plans within a development area; and

WHEREAS, On November 25, 2002, the Southfield City Council approved a SmartZone Agreement between the City of Southfield and the Michigan Economic Development Corporation establishing a Certified Technology Park (CTP) in part of Southfield; and

WHEREAS, Section 3 (2) of Act 281 [MCL 125.2153] provides that a municipality may join with one or more of the municipalities located within the same county to establish a joint authority under Act; and

WHEREAS, Section 4 (7) of Act 281 [MCL 125.2154] provides that the city councils of two or more municipalities may declare by resolution their intention to create and provide for the operation of a joint authority; and

WHEREAS, On April 14, 2003 the Southfield City Council passed a resolution approving the creation of a Joint Local Development Finance Authority with the City of Troy; and

WHEREAS, On May 5, 2003, the Troy City Council passed a resolution approving the creation of a Joint Local Development Finance Authority with the City of Southfield; and

WHEREAS, On April 14, 2003, the Southfield City Council approved an Agreement between the Cities of Southfield and Troy extending the CTP designation to a portion of the City of Troy; and

WHEREAS, On May 5, 2003, the Troy City Council approved an Agreement between the Cities of Southfield and Troy extending the CTP designation to a portion of the City of Troy; and

WHEREAS, Act 281, Section 12 (3) states that an authority and a municipality that incorporated the authority may enter into an agreement with the Michigan Economic Development Corporation establishing the terms and conditions governing the Certified Technology Park; and

WHEREAS, The Michigan Economic Development Corporation, City of Southfield and Southfield Local Development Finance Authority entered into an agreement pursuant to Act

281, Section 12 (3), on December 16, 2002 establishing a SmartZone in the County of Oakland and Certified Technology Park in the City of Southfield; and

WHEREAS, That the Joint LDFA Board approved the Automation Alley SmartZone Agreement, as amended on May 9, 2003.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council **APPROVES** the amended Automation Alley SmartZone Agreement; and

BE IT FURTHER RESOLVED, That Troy City Council **AUTHORIZES** the Mayor to sign the Licensing Agreement with Automation Alley for Troy to use the Automation Alley Service Mark; and

BE IT FURTHER RESOLVED, That Troy City Council **AUTHORIZES** the Mayor to sign the Ratification Agreement between the State of Michigan Department of Treasury, the City's of Southfield and Troy, and the JLDFA.

F-9 Resolutions #2003-05-231-1 and #2003-05-231-2 for the Establishment of the City of Troy's Participation in Automation Alley SmartZone Certified Technology Park and the Agreement

Resolution #2003-05-
Moved by Stine
Seconded by Beltramini

RESOLVED, That Troy City Council **APPROVES** the amendments to Resolutions #2003-05-231-1 and #2003-05-231-2 and the Agreement between the City of Southfield and the City of Troy, County of Oakland, Michigan creating a Joint Local Development Finance Authority.

F-10 Amended SmartZone Agreement

Resolution #2003-05-
Moved by Stine
Seconded by Beltramini

WHEREAS, Public Act 281 of 1986, the Local Development Financing Act, is an act to prevent urban deterioration and encourage economic development including, but not limited to, high-technology industries and activity and to encourage neighborhood revitalization and historic preservation and to provide a mechanism for developing and implementing plans within a development area; and

WHEREAS, On November 25, 2002, the Southfield City Council approved a SmartZone Agreement between the City of Southfield and the Michigan Economic Development Corporation establishing a Certified Technology Park (CTP) in part of Southfield; and

WHEREAS, Section 3 (2) of Act 281 [MCL 125.2153] provides that a municipality may join with one or more of the municipalities located within the same county to establish a joint authority under Act; and

WHEREAS, Section 4 (7) of Act 281 [MCL 125.2154] provides that the city councils of two or more municipalities may declare by resolution their intention to create and provide for the operation of a joint authority; and

WHEREAS, On April 14, 2003 the Southfield City Council passed a resolution approving the creation of a Joint Local Development Finance Authority with the City of Troy; and

WHEREAS, On May 5, 2003, the Troy City Council passed a resolution approving the creation of a Joint Local Development Finance Authority with the City of Southfield; and

WHEREAS, On April 14, 2003, the Southfield City Council approved an Agreement between the Cities of Southfield and Troy extending the CTP designation to a portion of the City of Troy; and

WHEREAS, On May 5, 2003, the Troy City Council approved an Agreement between the Cities of Southfield and Troy extending the CTP designation to a portion of the City of Troy; and

WHEREAS, Act 281, Section 12 (3) states that an authority and a municipality that incorporated the authority may enter into an agreement with the Michigan Economic Development Corporation establishing the terms and conditions governing the Certified Technology Park; and

WHEREAS, The Michigan Economic Development Corporation, City of Southfield and Southfield Local Development Finance Authority entered into agreement pursuant to Act 281, Section 12 (3), on December 16, 2002 establishing a SmartZone in the County of Oakland and Certified Technology Park in the City of Southfield; and

WHEREAS, That the Joint LDFA Board approved the Automation Alley SmartZone Agreement, as amended on May 9, 2003.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council approves the amended Automation Alley SmartZone Agreement; and

BE IT FURTHER RESOLVED, That Troy City Council authorizes the Mayor to sign the Licensing Agreement with Automation Alley for Troy to use the Automation Alley Service Mark; and

BE IT FURTHER RESOLVED, That Troy City Council authorizes the Mayor to sign the Ratification Agreement between the State of Michigan Department of Treasury, the City's of Southfield and Troy and the JLDFA.

Vote on Amendment

Resolution #2003-05-252
Moved by Stine
Seconded by Lambert

RESOLVED, That the Resolution for the Development and Finance Plan for the Joint Local Development Finance Authority (LDFA) be **AMENDED** by **STRIKING, "**NOW, THEREFORE,

BE IT RESOLVED, That the Troy City Council approves the amended Automation Alley SmartZone Agreement; and", "BE IT FURTHER RESOLVED, That Troy City Council authorizes the Mayor to sign the Licensing Agreement with Automation Alley for Troy to use the Automation Alley Service Mark; and" and "BE IT FURTHER RESOLVED, That Troy City Council authorizes the Mayor to sign the Ratification Agreement between the State of Michigan Department of Treasury, the City's of Southfield and Troy and the JLDFA." and **INSERTING**, "NOW, THEREFORE BE IT RESOLVED, that Troy City Council **APPROVES** the Joint Local Development Finance Authority Development Plan and Tax Increment Financing Plan for the Southfield and Troy Certified Technology Park."

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

MOTION CARRIED

Suspend City Council Rules # 5 and Change Order of Business

Resolution #2003-05 -253
Moved by Stine
Seconded by Lambert

RESOLVED, That City Council **SUSPEND** Rules of Procedure #5 and **MOVE FORWARD** Items F-9 and F-10 on the current agenda.

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

MOTION CARRIED

Vote on Amended Resolution

Resolution #2003-05-254
Moved by Stine
Seconded Beltramini

WHEREAS, Public Act 281 of 1986, the Local Development Financing Act, is an act to prevent urban deterioration and encourage economic development including, but not limited to, high-technology industries and activity and to encourage neighborhood revitalization and historic preservation and to provide a mechanism for developing and implementing plans within a development area; and

WHEREAS, On November 25, 2002, the Southfield City Council approved a SmartZone Agreement between the City of Southfield and the Michigan Economic Development Corporation establishing a Certified Technology Park (CTP) in part of Southfield; and

WHEREAS, Section 3 (2) of Act 281 [MCL 125.2153] provides that a municipality may join with one or more of the municipalities located within the same county to establish a joint authority under Act; and

WHEREAS, Section 4 (7) of Act 281 [MCL 125.2154] provides that the city councils of two or more municipalities may declare by resolution their intention to create and provide for the operation of a joint authority; and

WHEREAS, On April 14, 2003 the Southfield City Council passed a resolution approving the creation of a Joint Local Development Finance Authority with the City of Troy; and

WHEREAS, On May 5, 2003, the Troy City Council passed a resolution approving the creation of a Joint Local Development Finance Authority with the City of Southfield; and

WHEREAS, On April 14, 2003, the Southfield City Council approved an Agreement between the Cities of Southfield and Troy extending the CTP designation to a portion of the City of Troy; and

WHEREAS, On May 5, 2003, the Troy City Council approved an Agreement between the Cities of Southfield and Troy extending the CTP designation to a portion of the City of Troy; and

WHEREAS, Act 281, Section 12 (3) states that an authority and a municipality that incorporated the authority may enter into an agreement with the Michigan Economic Development Corporation establishing the terms and conditions governing the Certified Technology Park; and

WHEREAS, The Michigan Economic Development Corporation, City of Southfield and Southfield Local Development Finance Authority entered into an agreement pursuant to Act 281, Section 12 (3), on December 16, 2002 establishing a SmartZone in the County of Oakland and Certified Technology Park in the City of Southfield; and

WHEREAS, That the Joint LDFA Board approved the Automation Alley SmartZone Agreement, as amended on May 9, 2003.

NOW, THEREFORE BE IT RESOLVED, that Troy City Council **APPROVES** the Joint Local Development Finance Authority Development Plan and Tax Increment Financing Plan for the Southfield and Troy Certified Technology Park.

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

MOTION CARRIED

F-9 Resolutions #2003-05-231-1 and #2003-05-231-2 for the Establishment of the City of Troy's Participation in Automation Alley SmartZone Certified Technology Park and the Agreement

Resolution #2003-05-254-F-09
Moved by Stine
Seconded Beltramini

RESOLVED, That Troy City Council **APPROVES** the amendments to Resolutions #2003-05-231-1 and #2003-05-231-2 and the Agreement between the City of Southfield and the City of Troy, County of Oakland, Michigan creating a Joint Local Development Finance Authority.

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

MOTION CARRIED

F-10 Approve Amended SmartZone Agreement

Resolution #2003-05-254-F-10
Moved by Stine
Seconded Beltramini

WHEREAS, Public Act 281 of 1986, the Local Development Financing Act, is an act to prevent urban deterioration and encourage economic development including, but not limited to, high-technology industries and activity and to encourage neighborhood revitalization and historic preservation and to provide a mechanism for developing and implementing plans within a development area; and

WHEREAS, On November 25, 2002, the Southfield City Council approved a SmartZone Agreement between the City of Southfield and the Michigan Economic Development Corporation establishing a Certified Technology Park (CTP) in part of Southfield; and

WHEREAS, Section 3 (2) of Act 281 [MCL 125.2153] provides that a municipality may join with one or more of the municipalities located within the same county to establish a joint authority under Act; and

WHEREAS, Section 4 (7) of Act 281 [MCL 125.2154] provides that the city councils of two or more municipalities may declare by resolution their intention to create and provide for the operation of a joint authority; and

WHEREAS, On April 14, 2003 the Southfield City Council passed a resolution approving the creation of a Joint Local Development Finance Authority with the City of Troy; and

WHEREAS, On May 5, 2003, the Troy City Council passed a resolution approving the creation of a Joint Local Development Finance Authority with the City of Southfield; and

WHEREAS, On April 14, 2003, the Southfield City Council approved an Agreement between the Cities of Southfield and Troy extending the CTP designation to a portion of the City of Troy; and

WHEREAS, On May 5, 2003, the Troy City Council approved an Agreement between the Cities of Southfield and Troy extending the CTP designation to a portion of the City of Troy; and

WHEREAS, Act 281, Section 12 (3) states that an authority and a municipality that incorporated the authority may enter into an agreement with the Michigan Economic Development Corporation establishing the terms and conditions governing the Certified Technology Park; and

WHEREAS, The Michigan Economic Development Corporation, City of Southfield and Southfield Local Development Finance Authority entered into agreement pursuant to Act 281, Section 12 (3), on December 16, 2002 establishing a SmartZone in the County of Oakland and Certified Technology Park in the City of Southfield; and

WHEREAS, That the Joint LDFA Board approved the Automation Alley SmartZone Agreement, as amended on May 9, 2003.

NOW, THEREFORE, BE IT RESOLVED, That the Troy City Council approves the amended Automation Alley SmartZone Agreement; and

BE IT FURTHER RESOLVED, That Troy City Council authorizes the Mayor to sign the Licensing Agreement with Automation Alley for Troy to use the Automation Alley Service Mark; and

BE IT FURTHER RESOLVED, That Troy City Council authorizes the Mayor to sign the Ratification Agreement between the State of Michigan Department of Treasury, the City's of Southfield and Troy and the JLDFA.

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

MOTION CARRIED

C-2 Special Assessment District – Standard Resolution #2 – Speed Humps-Chestnut Hill and Walnut Hill

Resolution #2003-05-255
Moved by Broomfield
Seconded by Lambert

RESOLVED, That Standard Resolution #2, #2002-12-646, approved December 16, 2002, be hereby **REVISED** to add the cost of one (1) speed bump at a total additional estimated cost of $1,856.57 to Special Assessment District #02.109.1; and

BE IT FURTHER RESOLVED, That the City portion of the estimated cost for the project **SHALL INCREASE** to cover the additional cost of installing one (1) speed hump to the project on Walnut Hill as stated below pursuant to Sections 1.1 and 1.2 of Chapter 5 of the Code of the City of Troy:

Total Estimated Cost	$456,270.71
Assessment (28 units @ $3,714.29 ea.)	$104,000.00
City's Share	$352,270.71

Yes: Lambert, Stine, Pryor, Beltramini, Broomfield, Howrylak
No: None
Absent: Eisenbacher

MOTION CARRIED

Vote on Resolution to Set Public Hearing

Resolution #2003-05-256
Moved by Howrylak
Seconded by Stine

RESOLVED, That a Public Hearing be set for the Regular City Council meeting scheduled for Monday, June 2, 2003 at 7:30 pm in the Troy City Council Chamber, for the purpose of reviewing the necessity for the installation of Asphalt Paving and 2 Speed Bumps on Walnut Hill and Chestnut Hill, Project No. 02.109.1, and of hearing any and all objections to the necessity of the public improvement and Special Assessment made in the matter of construction of the following described improvement: Installation of Asphalt Paving and 2 Speed Bumps on Walnut Hill and Chestnut Hill.

Yes: Stine, Pryor, Beltramini, Broomfield, Howrylak, Lambert
No: None
Absent: Eisenbacher

MOTION CARRIED

RECESS: 9:05 PM – 9:13 PM

C-3 Preliminary Site Plan Review (SP 889): (a) Amendment of Consent Judgment – Thomas & Cynthia Fisher v. City of Troy; and (b) Michigan Clinic for Facial Pain – Southeast Corner of John R and Orpington – Section 21 – R-1E

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

(a) Amendment of Consent Judgment – Thomas & Cynthia Fisher v. City of Troy

Resolution #2003-05-257(a)
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That the Amended Consent Judgment between the City of Troy and Thomas and Cynthia Fisher is hereby **APPROVED**, and the Assistant City Attorney is **AUTHORIZED TO EXECUTE** the document, and a copy is to be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

AND

(b) Preliminary Site Plan Review (SP 889) - Michigan Clinic for Facial Pain – Southeast Corner of John R and Orpington – Section 21 – R-1E

Resolution #2003-05-257(b)
Moved by Beltramini
Seconded by Broomfield

RESOLVED, That the Preliminary Site Plan Approval for the proposed Medical Office Building located on the southeast corner of Orpington and John R., Section 24 within the R-1E Zoning District but governed by the O-1 Zoning District as per a Consent Agreement be **GRANTED, SUBJECT TO THE FOLLOWING CONDITIONS:**

1. The applicant shall provide a 5-foot wide concrete sidewalk along Orpington, as per Section 39.70.03 of the City of Troy Zoning Ordinance and the Consent Judgment or any amendments to the Consent Judgment.
2. The dumpster will be kept in the enclosure, provided that it is not in conflict with the Consent Judgment or any amendments to the Consent Judgment.
3. The dumpster height will not be greater than the dumpster screen wall, provided that it is not in conflict with the Consent Judgment or any amendments to the Consent Judgment.
4. The Consent Judgment is amended to allow the ultimate height (‘peak”0 of the one-story medical office building to be limited to a height not exceed 26 feet.

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

MOTION CARRIED

C-4 Street Vacation Application (SAV-181) Rhode Island Drive – North Side of Big Beaver, East of John R – Section 24 - R-1E

Resolution #2003-05-258
Moved by Stine
Seconded by Lambert

WHEREAS, A request has been received for the vacation of a portion of the 50-foot-wide platted public Rhode Island Drive, extending east approximately 636 feet south from Orpington Road to Big Beaver Road, abutting Lots 12, 13, 40 and 41 within the Big Beaver Poultry Farms Subdivision, Section 24; and

WHEREAS, The properties which shall benefit from this requested vacation include the proposed Rhode Island Estates Site Condominium; and

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

1. The City retain a 12-foot wide public walkway between Orpington Road and Rhode Island Estates Site Condominium, as illustrated on the Rhode Island Estates Site Condominium Plan, which received Preliminary Approval by City Council on April 14, 2003.
2. Road rights-of-way to be dedicated to the City of Troy to enable the development of Rhode Island Estates Site Condominium, which received Preliminary Approval by City Council on April 14, 2003.
3. The petitioner shall provide utility easements for existing Detroit Edison facilities and all other private utilities, as determined by the City Engineer, prior to final vacation.

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

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

1. The City retain a 12-foot wide public walkway between Orpington Road and Rhode Island Estates Site Condominium, as illustrated on the Rhode Island Estates Site Condominium Plan, which received Preliminary Approval by City Council on April 14, 2003.
2. Road rights-of-way to be dedicated to the City of Troy to enable the development of Rhode Island Estates Site Condominium, which received Preliminary Approval by City Council on April 14, 2003.
3. The petitioner shall provide utility easements for existing Detroit Edison facilities and all other private utilities, as determined by the City Engineer, prior to final vacation.

Yes: Beltramini, Broomfield, Howrylak, Lambert, Stine, Pryor
No: None
Absent: Eisenbacher

MOTION CARRIED

C-5 Outdoor Special Event Time Frame – Elder Ford – 777 John R

Resolution #2003-05-259
Moved by Howrylak
Seconded by Stine

RESOLVED, That the request of Ms. Irma Elder of Elder Ford to hold an outdoor special event at the property 777 John R Road from June 1, 2003, until June 16, 2003, for a period of sixteen consecutive days where Paragraph C of Section 41.16.00 of the Troy Zoning Ordinance limits the time frame to not more than seven consecutive days be **APPROVED**.

Yes: Broomfield, Howrylak, Lambert, Stine, Pryor, Beltramini
No: None
Absent: Eisenbacher

MOTION CARRIED

C-6 Approval of 2003-2004 Budget

Resolution #2003-05-260
Moved by Stine
Seconded by Beltramini

WHEREAS, Section 8.3 of the City Charter directs the City Council to **ADOPT** a budget for the ensuing year, beginning July 1, 2003:

NOW, THEREFORE, BE IT RESOLVED, That

1. The following listed re-appropriations, operating transfers-in, and operating revenues of the General Operating Fund are anticipated:

Taxes	$31,065,440
Licenses and Permits	1,568,500
Federal Grants	50,000
State Grants	7,637,000
Contributions – Local	120,000
Charges for Services	5,681,760
Fines and Forfeits	1,027,000
Interest and Rents	1,040,700
Other Revenue	350,940
Operating Transfers In	5,960,750
Re-appropriation	3,417,290
TOTAL	$57,919,380

THEREFORE, The tax rate for the General Operating Fund shall be six and twenty-five one hundredths (6.25) mills on the 2003 taxable valuation.

2. To meet the anticipated expenses, the following listed budgetary centers shall be appropriated the following amounts from the General Operating Fund:

Building Inspection	$1,978,860
Council/Executive Administration	1,956,950
Engineering	3,018,400
Finance	4,642,530
Fire	3,683,410
Library /Museum	4,744,000
Other General Government	2,555,680
Police	21,426,110
Parks and Recreation	7,910,940
Streets	5,324,500
Operating Transfer Out	678,000
TOTAL	$57,919,380

3. The following listed re-appropriations and revenues of the Capital Fund are anticipated:

Taxes	$7,594,000
State Grants	7,454,250
Charges for Services	160,000
Interest and Rents	400,000
Operating Transfer In	3,500,000
Re-appropriation	11,108,910
TOTAL	$30,217,160

THEREFORE, The tax rate for the Capital Fund shall be one and sixty-two one hundredths (1.62) mills on the 2003 taxable valuation.

4. The following listed budgetary centers shall be appropriated the following listed amounts from the Capital Fund to meet anticipated expenses:

Building Inspection	$30,000
Drains	1,662,970
Finance	130,000
Fire	1,066,750
Information Technology	1,320,500
Library	125,000
Museum	1,382,540
Other General Government	2,128,000
Police	1,584,100
Parks and Recreation	2,556,000
Streets	17,889,300
Public Works	342,000
TOTAL	$30,217,160

5. The following listed revenues of the Refuse Fund are anticipated:

Taxes	$3,870,000
Interest and Rents	60,000
Charges for Services	500
Re-appropriation	455,230
TOTAL	$4,385,730

THEREFORE, The tax rate for the Refuse Fund shall be eighty-three one hundredths (.83) mills on the 2003 taxable valuation.

6. The Refuse Fund shall be appropriated $4,385,730

7. The General Debt Service Fund shall be appropriated $3,649,070

AND, There shall be a tax levy of seventy-five one hundredth (.75) mills on the 2003 taxable valuation for the General Debt Service Fund.

8. The following budgets shall be approved as shown in the budget for 2003-2004:

Major Road Fund	$3,485,910
Local Road Fund	$1,629,560
Community Development Block Grant Fund	$213,290
Troy Community Fair Fund	$180,520
1995 MTF Debt Fund	$323,890
2000 MTF Debt Fund	$228,740
Proposal A Debt Fund	$763,360
Proposal B Debt Fund	$1,391,440
Proposal C Debt Fund	$1,258,510
Proposal B Police/Fire Facility Fund	$2,610,000
Proposal C Recreation Fund	$400,000
Special Assessment Fund	$2,035,070
Water Supply System	$10,642,310
Sanitary Sewer Fund	$9,920,380
Aquatic Center Fund	$578,120
Sylvan Glen Golf Course Fund	$1,246,060
Section 1 Golf Course Fund	$58,910
Building Operations	$1,904,810
Information Technology Fund	$1,643,380
Fleet Maintenance Fund	$3,773,850
Workers' Compensation Fund	$584,000
Compensated Absences Fund	$4,000,000
Unemployment Insurance Fund	$25,000

Yes: Howrylak, Lambert, Stine, Pryor, Beltramini, Broomfield
No: None
Absent: Eisenbacher

MOTION CARRIED

POSTPONED ITEMS

D-1 Request for Commercial Vehicle Appeal – 4101 Cherrywood – Continuation of Public Hearing

Vote on Postponement

Resolution #2003-05-261
Moved by Lambert
Seconded by Stine

RESOLVED, That Request for Commercial Vehicle Appeal – 4101 Cherrywood – Continuation of Public Hearing be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, June 2, 2003 at 7:30 pm in the City of Troy, Council Chamber.

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

MOTION CARRIED

PUBLIC COMMENT:

A. Items on the Current Agenda

E-4 Standard Purchasing Resolution 8: Best Value Award – Emergency Medical Services Contract

Vote on Postponement

Resolution #2003-05-262
Moved by Pryor
Seconded by Lambert

RESOLVED, That Standard Purchasing Resolution 8: Best Value Award – Emergency Medical Services Contract be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, June 2, 2003 at 7:30 pm in the City of Troy, Council Chamber.

Yes: Stine, Pryor, Beltramini, Broomfield, Howrylak, Lambert
No: None
Absent: Eisenbacher

MOTION CARRIED

B. Items Not on the Current Agenda

Suspend City Council Rules #21 and Continue with Agenda

Resolution #2003-05-263
Moved by Lambert
Seconded by Beltramini

RESOLVED, That the City Council suspend the Rules of Procedure #21 and continue discussion on Agenda items to 12:00 A.M.

Yes: Pryor, Beltramini, Broomfield, Howrylak, Lambert, Stine
No: None
Absent: Eisenbacher

MOTION CARRIED

CONSENT AGENDA

E-1 Approval of Consent Agenda

Resolution #2003-05-264
Moved by Stine
Seconded by Broomfield

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

Yes: Beltramini, Broomfield, Howrylak, Lambert, Stine, Pryor
No: None
Absent: Eisenbacher

MOTION CARRIED

E-2 Minutes: Regular Meeting of May 5, 2003 and Special Meeting of May 6, 2003

Resolution #2003-05-264-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of May 5, 2003 and the Minutes of the 7:30 PM Special Meeting of May 6, 2003, be **APPROVED** as submitted.

E-3 City of Troy Proclamation:

Resolution #2003-05-264-E-3

RESOLVED, That the following City of Troy Proclamation be **APPROVED:**
(a) Police Memorial Day - Thursday, May 15, 2003

E-5 Correction of Resolution #2003-04-198 – Parking Variance 300-700 W. Fourteen Mile – Oakland Mall

Resolution #2003-05-264-E-5

RESOLVED, That Resolution #2003-04-198 as approved by City Council at the Regular City Council meeting held on April 28, 2003 be **CORRECTED** by **STRIKING,** "1,636" and **INSERTING,** "1,106".

E-6 Private Agreement for Colleen Site Condominiums – Project No. 02.943.3

Resolution #2003-05-264-E-6

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Golden Homes, Inc., is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, detention, water main, sidewalks and paving on the site and in the adjacent right-of-way, and the Mayor and the City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-7 Standard Purchasing Resolution 1: Award to Low Bidder – Fence Repair and Installation

Resolution #2003-05-264-E-7

RESOLVED, That a contract to furnish fencing repairs and installation at several City park and school sites is hereby **AWARDED** to the low bidder, American Fence and Supply Co., Inc., at an estimated total cost of $62,034.00; and

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

E-8 Acceptance of 2 Permanent Easements and Warranty Deed from Danna-Latter, L.L.C., Sidwell #88-20-27-101-016

Resolution #2003-05-264-E-8

RESOLVED, That the Permanent Easements for Water Main and Sanitary Sewer and the Warranty Deed for right-of-way from Danna-Latter, L.L.C., owners of property having Sidwell #88-20-27-101-016 is hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the City Clerk is hereby directed to **RECORD** said permanent easements and warranty deed with Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-9 Acceptance of Permanent Sidewalk, Street and Municipal Utilities Easement and Permanent Water Main Easement – Sidwell #88-20-26-451-037 – Kase Associates, L.L.C. – Project No. 99.955.3

Resolution #2003-05-264-E-9

RESOLVED, That the Permanent Easement for Sidewalk, Street and Municipal Utilities and the Permanent Easement for Water Main from Kase Associates, L.L.C., having Sidwell #88-20-26-451-037 are hereby **ACCEPTED**; and

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

E-10 Acceptance of Permanent Sanitary Sewer Easement – Sidwell #88-20-32-101-005 – Project No. 99.950-3 – 2875 Maple, L.L.C.

Resolution #2003-05-264-E-10

RESOLVED, That the Permanent Easement for Sanitary Sewer from 2875 Maple, L.L.C., having Sidwell #88-20-32-101-005 is hereby **ACCEPTED**; and

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

E-11 Acceptance of Permanent Water Main Easement – Sidwell #88-20-32-200-031 – Project No. 00.922.3 – Troy Hotel Property, L.L.C.

Resolution #2003-05-264-E-11

RESOLVED, That the Permanent Easement for Water Main from Troy Hotel Property, L.L.C., having Sidwell #88-20-32-200-031 is hereby **ACCEPTED**; and

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

E-12 Acceptance of Permanent Water Main Easement – Sidwell #88-20-08-476-014 – Project No. 97.932.3 – Cooker Restaurant Corporation

Resolution #2003-05-264-E-12

RESOLVED, That the Permanent Easement for Water Main from Cooker Restaurant Corporation, having Sidwell #88-20-08-476-014 is hereby **ACCEPTED**; and

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

E-13 Acceptance of Documents – Sidwell #88-20-27-358-022, -023, -024 and –025 – Project No. 99.956.3 – Scott and Marilyn Schumaker

Resolution #2003-05-264-E-13

RESOLVED, That the Warranty Deed for Maple Road Right-of-Way and the Permanent Easement for Street, Sidewalk and Public Utilities from Scott and Marilyn Schumaker having Sidwell #88-20-27-358-022, -023, -024 and –025 are hereby **ACCEPTED**; and

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

E-14 Abandonment of a Permanent Water Main Easement and Acceptance of a New Permanent Water Main and Sidewalk and Public Utilities Easements – Sidwell #88-20-25-479-045 – 2975 E. Maple Road – American Polish Cultural Center

Resolution #2003-05-264-E-14

WHEREAS, The City of Troy has received a request from the property owners of Sidwell #88-20-25-479-045, American Polish Cultural Center, to abandon a permanent water main easement as recorded in Liber 9761, Pages 813 and 814 with Oakland County Register of deeds; and

WHEREAS, The City of Troy has received a Permanent Easement for Water Main and a Sidewalk and Public Utilities Easement from the property owners of Sidwell #88-20-25-479-045, American Polish Cultural Center; and

BE IT RESOLVED, That the permanent water main easement as recorded in Liber 9761, Pages 813 and 814 is hereby **ABANDONED**; and

BE IT RESOLVED, That the Permanent Easements for Water Main And Sidewalk and Public Utilities from the American Polish Cultural center are hereby **ACCEPTED**; and

BE IT FURTHER RESOLVED, That the City Clerk shall **RECORD** both the abandonment and permanent easements with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting

---

E-15 Williams et. al v. City of Troy

Resolution #2003-05-264-E-15

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 Robert J. Williams, et. al v. City of Troy and to **RETAIN** any necessary expert witnesses and outside legal counsel to adequately represent the City.

E-16 Kaftan Enterprises, Inc. v. City of Troy

Resolution #2003-05-264-E-16

RESOLVED, That the City Attorney is hereby **AUTHORIZED AND DIRECTED TO REPRESENT** the City of Troy in any and all claims and damages n the matter of Kaftan Enterprises, Inc. v. City of Troy and to **RETAIN** any necessary expert witnesses and outside legal counsel to adequately represent the City.

E-17 Assessment of Delinquent Accounts

Resolution #2003-05-264-E-17

WHEREAS, Section 1.167 of Chapter 5 and Section 6 of Chapter 20 of the City of Troy Code of Ordinances require that delinquent payments and invoices, as of April 1 of each year, shall be reported and the City Council shall certify same to the City Assessor who shall assess the same on the next annual City Tax Roll to be collected as provided for collection of City Taxes; and

WHEREAS, Section 10.8 of the Troy City Charter provides for the collection of delinquent invoices through property tax collection procedures; and

WHEREAS, A list of individual properties is on file in the Office of the Treasurer and comprises a summation of totals as follows:

General Fund Invoices Including Penalties	$31,317.13
Special Assessments Including Penalties & Interest	$6,748.52
Water & Sewer Accounts Including Penalties	$456,894.44

Total $494,960.09

NOW, THEREFORE, BE IT RESOLVED, That the City assessor is hereby **AUTHORIZED** to assess these delinquent accounts on the annual City Tax Roll.

E-18 Approval of Community Center Rental Rates for Audio-Visual Equipment and Services

Resolution #2003-05-264-E-18

RESOLVED, That the rates as proposed for audio-visual equipment rentals for the Troy Community Center are **APPROVED,** a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-19 Act 51 Mileage Certification for 2002

Resolution #2003-05-264-E-19

WHEREAS, It is necessary to furnish certain information to the State of Michigan to place streets within the City Street system for the purpose of obtaining funds under Act 51, P.A. 1951, as amended; and

WHEREAS, The City of Troy hereby **ACCEPTS** the following platted streets: Boyd, Harmony, Hartland, Meadowlark, Song Bird and Viking; and

RESOLVED, That the City of Troy hereby **ACCEPTS** the non-platted streets: Birchdale, Douglas Fir, Mangla Court, Maya, Springtime, Trillium, Wardlow, Wilshire, Windmill and Wright whose legal descriptions are attached and made a part hereto; and

BE IT FURTHER RESOLVED, That said streets are located within the City of Troy; right-of-way is under the control of the City of Troy; said streets are public streets and are for public street purposes; and said streets are **ACCEPTED** into the City of Troy local street system.

E-20 Excuse Mayor Pryor's Absence from Closed Session Held on Monday, May 5, 2003

Resolution #2003-05-264-E-20

RESOLVED, That Mayor Pryor's absence from the Closed Session held on Monday, May 5, 2003 be **EXCUSED** due to illness.

REGULAR BUSINESS

F-1 Appointments to Boards and Committees: (1) Mayoral Appointments: (a) Economic Development Corporation and (b) Planning Commission (2) City Council Appointments: (a) Advisory Committee for Persons w/Disabilities; (b) Ethnic Community Issues Advisory Committee; and (c) Historic District

Resolution #2003-05-
Moved by Lambert
Seconded by Beltramini

RESOLVED, That the following persons are hereby **APPOINTED BY THE CITY COUNCIL** to serve on the Boards and Committees as indicated:

(b) City Council Appointments

Ethnic Community Issues Advisory Committee

Appointed by Council (9) – 3 years

Flora M. Tan	**Unexpired term expires 9/30/05**
Charles Yuan	**Unexpired term expires 9/30/05**

Vote on Postponement

Resolution #2003-05-265
Moved by Howrylak
Seconded by Broomfield

RESOLVED, That City Council appointments to the Ethnic Community Issues Advisory Board be **POSTPONED** until the Regular City Council Meeting scheduled for Monday, June 2, 2003 at 7:30 pm in the City of Troy, Council Chamber.

Yes: Broomfield, Howrylak, Lambert, Stine, Pryor, Beltramini
No: None
Absent: Eisenbacher

MOTION CARRIED

Appointments Carried-Over as Item F-1 on the Next Regular City Council Meeting Agenda Scheduled for June 2, 2003:

(a) Mayoral Appointments

Economic Development Corporation

Mayor, Council Approval (9) – 6 years

	Term expires 04-30-2009
	Term expires 04-30-2009
	Term expires 04-30-2009

Planning Commission

Mayor, Approved by Council (9) – 3 years

Cynthia Pennington (Resigned)	**Unexpired Term expires 12/31/05**

(b) City Council Appointments

Advisory Committee for Persons w/Disabilities

Approved by Council (9)- 3 years

	Term expires 07-01-2003 (Student)

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 05-15-2003**

F-2 Closed Session

Resolution #2003-05-266
Moved by Stine
Seconded by Howrylak

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

Yes: Howrylak, Lambert, Stine, Pryor, Beltramini, Broomfield
No: None
Absent: Eisenbacher

MOTION CARRIED

F-3 Renaming of a Portion of Ruthland Drive

Resolution #2003-05-267
Moved by Stine
Seconded by Lambert

RESOLVED, That the portion of Ruthland Drive platted within the Westwood Park Subdivision recorded Liber 249, Pages 11 through 15, Oakland County Michigan, be **RENAMED** to Cherished View Drive **EFFECTIVE** September 1, 2003; and

BE IT FURTHER RESOLVED, That the City Clerk shall **RECORD** a certified copy of this resolution with Oakland County Register of Deeds and the Treasurer of the State of Michigan.

Yes: Lambert, Stine, Pryor, Beltramini, Broomfield, Howrylak
No: None
Absent: Eisenbacher

MOTION CARRIED

F-4 Revised Special Assessment Cost for Creston Paving

Resolution #2003-05-268
Moved by Beltramini
Seconded by Stine

WHEREAS, The City Council of the City of Troy approved Standard Resolution #4 for Bituminous Paving of Creston, Somerton to Rochester on July 8, 2002 by affirming Resolution #2002-07-385, Special Assessment Roll #02.106.1.

WHEREAS, The approved estimated Special Assessment portion of the costs to be special assessed was $101,000.10 or $3,366.67 for each of the 30-units in the District.

WHEREAS, The accepted bid for the Special Assessment project sets the amount to be special assessed at 79,080.00 or $2,636.00 for each of the 30-units in the District as prepared by the City Engineer.

WHEREAS, The City Charter, Section 10.6 provides that if the excess of any approved special assessment roll shall exceed five (5) percent of the original levy, the excess shall be credited pro-rata towards all parcels in the original roll.

THEREFORE, BE IT RESOLVED, That Special Assessment Roll No. 02.106.1 shall be **AMENDED** to reduce the amount to be special assessed to $79,080.00 and each of the 30-units in the District shall be **ASSESSED** $2,636.00 for their share of the costs to be special assessed as shown on the roll prepared by the City Assessor, a copy of which shall be **ATTACHED** to and become a part of the Minutes of this meeting.

Yes: Stine, Pryor, Beltramini, Broomfield, Howrylak, Lambert
No: None
Absent: Eisenbacher

MOTION CARRIED

F-5 Request for Alley Vacation – Daley Street – Removed by City Management and Schedule a Public Hearing for the Regular City Council Meeting on Monday, June 2, 2003

Vote on Resolution to Schedule a Public Hearing

Resolution #2003-05-269
Moved by Stine
Seconded by Howrylak

RESOLVED, That a Public Hearing be set for the Regular City Council meeting scheduled for Monday, June 2, 2003 at 7:30 pm in the Troy City Council Chamber, for the purpose of vacating the 20-foot wide public alley right-of-way extending west approximately 125 feet from Daley Street in the area north of Big Beaver Road and abutting Lots 1-7 of Schroeders Subdivision (Liber 47, Page 35 of Oakland County Plats).

Yes: Pryor, Beltramini, Broomfield, Howrylak. Lambert, Stine
No: None
Absent: Eisenbacher

MOTION CARRIED

F-6 Amendment to Chapter 20 of the City Code (Water and Sewer Rates)

Resolution #2003-05-270
Moved by Stine
Seconded by Lambert

RESOLVED, That an amendment to Chapter 20, Water and Sewer Rates, is hereby **APPROVED**, and a copy shall be **ATTACHED** to the original Minutes of this meeting.

Yes: Beltramini, Broomfield, Howrylak. Lambert, Stine, Pryor
No: None
Absent: Eisenbacher

MOTION CARRIED

F-7 Bid Waiver – Workers' Compensation Insurance Renewal for Fiscal Year 2003/2004

Resolution #2003-05-271
Moved by Stine
Seconded by Beltramini

WHEREAS, The Michigan Municipal League (MML) has provided Workers' Compensation Insurance for the City of Troy and the premium charged has been equitable based on the City's experience; and

WHEREAS, It is desirable to continue the program through the Michigan Municipal League due to the positive experience of participating in the MML program.

NOW, THEREFORE, BE IT RESOLVED, That formal bidding procedures are hereby **WAIVED** and Workers' Compensation Insurance through the Michigan Municipal League Workers' Compensation Fund is hereby **APPROVED** for the fiscal year 2003-2004 in the annual estimated cost of $448,289.00.

Yes: Broomfield, Howrylak. Lambert, Stine, Pryor, Beltramini
No: None
Absent: Eisenbacher

MOTION CARRIED

F-8 Alternate Recommendation: Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder – One-Year Contract for Mosquito Control Services

Resolution #2003-05-272
Moved by Lambert
Seconded by Beltramini

RESOLVED, That a three-year contract for Proposal B (Subdivision Curb Catch Basin Treatment) be **AWARDED** to the low bidder, Tri-County Pest Control, Inc. of St. Clair Shores at an annual estimated total of $23,100.00 or $69,300.00 for three years, **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates, and all specified requirements and that all items under Proposal A be **REJECTED**.

BE IT FURTHER RESOLVED, That informal quotations for Proposal A be taken, with the first application of all items be **AWARDED ADMINISTRATIVELY IMMEDIATELY**, and the award for the remaining applications be presented to City Council for their review and approval at the first meeting in June.

Yes: Howrylak. Lambert, Stine, Pryor, Beltramini, Howrylak
No: None
Absent: Eisenbacher

MOTION CARRIED

COUNCIL COMMENTS/REFERRALS

REPORTS AND COMMUNICATIONS

G-1 Minutes – Boards and Committees:

(a) Planning Commission/Draft – April 8, 2003
(b) Library Advisory Board/Final – April 10, 2003
(c) Liquor Advisory Committee/Final – April 14, 2003
(d) Planning Commission-Special Meeting/Draft – April 22, 2003
(e) Troy Youth Council/Draft – April 23, 2003
(f) Library Advisory Board/Draft – May 1, 2003

Noted and Filed

G-2 Department Report(s):

(a) Permits Issued During the Month of April 2003

Noted and Filed

G-3 Announcement of Public Hearings:

(a) Request for Parking Variance – 208 W. Fourteen Mile (Proposed Address) – Krispy Kreme Doughnuts, Oakland Mall – **Scheduled for June 2, 2003**
(b) Commercial Vehicle Appeal – 1093 W. Wattles – **Scheduled for June 2, 2003**
(c) Proposed Zoning Ordinance Text Amendment – Article XXXIX (ZOTA 193) – Environmental Provisions – Walls, Article 39.00.00 – **Scheduled for June 2, 2003**

Noted and Filed

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

G-5 Letters of Appreciation:

(a) Letter from Ronald A. Gulbarelli, Principal – Susick Elementary School to Chief William Nelson Thanking the Troy Fire Department for Responding Quickly to a Roof Fire on the School Building
(b) Letter from John Castle to Kraig Schmottlach Complimenting the Entire Community Center's Front Desk Staff and Hazra Lakdawala and Nancy Gray for Their Courteous and Efficient Hard Work and Professionalism
(c) Letter from Arthur Slabosky – Institute of Transportation Engineers to John Abraham Thanking Him for His Informative Presentation at the ITE Michigan Section Meeting

Noted and Filed

G-6 Calendar

Noted and Filed

G-7 Memorandum – Re: Miscellaneous Equipment Auction Results on April 5, 2003 in St. Clair County Park – Goodells

Noted and Filed

G-8 Memorandum – Re: Citizens for the Troy Family Aquatic Center Committee – Update

Noted and Filed

G-9 Memorandum – Re: Weekend Sign Ordinance Enforcement Activities
Noted and Filed

G-10 Memorandum – Re: Planning Commission Work Program
Noted and Filed

PUBLIC COMMENT

The meeting adjourned at 12:00 A.M.

_____
Matt Pryor, Mayor

_____
Barbara A. Holmes, CMC
Deputy City Clerk

A Special Meeting of the Troy City Council was held Tuesday, May 13, 2003, at City Hall, 500 W. Big Beaver Road. Mayor Pryor called the Meeting to order at 7:45 P.M.

ROLL CALL

PRESENT: Mayor Matt Pryor
Robin E. Beltramini
Cristina Broomfield
David Eisenbacher
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

---

1 Discussion of Civic Center Financing Options

Joel Piell, Miller, Canfield, Paddock and Stone, and Robert Bendzinski, Bendzinski & Company, reviewed financing mechanisms available to finance a Hotel Conference Center on the Civic Center site. Key features and provisions of “63-20” financing were reviewed with City Council.

John Szerlag, City Manager, commented on questions generated at the April 28, 2003 City Council meeting.

PUBLIC COMMENT

The meeting adjourned at 9:50 P.M.

_____
Matt Pryor, Mayor

_____
John M. Lamerato, Assistant City Manger/
Finance and Administration

PROCLAMATION
16th ANNUAL CELEBRATION OF LIFE PICNIC
WILLIAM BEAUMONT HOSPITAL

WHEREAS, National Cancer Survivors Day is a day to draw national attention to, and raise public awareness of, the challenges faced by cancer survivors. Providing hope helps cancer patients fight harder and motivate them to seek medical treatment; and

WHEREAS, Cancer survivors and their families will celebrate the **16th Annual Celebration of Life Picnic** on Sunday, June 1, 2003 at William Beaumont Hospital in Troy; and

WHEREAS, William Beaumont Hospital plans this annual event to honor cancer survivors, their care givers and families as a show of strength and determination; and

WHEREAS, William Beaumont Hospital will join over 700 communities throughout America in celebrating life; and

WHEREAS, Today, eight million, nine hundred thousand Americans are cancer survivors, thanks to early detection, treatment, and research demonstrating that a cancer diagnosis is no longer an automatic death sentence;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy joins with William Beaumont Hospital to honor all cancer survivors for their strength and determination.

BE IT FURTHER RESOLVED, That the City Council of the City of Troy hereby proclaims **Sunday, June 1, 2003** as **National Cancer Survivors Day in the City of Troy.**

Presented this 1st day of June 2003.

May 16, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Charles Craft, Chief of Police
Gary Mayer, Police Captain
Thomas Gordon, Police Sergeant

SUBJECT: Application for new Specially Designated Merchant (SDM) license by **GABRIEL IMPORTED FOODS, INC.**

Gabriel Imported Foods requests a **new SDM** licensed business located at 42889 Dequindre, Troy, MI 48085, Oakland County. [MLCC ID#: 177687]

At its May 12th meeting, the Liquor Advisory Committee entertained this request. Present to answer questions from the Board was storeowner Jamil Bouharb. Mr. Bouharb is hoping to sell specialty beer and wine to compliment his food sales. He has already completed TIPS training. The Committee unamimously approved the request.

The police department's background investigation of the shareholders revealed no liquor violations or criminal activity. Consequently, we have no objection to this request.

Request from: **GABRIEL IMPORTED FOODS, INC.** for a new Specially Designated Merchant (SDM) licensed business, located at 42889 Dequindre Rd., Troy, MI 48085, Oakland County. [MLCC REQ ID#177687]; (b) Approval of Agreement __

A copy of the Liquor Advisory Committee Minutes are located under Agenda Item __

(a) New SDM licensed business

Suggested Resolution
Resolution #2003-

Moved by
Seconded by

RESOLVED, that the request from **GABRIEL IMPORTED FOODS, INC.** for a new Specially Designated Merchant (SDM) licensed business, located at 42889 Dequindre Rd., Troy, MI 48085, Oakland County. [MLCC REQ ID# 177687]; be considered for approval.

Yes:
No:

(b) Agreement

Suggested Resolution
Resolution #2003-

Moved by
Seconded by

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby approves an agreement with **GABRIEL IMPORTED FOODS, INC.** which shall become effective upon approval of the request for a new Specially Designated Merchant (SDM) licensed business located at 42889 Dequindre Rd. Troy, MI; and the Mayor and City Clerk are authorized to execute the document, a copy of which shall be attached to the original minutes of this meeting.

Yes:
No:

MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

REC'D ▶ 4/19/02 Date

LOCAL GOVERNMENT 15-DAY NOTICE
[Authorized by MAC 436.1105 (2d)(3)]

Troy City Council
CLERK
500 W. Big Beaver Road
Troy, MI 48084-0851

April 17, 2002
REQUEST ID# 177687

The Liquor Control Commission has received an application from:

Gabriel Imported Foods, Inc. request a new SDM licensed business located at 42889 Dequindre, Troy, MI 48098, Oakland County. stockholder Jamil Bouharb 4758 Heatherbrook, Troy, MI 4808 248 689 2042

Specially Designated Merchant (SDM) licenses permit the sale of beer and wine for consumption off the premises only. Specially Designated Distributor (SDD) licenses permit the sale of alcoholic liquor, other than beer and wine under 21 per cent alcohol by volume, for consumption off the premises only.

For your information, part of the investigation of the application is conducted by the local law enforcement agency and investigative forms will be released to them either in person or by mail.

Although local governing body approval is not required by the Michigan Liquor Control Act for off-premise licenses, the local governing body, or its designee, may notify the Commission within 15 days of receipt of this letter if the applicant location will not be in compliance with all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, or if the applicant is considered ineligible due to other factors.

All conditions of non-compliance must be outlined in detail, indicating the laws and ordinances applicable in this case, with a copy of the law and/or ordinance submitted with notification.

PLEASE RETURN YOUR RESPONSE TO:

Michigan Liquor Control Commission
Licensing Division
P.O. Box 30005
Lansing, Michigan 48909-7505

LC-3104 Rev. 6/90
4880-2068
nll

Michigan Department of Consumer & Industry Services
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

Donley 4/19/02

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

(Authorized by MCL 436.7a)

Important: Please conduct your investigation as soon as possible and complete all four sections of this report. Return the completed report and fingerprint cards to the Commission. 177687

BUSINESS NAME AND ADDRESS: (include zip code) GABRIEL IMPORTED FOODS, INC.
42889 DEQUINDRE, TROY, MI 48098, OAKLAND COUNTY

REQUEST FOR:
A NEW SDM LICENSE

Section 1. APPLICANT INFORMATION

APPLICANT #1:	APPLICANT #2:
JAMIL BOUHARB	
HOME ADDRESS AND AREA CODE/PHONE NUMBER: 4758 HEATHERBROOK TROY, MI 48098 248 689 2042	HOME ADDRESS AND AREA CODE/PHONE NUMBER:
DATE OF BIRTH:	DATE OF BIRTH:
If the applicant is not a U.S. Citizen: o Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No o Does the applicant have a Visa? Enter status:	If the applicant is not a U.S. Citizen: o Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No o Does the applicant have a Visa? Enter status:
Date fingerprinted: $30.00	Date fingerprinted:

Attach the fingerprint card and ~~$15.00~~ for each card and mail to the Liquor Control Commission.

ARREST RECORD: ☐ Felony ☐ Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	ARREST RECORD: ☐ Felony ☐ Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

Section 2. Investigation of Business and Address to be Licensed

Can living quarters be reached from the inside of the establishment without going outside? ☐ Yes ☐ No

Does applicant intend to have dancing or entertainment?
☐ No ☐ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit

Are gas pumps on the premises or directly adjacent? ☐ No ☐ Yes, explain relationship:

Section 3. Local and State Codes and Ordinances, and General Recommendations

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☐ Yes ☐ No

If you are recommending approval subject to certain conditions, list the conditions: (Attach a signed and dated report if more space is needed)

Section 4. Recommendation

From your investigation:

1. Is this applicant qualified to conduct this business if licensed? ☐ Yes ☐ No
2. Is the proposed location satisfactory for this business? ☐ Yes ☐ No
3. Should this request be granted by the Commission? ☐ Yes ☐ No
4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

Signature (Sheriff or Chief of Police) Date

(Mail white copy to the Commission, Keep yellow copy for your file)

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this ____ day of _____, 200___, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and GABRIEL IMPORTED FOODS, INC. whose address is 42889 Dequindre, the Applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the request for a new Specially Designated Merchant licensed business located at 42889 Dequindre, Troy, by GABRIEL IMPORTED FOODS, INC.
2. In consideration of the City of Troy's recommendation for approval of the transfer, the applicant hereby agrees that:
   (a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter No. 67, Chapter No. 68 and Chapter No. 98, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
   (b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028 regarding Entertainment Permits, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
   (c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

_____
Jamil Bouharb

GABRIEL IMPORTED FOODS, INC.

Witnesses:

_____
ALAN J. STOUT

Irene H. Kilian
IRENE H. KILIAN

Subscribed and sworn to before me
this 1st day of May, 2002

_____

Notary Public, _____
County, _____
My commission expires:

ALAN J. SAOUD
NOTARY PUBLIC MACOMB CO., MI
MY COMMISSION EXPIRES May 17, 2006

CITY OF TROY

By:_____
Matt Pryor, Mayor

By:_____
Tonni Bartholomew, City Clerk

Witnesses:

_____

_____

Subscribed and sworn to before me
this _____ day of _____, 200___

_____

Notary Public, Oakland
County, Michigan
My commission expires:

The meeting was called to order at 7:30 p.m. by James C. Moseley in the Lower Level Conference Room.

PRESENT	Henry W. Allemon Alex Bennett Anita Elenbaum W. Stan Godlewski James C. Moseley James R. Peard Carolyn Glosby, Asst City Attorney Sergeant Thomas J. Gordon Pat Gladysz	ABSENT	Max K. Ehlert, Chairman Stephanie Robotnik, Student Rep

Moved by J. Peard, seconded by S. Godlewski, to EXCUSE the absent members. APPROVED unanimously

Moved by J. Peard, seconded by S. Godlewski, to APPROVE the minutes of the April 14, 2003 meeting as printed. APPROVED unanimously

AGENDA ITEMS:

1. **GABRIEL IMPORTED FOODS, INC.**, requests a **new Specially Designated Merchant (SDM)** licensed business located at 42889 Dequindre, Troy, MI 48085, Oakland County. [MLCC REF #177687] *Second appearance by applicant, tabled at April 14, 2003 meeting.*

Present to answer questions from the committee were Jamil and Debra Bouharb.

Mr. Bouharb has owned this 4,000 square-foot specialty market for 18 years. He is requesting the SDM license to be able to sell specialty beer and wine to compliment his food sales. He provided a schematic diagram of the store which showed that the beer and wine would be located on the north wall. He attended TIPS program on May 4, 2003.

A. Bennett inquired as to the number of parking spaces available at the store. Mr. Bouharb answered the question and indicated there was ample parking in the front and rear of the store.

Sgt. Gordon reported that all inspections have been approved.

Moved by S. Godlewski, seconded by H. Allemon, to APPROVE the above request. APPROVED unanimously

2. **MAR-TY, LLC AND MARRIOTT INTERNATIONAL, INC**., 200 W. Big Beaver, Troy, Oakland County, request to **transfer** ownership of 2002 **B-Hotel** licensed business with Dance-Entertainment Permit, Official Permit (food), and 8 bars from CHC REIT Lessee Corp.; PA Troy Hospitality Investors LP, and, CHC REIT Management Corporation (step II). Request to **add** Marriott International, Inc. as **co-licensee** in 2002 **B-Hotel** licensed business with Dance-Entertainment Permit, Official Permit (food) and 8 bars (step III). [MLCC REQ ID# 95266]
Step I previously granted by Committee on August 13, 2001

Present to answer questions from the committee were Randall Whately, attorney for Marriott International, and Thomas Leone, Hotel Manager.

Sgt. Gordon reported that this item was brought to his attention by an investigator in Lansing and is merely a paperwork technicality. This matter is brought before the committee as a formality.

Mr. Whately answered questions from the committee regarding the ownership of the hotel. He stated that this hotel was built 13 years ago.

Moved by J. Peard, seconded by H. Allemon, to APPROVE the above request.
APPROVED unanimously

Sgt. Gordon distributed information and reported on the following general interest items:

- A memo dated 04/02/03 to City Council outlines the criteria for seating requirement at class C establishments.
- A memo dated 04/28/03 to City Council states that 103 licensed liquor establishments were visited during March and April as part of a liquor sting by the Directed Patrol Unit. There were five violations.
- A memo dated 04/26/03 to City Council outlines a resolution passed recommending a non-renewal of the SDD and SDM liquor license for Rite Aid on John R and Wattles. The Michigan Liquor Control Commission returned the resolution stating that they have no authority to take the recommended action.
- A new restaurant, Noodles & Company, is rebuilding at the former site of Denny's at Crooks and Big Beaver.
- Chola Garden at South Boulevard and Crooks is requesting a quota Class C license.

J. Moseley commented on the Rite Aid memo and questioned whether the Committee could use the violation history of a corporation to deny requests for additional licenses. Sgt. Gordon responded that the committee would have to consider the requests on a case-by-case basis. He also noted that denials may be overturned in Lansing. Assistant City Attorney C. Glosby commented that a rejection on the basis of violation history certainly seems to be one with reasonable basis.

A. Bennett questioned a portion of the Rite Aid memo as to which liquor laws the Community Coalition is pursuing to modify. Sgt. Gordon responded that the State of Michigan was considering changing the blood alcohol level from the current .1 to .08. Assistant City Attorney C. Glosby commented that the State may lose federal road funds if the blood alcohol level is not reduced.

J. Moseley introduced A. Bennett as a new member of the committee. A. Bennett spoke briefly about himself.

Moved by A. Bennett, seconded by A. Elenbaum, to ADJOURN the meeting at 8:10 p.m.
APPROVED unanimously

/pg

(3) "Professional account" means an account established for a person by a class C licensee or tavern licensee whose major business is the sale of food, by which the licensee extends credit to the person for not more than 30 days.
(4) "Residence" means the premises in which a person resides permanently.
(5) "Retailer" means a person licensed by the commission who sells to the consumer in accordance with rules promulgated by the commission.
(6) "Sacramental wine" means wine containing not more than 24% of alcohol by volume which is used for sacramental purposes.
(7) "Sale" includes the exchange, barter, traffic, furnishing, or giving away of alcoholic liquor. In the case of a sale in which a shipment or delivery of alcoholic liquor is made by a common or other carrier, the sale of the alcoholic liquor is considered to be made in the county within which the delivery of the alcoholic liquor is made by that carrier to the consignee or his or her agent or employee, and venue for the prosecution for that sale may be in the county or city where the seller resides or from which the shipment is made or at the place of delivery.
(8) "School" includes buildings used for school purposes to provide instruction to children in grades kindergarten through 12, when that instruction is provided by a public, private, denominational, or parochial school, except those buildings used primarily for adult education or college extension courses. School does not include a proprietary trade or occupational school.
(9) "Small wine maker" means a wine maker manufacturing or bottling not more than 50,000 gallons of wine in 1 calendar year.
(10) "Special license" means a contract between the commission and the special licensee granting authority to that licensee to sell beer, wine, mixed spirit drink, or spirits. The license shall be granted only to such persons and such organization and for such period of time as the commission shall determine so long as the person or organization is able to demonstrate an existence separate from an affiliated umbrella organization. If such an existence is demonstrated, the commission shall not deny a special license solely by the applicant's affiliation with an organization that is also eligible for a special license.
(11) "Specially designated distributor" means a person engaged in an established business licensed by the commission to distribute spirits and mixed spirit drink in the original package for the commission for consumption off the premises.
(12) "Specially designated merchant" means a person to whom the commission grants a license to sell beer or wine, or both, at retail for consumption off the licensed premises.
(13) "Spirits" means a beverage that contains alcohol obtained by distillation, mixed with potable water or other substances, or both, in solution, and includes wine containing an alcoholic content of more than 21% by volume, except sacramental wine and mixed spirit drink.
(14) "State liquor store" means a store established by the commission under this act for the sale of spirits in the original package for consumption off the premises.
(15) "Supplier of spirits" means a vendor of spirits, a manufacturer of spirits, or a primary source of supply.
History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.1113 Definitions; T to W.
Sec. 113. (1) "Tavern" means any place licensed to sell at retail beer and wine for consumption on the premises only.
(2) "Vehicle" means any means of transportation by land, by water, or by air.
(3) "Vendor" means a person licensed by the commission to sell alcoholic liquor.
(4) "Vendor of spirits" means a person selling spirits to the commission.

DATE: May 13, 2003

TO: The Honorable Mayor and City Council

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

SUBJECT: Revisions to Chapter 60 and Chapter 83 of the Troy City Code Regarding Fence Permit Fees

On March 3, 2003 City Council approved revisions to the permit fees as recommended by staff. Most of those fees are set by resolution, such that there were no changes to the City Code necessary to implement those revisions. However, the fees for fence permits are currently contained within the Fence Ordinance, Chapter 83 of the City Code. In order to properly implement the changes to the fee schedule for fence permits Chapter 83 needs to be revised.

In keeping with precedent set with other charges that the City has for services that are established by ordinance, these fees are being moved to a single location within Chapter 60 of the City Code. The attached proposed resolution carries out two tasks. The first is to remove the fees from Chapter 83 and insert a reference to their new location in Chapter 60. The second is to insert the fees as approved by City Council in March into Section 60.03 of Chapter 60.

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

ITEM 1

Revise Section 5 of Chapter 83 of the Troy City Code to read as follows:

5. PERMITS.

No fence shall be constructed until a permit for such construction has been obtained from the Building Department. Application for said permit shall contain such information as is necessary to determine if the proposed fence meets the requirements of this Ordinance and the Zoning Ordinance. The fee for said permit shall be **in accordance with the Fee Schedule found within Section 60.03 of Chapter 60 of the Troy City Code** ~~determined in the following manner: 300' lineal feet or less, $8.00, over 300 lineal feet, $12.00~~.

ITEM 2

Add the following to Section 60.03 of Chapter 60 of the Troy City Code:

ITEM/SERVICE:	FEE:
Fence Permit (Chapter 83)	
300 linear feet or less	$15.00
Over 300 linear feet	$25.00

CITY OF TROY
AN ORDINANCE TO AMEND CHAPTER 83 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 7th amendment to Chapter 83 the Fence Ordinance of the Code of the City of Troy.

Section 2. Amendment Chapter 83 of the Troy City Code is amended to read as follows:

5. Permits.

   No fence shall be constructed until a permit for such construction has been obtained from the Building Department. Application for said permit shall contain such information as is necessary to determine if the proposed fence meets the requirements of this Ordinance and the Zoning Ordinance. The fee for said permit shall be in accordance with the Fee Schedule found within Section 60.03 of Chapter 60 of the Troy City Code.

Section 3. Repeal
All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Savings
All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this ordinance adopting this penal regulation, for offenses committed prior to the effective date of this ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this ordinance may be continued, for offenses committed prior to the effective date of this ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 5. Severability Clause
Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this ordinance shall remain in full force and effect.

Section 6. Effective Date
This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the 2nd day of June, 2003.

_____
Matt Pryor, Mayor

_____
Tonni L. Bartholomew. City Clerk

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 60 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 the 20th amendment to Chapter 60, Fees and Bonds Required, of the Code of the City of Troy.

Section 2. Amendment

Section 60.03 shall be amended to incorporate the following Fence Permit Fees:

CHAPTER 60 FEES AND BONDS REQUIRED

ITEM/SERVICE	FEE
Fence Permit (Chapter 83)	
300 linear feet or less	$15.00
Over 300 linear feet	$25.00

Section 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Savings

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

Section 5. Severability Clause

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

Section 6. Effective Date

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

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the 2nd day of June, 2003.

_____
Matt Pryor, Mayor

_____
Tonni Bartholomew, MMC - City Clerk

May 15, 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
Patricia A. Petitto, Senior Right of Way Representative

SUBJECT: Request for Acceptance of Permanent Water Main Easement
Sidwell #88-20-17-200-025, Project No. 97.906.3
Long Lake/Northfield, L.L.C.

In connection with the development of the Adult Living Center at 4850-4900 Northfield Parkway in the Northeast ¼ of Section 17, the Real Estate and Development Department has acquired a permanent easement for water main from Long Lake/Northfield, L.L.C., the owners of the property. The consideration on the document is $1.00.

Management recommends that City Council accept the attached easement.

cc: Steve Vandette, City Engineer

PERMANENT EASEMENT

Sidwell #
Project #
Resolution #

Long Lake/Northfield, L.L.C., a Michigan limited liability company, Grantor, whose address is 850 Stephenson Highway, Suite 200, Troy, Michigan 48083 for and in consideration of the sum of: One Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 12 day of JUNE A.D. 1997.

In presence of:
WITNESS

ANTHONY S. ZOTOS

DENNIS T. PLETKE

LONG LAKE/NORTHFIELD, L.L.C.,
a Michigan Limited Liability Company

By: Damone Holdings, Inc.,
a Michigan Corporation, Manager

By: Michael J. Damone
Michael J. Damone
Its: President

STATE OF MICHIGAN)
COUNTY OF Oakland)

On this 12th day of June A.D. 1997, the foregoing instrument was acknowledged before me by Michael J. Damone, President of Damone Holdings, Inc., a Michigan corporation, Manager of Long Lake/ Northfield, L.L.C., a Michigan limited liability company, on behalf of the corporation and the company.

DIANNE BAYS
Notary Public, Oakland County, MI
My Commission Expires Mar. 15, 2000

DIANNE BAYS

Notary Public, OAKLAND County, Michigan

My Commission Expires 3/15/2000

(Corporations)

Prepared by:

Dennis C. Stephens
500 West Big Beaver
Troy, Michigan 48084

Return to:

City Clerk, City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Exhibit A

20' Wide Water Main Easement

RECEIVED BY

MAY 22 1997

ENGINEERING

Legal Description

The centerline of a 20' wide easement for water main, being a part of the N.E. 1/4 of Section 17, T.2N., R.11E., City of Troy, Oakland County, Michigan, described as commencing at the North 1/4 corner of Section 17; thence N. 87° 15' 02" E., 22.70 feet along the North line of Section 17; thence S. 02° 27' 59" E., 233.11 feet; thence 254.44 feet along the arc of a curve to the left (radius of 407.00 feet, central angle of 35° 49' 10", long chord bears S. 20° 22' 35" E., 250.32 feet); thence S. 38° 17' 10" E., 264.32 feet to the point of beginning; thence N. 51°42'50" E., 42.86 feet; thence S. 38° 17' 10" E., 195.00 feet; thence S. 82° 14' 02" E., 48.00 feet; thence N. 82° 14' 02" W., 48.00 feet; thence N. 38° 17' 10" W., 280.00 feet; thence N. 06° 20' 47" E., 20.00 feet; thence N. 51° 42' 50" E., 83.00 feet; thence N. 37° 52' 52" W., 343.28 feet; thence N. 02° 33' 54" W., 89.95 feet; thence S. 02° 33' 54" E., 89.95 feet; thence S. 37° 52' 52" E., 343.28 feet; thence N. 51° 42' 50" E., 131.00 feet; thence N. 87° 15' 02" E., 128.00 feet; thence S. 35° 20' 26" E., 118.00 feet; thence N. 54° 39' 34" E., 25.00 feet; thence S. 54° 39' 34" W., 25.00 feet; thence S. 35° 20' 26" E., 62.92 feet; thence S. 02° 44' 58" E., 30.00 feet; thence N. 87° 15' 02" E., 17.31 feet; thence S. 87° 15' 02" W., 17.31 feet; thence S. 02° 44' 58" E., 15.00; thence S. 19° 45' 02" W., 45.00 feet; thence S. 02° 44' 58" E., 58.00 feet; thence S. 87° 15' 02" W., 15.00 feet to the Point of Ending.

The Damone Group
850 Stephenson Hwy., Suite 200
Troy, MI 48083

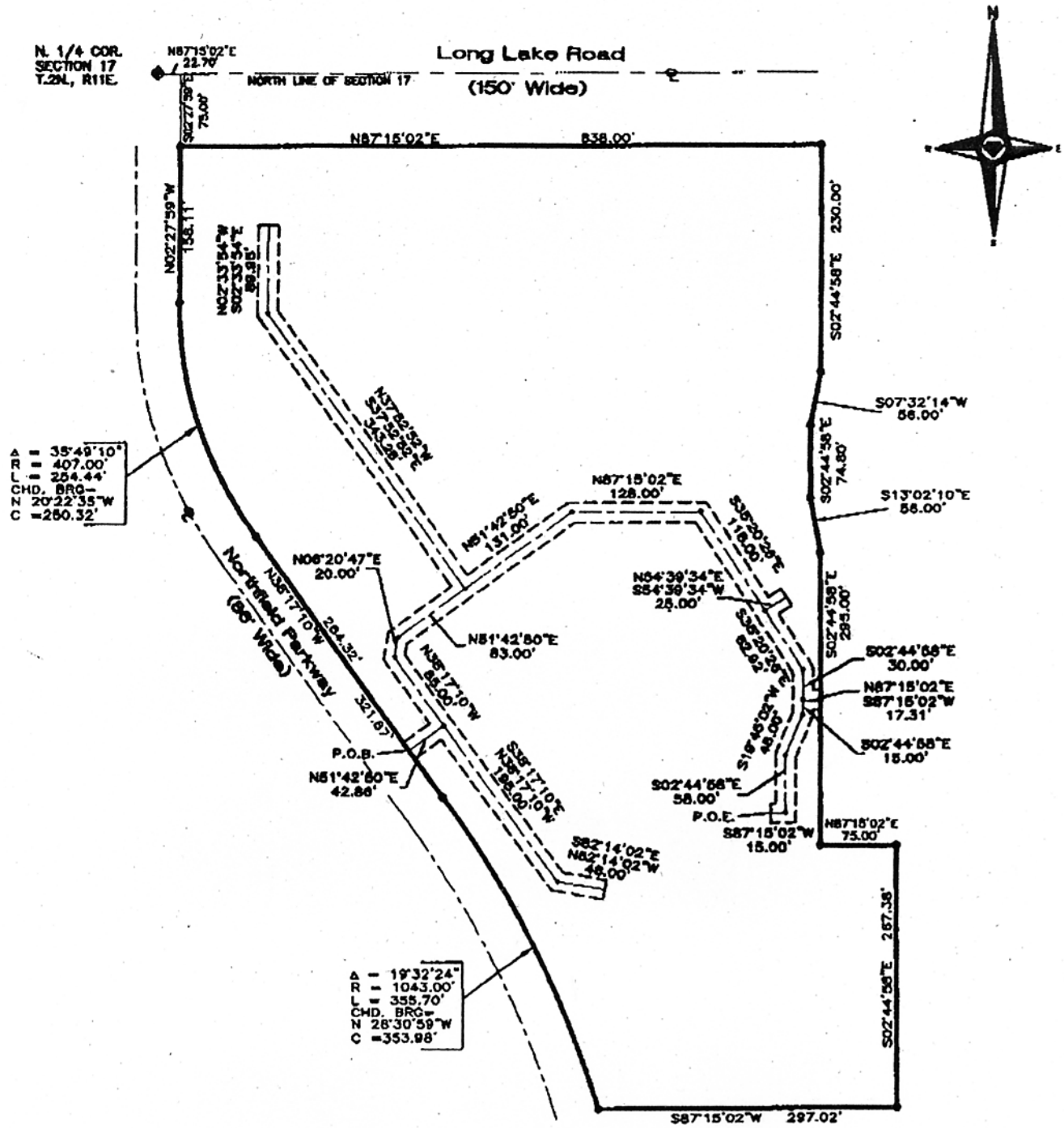
NOWAK & FRAUS
Civil Engineers Land Surveyors
1310 N. Stephenson Highway
Royal Oak, Michigan 48067-1508
Tel. (810) 399-0886
Fax. (810) 399-0805

SCALE:	DATED:	JOB No.	SHEET
1" = 150'	05-20-97	5-9722	2 of 2

Exhibit A

20' Wide Water Main Easement

RECEIVED BY
MAY 22 1997
ENGINEERING



May 13, 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
Patricia A. Petitto, Senior Right of Way Representative

SUBJECT: Request for Acceptance of Permanent Public Utilities and Clear Vision Easement and Permanent Water Main Easement
Sidwell #88-20-28-101-019, Candlewood Troy, MI, L.L.C.
Project No. 97.919.3

In connection with the development of the Candlewood Hotel and Office at 2550 – 2600 Troy Center in the Northwest ¼ of Section 28, the Real Estate and Development Department has acquired the following permanent easements from Candlewood Troy, MI, L.L.C., the owners of the property:

Public Utilities and Clear Vision Easement
Water Main Easement

The consideration on each document is $1.00. Management recommends that City Council accept the attached easements.

cc: Steve Vandette, City Engineer

PERMANENT EASEMENT

Sidwell #88-20-28-101-019
Res. #

Candlewood Troy, MI, L.L.C., a Delaware Limited Liability Co., , Grantor, whose address is 9342 East Central, Wichita, Kansas 67206 , for and in consideration of the sum of: One Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace public utilities and clear vision easement, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed this signature(s) this 18th day of Sept. A.D. 19 97

In presence of:
WITNESS

Chris Darnell
CHRIS DARNELL

CANDLEWOOD TROY, MI, L.L.C.

By: Jeffrey Hitz (L.S.)
Its: Managing Member

STATE OF Kansas)
COUNTY OF Sedgwick)

The foregoing instrument was acknowledged before me this 18 day of Sept, 1997 by Jeffrey Hitz, Managing Member of Candlewood Troy, MI, L.L.C. on behalf of said limited liability company.

TRACI J. HAYDEN
Notary Public - State of Kansas
My Appt. Expires 7/29/01

Traci J. Hayden
Notary Public, Sedgwick County, ~~Michigan~~ Kansas
My Commission Expires 7/29/01

(L.L.C.)

Prepared by:

Dennis C. Stephens
500 West Big Beaver
Troy, Michigan 48084

Return to:

City Clerk, City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

EXHIBIT "A"

PUBLIC UTILITIES & CLEAR VISION EASEMENT

A Public Utility & Clear Vision easement over part of Lot 34 of "F.J. Kirts Farms" a subdivision of part of the South 1/2 of the Northwest 1/4 of Section 28, T.2 N., R. 11 E., City of Troy, Oakland County, Michigan (Liber 31, Page 01, OCR), commencing at the Northwest comer of Lot 34; thence along the West lot line S 00°O4' 37" E, 542.05 feet to the Point of Beginning: Thence S 45°15' 48" E, 42.29 feet to a point on the North right-of-way line of Kirts Boulevard (120 feet wide); thence along said line S 89°33' 00' W, 30.00 feet to a point on the East right-of-way line of Troy Center Drive (120 feet wide), thence along said line N 00°04' 37" W, 30.00 feet to the Point of Beginning.

PERMANENT EASEMENT

Sidwell #88-20-28-101-019
Res. #

Candlewood Troy, MI, L.L.C., a Delaware Limited Liability Co., , Grantor, whose address is 9342 East Central, Wichita, Kansas 67206 , for and in consideration of the sum of: One Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main , said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed his signature(s) this 18th day of Sept A.D. 19 97

In presence of:
WITNESS

*CHRIS DARNELL

*

CANDLEWOOD TROY, MI, L.L.C.

By: *_____(L.S.)
Its: Managing Member

STATE OF Kansas)
COUNTY OF Sedgwick)

The foregoing instrument was acknowledged before me this 18 day of Sept, 1997 by Jeffrey Hitz, Managing Member of Candlewood Troy, MI, L.L.C. on behalf of said limited liability company.

TRACI J. HAYDEN
Notary Public - State of Kansas
My Appt. Expires 7/29/01

Traci J Hayden

Notary Public, Sedgwick County, ~~Michigan~~ Kansas
My Commission Expires 7/29/01

(L.L.C.)

Prepared by:

Dennis C. Stephens
500 West Big Beaver
Troy, Michigan 48084

Return to:

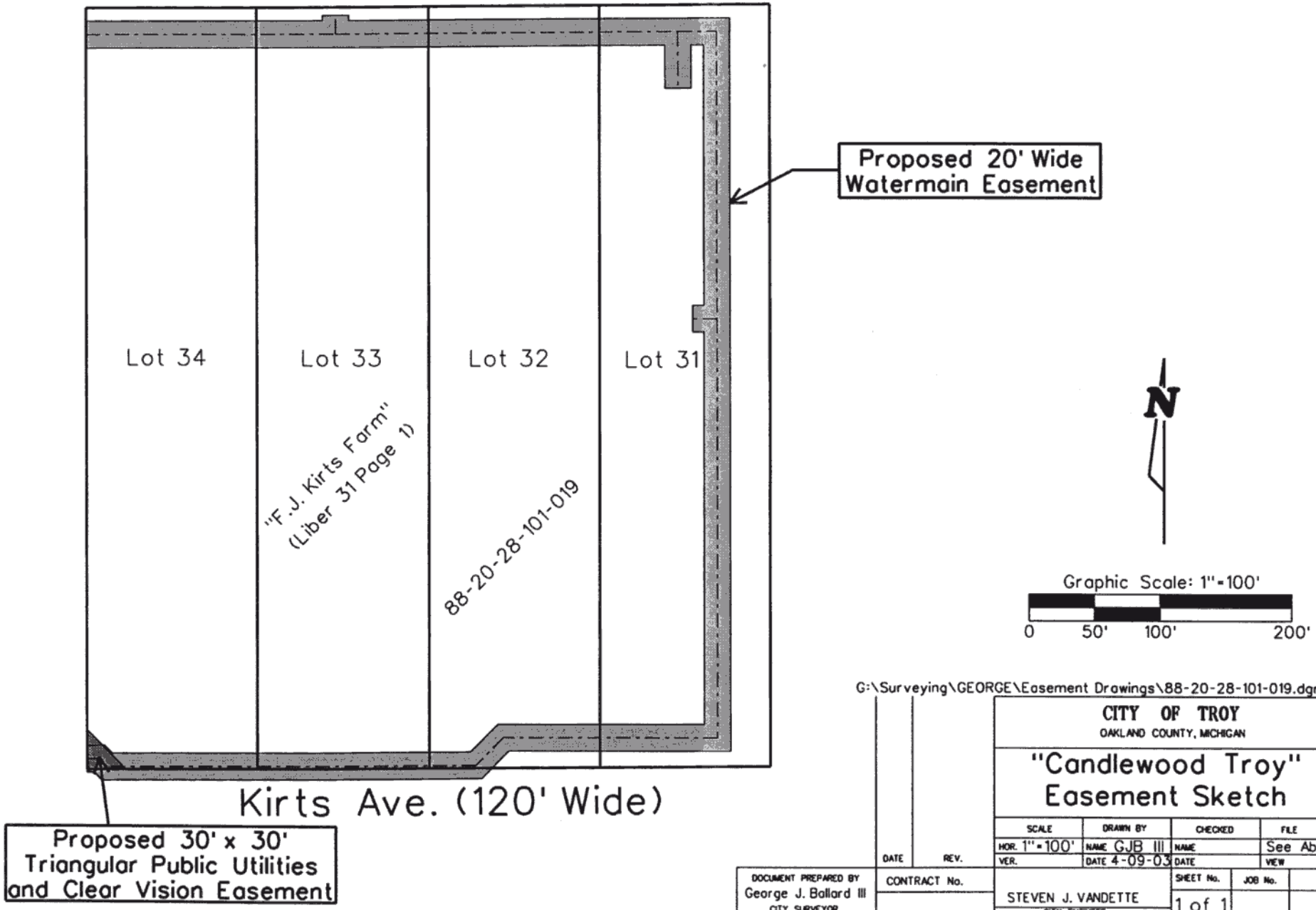
City Clerk, City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

TYPE OR PRINT NAMES UNDER SIGNATURES

EXHIBIT "A"

WATER MAIN EASEMENT

A 20 foot wide easement for the construction, operation, maintenance and repair of a water main over part of lots 31, 32, 33 and 34 inclusive of "F.J. Kirts Farm" a subdivision of part of the South 1/2 of the Northwest 1/4 of Section 28, T.2N., R.11 E., City of Troy, Oakland County, Michigan, (Liber 31, Page1, OCR), the centerline of which is described as commencing at the Northwest comer of Lot 34; thence along the West lot line S 00°04' 37" E, 20.00 feet to the Point of Beginning: Thence N 89°33' 00" E, 189.90 feet; thence N 00°27' 00" W, 13.87 feet; thence S 00°27' 00" E, 13.87 feet; thence N 89°33' 00" E, 260.00 feet; thence S 00°27' 00" E, 42.19 feet; thence N 00°27' 00" W, 42.19 feet; thence N 89°33' 00" E, 29.61 feet; thence S 00°05'13" E, 215.36 feet; thence S 89°54' 47" W, 18.61 feet; thence N 89°54' 47" E, 18.61 feet; thence S 00°05'13" E, 315.11 feet; thence S 89°55' 23" W, 163.44 feet; thence S 44°55' 23" W, 29.38 feet; thence S 89°33' 00" W, 279.93 feet; thence N 45°27' 00" W, 8.49 feet; thence S 89°33' 00" W, 9.42 feet to the Point of ending.


Proposed 20' Wide Watermain Easement
Lot 34
Lot 33
Lot 32
Lot 31
"F.J. Kirts Farm" (Liber 31 Page 1)
88-20-28-101-019
N
Graphic Scale: 1"=100'
0
50'
100'
200'
Kirts Ave. (120' Wide)
Proposed 30' x 30' Triangular Public Utilities and Clear Vision Easement
G:\Surveying\GEORGE\Easement Drawings\88-20-28-101-019.dgn
CITY OF TROY
OAKLAND COUNTY, MICHIGAN
"Candlewood Troy" Easement Sketch
SCALE
HOR. 1"=100'
VER.
DRAWN BY
NAME GJB III
DATE 4-09-03
CHECKED
NAME
DATE
FILE
See Above
VIEW
DATE
REV.
DOCUMENT PREPARED BY
George J. Ballard III
CITY SURVEYOR
CONTRACT No.
STEVEN J. VANDETTE
CITY ENGINEER
SHEET No.
1 of 1
JOB No.

May 19, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/Finance and Administration
Jeanette Bennett, Purchasing Director
Cynthia A. Stewart, Community Affairs Director

Subject: Standard Purchasing Resolution 1: Award To Low Bidder – Cable Bulletin Board System

RECOMMENDATION

On April 14, 2003, bids were opened for a Cable Bulletin Board/Messaging System to be used during non-programming hours on WTRY. After reviewing the proposals, City management recommends awarding the contract to the low total bidder, City Animation Company at an estimated cost of $12,810.00, as detailed below.

ITEM	QTY	DESCRIPTION	TOTAL
1.	1	Main Computer w/ accessories per specs	$9,995
2.	1	Live TV package with graphics	$ 795
6. c	1	Annual Maintenance for Item #1	$ 1,020
7.	1	On-site Installation Software configuration	$ 500
8.	1	On-Site Training	$ 500
		ESTIMATED TOTAL COST:	$12,810

ADDITIONAL INFORMATION

Two complete bids were received and both meet the basic computer and software specifications. The multi-media PC was bid as a turnkey system because of warranty and software support issues. DCI Communications uses Matrox Infonet software and a custom built PC. City Animation utilizes Targetvision software with an HP/Compaq PC. Our recommendation for the Targetvision system is based on price and product quality. The latter is more of a time-tested system. Originally designed for a corporate environment, it was expanded to serve public, municipal, and educational access channels as well. The Matrox Infonet software continues to be a work in progress. Although it is used at companies, cities and school districts, it is still a relatively new product, only two years old, and not as time-tested.

Beyond the basic software, both bids offer programming options, such as news and weather data subscriptions and Web presence software. Due to cost, we are rejecting the news and weather data subscription services, the software to provide for Website, and software to change or update via Internet per specifications at this time, along with the corresponding annual maintenance and support of these items. These items could be added at a later date in the future.

May 19, 2003

To: Honorable Mayor and City Council
Re: Bid Award – Cable Bulletin Board System

EXPLANATION OF BID NOT MEETING SPECIFICATIONS

City Animation bid an alternate price for Item #1, the main computer. The basic system did not meet the City's current standard and minimum requirements for Ram, Hard Drive space, nor have a DVD-Rom drive, and would provide a CRT monitor instead of a flat screen.

BACKGROUND

WTRY presently uses an outdated software program called SCALA InfoChannel that is about 5 years old. New technology and software better integrates video technology with computer technology. The SCALA InfoChannel software is non-upgradeable, does not integrate current video technology easily, and lacks a scheduling component (where outdated pages will automatically disappear from the page rotation). These three major issues with the current software warrant the upgrade.

BUDGET

Funds for this project are available from the Community Affairs Capital Account #401267.7978.010.

10 Bids Sent
2 Bid Responses Rec'd
1 No Bid

Opening Date -- 4/14/03
Date Prepared -- 5/1/03

CITY OF TROY
BID TABULATION
CABLE BULLETIN BOARD/MESSAGING

VENDOR NAME: **	CITY ANIMATION CO	DCI COMMUNICATIONS	
PROPOSAL--FURNISH AND INSTALL A CABLE BULLETIN BOARD/MESSAGING SYSTEM			
1. Main Computer with accessories per specifications or approved alternate	DMS ($8,995)		
COMPLETE FOR THE SUM OF:	**$ 9,995.00**	$ 5,945.48	
2. Live TV Package with grahics or approved alternate			
COMPLETE FOR THE SUM OF:	**$ 795.00**	$ 12,101.00	
	RECOMMEND REJECTION ITEM #3		
3. News & Weather Subscription Services	($1,200/YEAR)	($6,336/YEAR)	
Weather Only--	($600/YEAR)		
	RECOMMEND REJECTION ITEM #4		
4. Software to provide for Website per specifications or approved alternate	WEB PUBLISHER +$400 TO INSTALL		
COMPLETE FOR THE SUM OF:	$ (4,995.00)	$ (3,495.00)	
	RECOMMEND REJECTION ITEM #5		
5. Software to change or update Internet per specifications or approved alternate	EDIT LITE EACH DESKTOP		
COMPLETE FOR THE SUM OF:	$ (995.00)	$ (3,495.00)	
6. 800 Number support for Software (800)	(877) 789-TECH	(800) 457-1145	
a. Annual maintenance/support for Software for Website or approved alternate	RECOMMEND REJECTION ITEM #6(A) ($900/YEAR)	BLANK	
b. Annual maintenance/support for Software for Internet or approved alternate	RECOMMEND REJECTION ITEM #6(B) ($240/YEAR)	($11,400/YEAR)	
c. Annual maintenance for Item #1	**$1020/YEAR**		
7. On-site Installation Software configuration			
COMPLETE FOR THE SUM OF:	**$ 500.00**	$ 3,500.00	
8. On-site Training - 4 Hours			
COMPLETE FOR THE SUM OF:	**$ 500.00**	$ 500.00	
ESTIMATED GRAND TOTAL: **	**$ 12,810.00**	$ 22,046.48	
Identification List is Marked:	ADDM 1	BLANK	
INSURANCE: Can Meet	XX	XX	
Cannot Meet			
COMPLETION: COMMENCE WITHIN	21-30/Days	BLANK	
SITE INSPECTION: Yes or No	YES	YES	
Date	Jul-2002	Jan-2003	

Opening Date -- 4/14/03
Date Prepared -- 5/1/03

CITY OF TROY
BID TABULATION
CABLE BULLETIN BOARD/MESSAGING

VENDOR NAME:	** CITY ANIMATION CO	DCI COMMUNICATIONS	
Location:	57 PARK ST TROY	STERLING HGTS / WARREN	
Numbers Yes or No	YES	YES	
TERMS:	NET 30	PD IN FULL ON COMPLETION	
WARRANTY:	PC 3 YRS; SOFTWARE W/ANNUAL MTNCE-UNLIMITED	3 YEARS PARTS	
COMPLETION DATE:	**June 30, 2003**	**June 30, 2003**	
EXCEPTIONS:	DEVIATIONS PROPOSED AS ALTERNATES.	BLANK	

DMS:
City Animation: Item #1 - Main Computer - $8,995
Re: Hard Drive Space minimum 100GB vs. 40GB, no DVD-ROM Drive, not enough RAM, Flat Screen vs. CRT Monitor

NO BIDS:
Multi-Image Network

**** DENOTES LOW TOTAL BIDDER**

ATTEST:
MaryAnn Hays
Cynthia Stewart
Jeff Verhoef
Linda Bockstanz

Jeanette Bennett
Purchasing Director

CAC MESSAGING TECHNOLOGIES
DIVISION OF CITY ANIMATION CO.
57 PARK STREET
TROY MI 48083

CDS ELECTRONICS DESIGN
1852 THURDERBIRD DRIVE
TROY MI 48084

DCI COMMUNICATIONS
3694 BRANDI DR
STERLING HEIGHTS MI 49310

MULTI-IMAGE NETWORK
312 OTTERSON DRIVE #F
CHICO CA 95928

PROGRAMMED PRODUCTS
44311 GRAND RIVER AVE
NOVI MI 48375

SCREEN WORKS INC
47522 GALLEON DRIVE
PLYMOUTH MI 48170

VULTRON INC
2600 BOND STREET
ROCHESTER MI 48309

May 20, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Charles Craft, Chief of Police
Gary Mayer, Police Captain
Thomas Gordon, Police Sergeant

SUBJECT: **Mar-ty, LLC and Marriott International, Inc**., 200 W. Big Beaver, Troy, Oakland County, request to **transfer** ownership of 2002 **B-Hotel** licensed business with Dance-Entertainment Permit, Official Permit (food), and 8 bars from CHC REIT Lessee Corp.; PA Troy Hospitality Investors LP, and, CHC REIT Management Corporation (step II). Request to **add** Marriott International, Inc. as **co-licensee** in 2002 **B-Hotel** licensed business with Dance-Entertainment Permit, Official Permit (food) and 8 bars (step III). [MLCC REQ ID# 95266]

Mar-ty, LLC and Marriott International, Inc., has requested to transfer ownership of a B-Hotel licensed business (with permits), and to add Marriott International, Inc. as co-licensee.

The Liquor Advisory Committee recommended approval of this application at its May 12th meeting. Present at that meeting to answer questions from the Committee were Randall Whately, attorney for Marriott International, and Thomas Leone, Hotel Manager. This request is made to finalize a corporate restructuring, and is being completed in three steps. Council approved the first step on September 10, 2001. The second and third steps, as outlined in the request, will complete the process. There will be no changes whatsoever to the operations or upper management of Marriott Troy.

The police department's background investigation of the corporate officers did not reveal any criminal histories. We have no objection to this request.

REQUEST: **Mar-ty, LLC and Marriott International, Inc**., 200 W. Big Beaver, Troy, Oakland County, request to **transfer** ownership of 2002 **B-Hotel** licensed business with Dance-Entertainment Permit, Official Permit (food), and 8 bars from CHC REIT Lessee Corp.; PA Troy Hospitality Investors LP, and, CHC REIT Management Corporation (step II). Request to **add** Marriott International, Inc. as **co-licensee** in 2002 **B-Hotel** licensed business with Dance-Entertainment Permit, Official Permit (food) and 8 bars (step III). [MLCC REQ ID# 95266] __

A copy of the Liquor Advisory Committee Minutes are located under Agenda Item __

(a) License Transfer

Suggested Resolution
Resolution #2003-

Moved by
Seconded by

RESOLVED, that the request by **Mar-ty, LLC and Marriott International, Inc**., 200 W. Big Beaver, Troy, Oakland County, to **transfer** ownership of 2002 **B-Hotel** licensed business with Dance-Entertainment Permit, Official Permit (food), and 8 bars from CHC REIT Lessee Corp.; PA Troy Hospitality Investors LP, and, CHC REIT Management Corporation (step II). Request to **add** Marriott International, Inc. as **co-licensee** in 2002 **B-Hotel** licensed business with Dance-Entertainment Permit, Official Permit (food) and 8 bars (step III). [MLCC REQ ID# 95266], be considered for approval.

It is the consensus of this legislative body that the application be recommended for issuance.
Yes:
No:

(b) Agreement

Suggested Resolution
Resolution #2003-

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

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Troy hereby approves an agreement with **Mar-ty, LLC and Marriott International, Inc**., 200 W. Big Beaver, Troy, Oakland County, to **transfer** ownership of 2002 **B-Hotel** licensed business with Dance-Entertainment Permit, Official Permit (food), and 8 bars from CHC REIT Lessee Corp.; PA Troy Hospitality Investors LP, and, CHC REIT Management Corporation (step II). Request to **add** Marriott International, Inc. as **co-licensee** in 2002 **B-Hotel** licensed business with Dance-Entertainment Permit, Official Permit (food) and 8 bars (step III). [MLCC REQ ID# 95266], a copy of which shall be attached to the original minutes of this meeting.

Yes:
No:

Req ID #95266

Michigan Department of Consumer & Industry Services
LIQUOR CONTROL COMMISSION
150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909-7505

POLICE INSPECTION REPORT ON LIQUOR LICENSE REQUEST

(Authorized by MCL 436.7a)

Important: Please conduct your investigation as soon as possible and complete all four sections of this report. Return the completed report and fingerprint cards to the Commission.

BUSINESS NAME AND ADDRESS: (include zip code) CHC REIT LESSEE CORP. (A FLORIDA CORPORATION), CHC REIT MANAGEMENT CORPORATION (A FLORIDA CORPORATION), and MAR-TY, LLC (A DELAWARE LIMITED LIABILITY COMPANY) (CO-LICENSEES), 200 W. Big Beaver, Troy, MI 48084, Oakland County

REQUEST FOR: Drop GENCOM LESSEE, LIMITED PARTNERSHIP (A DELAWARE LIMITED PARTNERSHIP) and PA TROY HOSPITALITY INVESTORS LIMITED PARTNERSHIP (A VIRGINIA LIMITED PARTNERSHIP) as co-licensees and add CHC REIT MANAGEMENT CORPORATION (A FLORIDA CORPORATION) and MAR-TY, LLC (A DELAWARE LIMITED LIABILITY COMPANY) as co-licensees in 2000 B-Hotel licensed business with Dance-Entertainment Permit, Official Permit (Food), and 8 bars. Also requests new SDM

Section 1. NOT APPLICABLE — APPLICANT INFORMATION — NOT APPLICABLE

APPLICANT #1: CHC HOTELS & RESORTS CORP. - Stockholder in CHC REIT MANAGEMENT CORPORATION (A FLORIDA CORPORATION) (CO-LICENSEE)	APPLICANT #2: MAR-TY MEZZ, LLC - Member in MAR-TY, LLC (A DELAWARE LIMITED LIABILITY COMPANY) - (CO-LICENSEE)
HOME ADDRESS AND AREA CODE/PHONE NUMBER: 1950 Stemmons Freeway, Suite 6001 Dallas, TX 75207 (214)863-1000	HOME ADDRESS AND AREA CODE/PHONE NUMBER: same address & phone # as CHC HOTELS & RESORTS CORP.
DATE OF BIRTH:	DATE OF BIRTH:
If the applicant is not a U.S. Citizen: o Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No o Does the applicant have a Visa? Enter status:	If the applicant is not a U.S. Citizen: o Does the applicant have permanent Resident Alien status? ☐ Yes ☐ No o Does the applicant have a Visa? Enter status:
Date fingerprinted:	Date fingerprinted:

Attach the fingerprint card and $15.00 for each card and mail to the Liquor Control Commission.

ARREST RECORD: ☐ Felony ☐ Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)	ARREST RECORD: ☐ Felony ☐ Misdemeanor Enter record of all arrests & convictions (attach a signed and dated report if more space is needed)

Section 2. Investigation of Business and Address to be Licensed

Can living quarters be reached from the inside of the establishment without going outside? ☐ Yes ☐ No

Does applicant intend to have dancing or entertainment?
☐ No ☐ Yes, complete LC-693N, Police Investigation Report: Dance/Entertainment Permit

Are gas pumps on the premises or directly adjacent? ☐ No ☐ Yes, explain relationship:

Section 3. Local and State Codes and Ordinances, and General Recommendations

Will the applicant's proposed location meet all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, if this license is granted? ☐ Yes ☐ No

If you are recommending approval subject to certain conditions, list the conditions: (Attach a signed and dated report if more space is needed)

Section 4. Recommendation

From your investigation:

1. Is this applicant qualified to conduct this business if licensed? ☐ Yes ☐ No
2. Is the proposed location satisfactory for this business? ☐ Yes ☐ No
3. Should this request be granted by the Commission? ☐ Yes ☐ No
4. If any of the above 3 questions were answered no, state your reasons: (Attach a signed and dated report if more space is needed)

COPY

MAILED 9/14/01

Signature (Sheriff or Chief of Police) Date

LC-1800 Rev. 06/97

(Mail white copy to the Commission, Keep yellow copy for your file)

City of Troy

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

Area code (248)

Assessing
524-3311

Bldg. Inspections
524-3344

Bldg. Maintenance
524-3368

City Clerk
524-3316

City Manager
524-3330

Community Affairs
524-1147

Engineering
524-3383

Finance
524-3411

Fire-Administration
524-3419

Human Resources
524-3339

Information Services
619-7279

Law
524-3320

Library
524-3545

Parks & Recreation
524-3484

Planning
524-3364

Police-Administration
524-3443

Public Works
524-3370

Purchasing
524-3338

Real Estate & Development
524-3498

Treasurer
524-3334

General Information
524-3300

CITY OF TROY
OAKLAND COUNTY, MICHIGAN

RESOLUTION

At a Regular meeting of the Troy City Council held on Monday, September 10, 2001, the following Resolution was passed:

Moved by Pallotta Seconded by Schilling

(a) License Transfer

RESOLVED, That the request from CHC REIT LESSEE CORPORATION (Marriott-Troy) to drop GENCOM LESSEE, Limited Partnership and PA TROY HOSPITALITY INVESTORS, Limited Partnership as Co-licensees, and add CHC REIT MANAGEMENT CORPORATION, and MAR-TY, LLC as co-licensees of 2000 B-Hotel license, located at 200 W. Big Beaver, Troy, MI 48084, Oakland County {MLCC REF #95266} be considered for approval. It is the consensus of this legislative body that the application be recommended for issuance.

(b) Agreement

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby approves an agreement with CHC REIT LESSEE CORPORATION, which shall become effective upon approval to drop GENCOM LESSEE, Limited Partnership and PA TROY HOSPITALITY INVESTORS, Limited Partnership as Co-licensees, and add CHC REIT MANAGEMENT CORPORATION, and MAR-TY, LLC as co-licensees of 2000 B-Hotel license, located at 200 W. Big Beaver, Troy, MI 48084, Oakland County {MLCC REF #95266}; and the Mayor and City Clerk are authorized to execute the document, a copy of which shall be attached to the original Minutes of this meeting.

Yes: All-7

I, Tonni L. Bartholomew, duly appointed Clerk of the City of Troy, do hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Troy City Council at a Regular Meeting duly called and held on Monday, the tenth day of September, 2001.

Tonni L. Bartholomew

Tonni L. Bartholomew
City Clerk

Received & mailed 2-27-03
SMR

MICHIGAN DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
Liquor Control Commission
7150 Harris Drive
P.O. Box 30005
Lansing, Michigan 48909
LOCAL GOVERNMENT 15 DAY NOTICE

TO: Troy City Council
Attn: Clerk
500 W. Big Beaver Rd.
Troy, MI 48084-5285

DATE: February 24, 2003

The Liquor Control Commission has received an application for: Mar-Ty, LLC and Marriott International, Inc. for a new SDM to be held in conjunction with 2002 B-Hotel licensed business located at 200 W. Big Beaver, Troy, MI 48084.

Specially Designated Merchant (SDM) licenses permit the sale of beer and wine for consumption off the premises only. Specially Designated Distributor (SDD) licenses permit the sale of alcoholic liquor, other than beer and wine under 21 per cent alcohol by volume, for consumption off the premises only.

For your information, part of the investigation of the application is conducted by the local law enforcement agency and investigative forms will be released to them either in person or by mail.

Although local governing body approval is not required by the Michigan Liquor Control Act for off-premise licenses, the local governing body, or its designee, may notify the Commission within 15 days of receipt of this letter if the applicant location will not be in compliance with all appropriate state and local building, plumbing, zoning, fire, sanitation and health laws and ordinances, or if the applicant is considered ineligible due to other factors.

All conditions of non-compliance must be outlined in detail, indicating the laws and ordinances applicable in this case, with a copy of the law and/or ordinance submitted with the notification.

Please return your response to:
Michigan Liquor Control Commission
Licensing Division
P.O. Box 30005
Lansing, Michigan 48909

Released + mailed 2-2

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, MI 48909-7505

LOCAL APPROVAL NOTICE

(Authorized by MCL 436.1501(2) and MAC 1105(2)(d))

Req ID: 95266

Date: February 24, 2003

To: Troy City Council
Attn: Clerk
500 W. Big Beaver Rd.
Troy, MI 48084-5285

Applicant: Mar-Ty, LLC (step II)
Member: Mar-Ty Mezz, LLC

Mar-Ty, LLC and Marriott International, Inc. (step III)
Member Of Mar-Ty, LLC: Mar-Ty Mezz, LLC
Stockholders in Marriott International, Inc. (Public Corp)

Local Legislative approval is required for new and transferring On-Premises licenses by MCL 436. 1501 of the Michigan Liquor Control Code of 1998. Local approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT OR TOPLESS ACTIVITY permits by authority of MCL 436.1916.

For your convenience a resolution form is enclosed that includes a description of the licensing transaction requiring approval. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the Liquor Control Commission as soon as possible.**

If you have any questions, please contact the On-Premise Section of the Licensing Division as (517) -322-1400.

PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS

Released + mailed 2-27-03
smn

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
LIQUOR CONTROL COMMISSION
7150 Harris Drive
P.O. Box 30005
Lansing, MI 48909-7505

RECEIVED
MAR 04 2003
CITY OF TROY
CITY MANAGER'S OFFICE

LOCAL APPROVAL NOTICE

(Authorized by MCL 436.1501(2) and MAC 1105(2)(d))

Req ID: 95266

Date: February 24, 2003

To: Troy City Council
Attn: Clerk
500 W. Big Beaver Rd.
Troy, MI 48084-5285

Applicant: CHC REIT Lessee Corp.; PA Troy Hospitality Investors LP, and CHC REIT Management Corporation.

Local Legislative approval is required for new and transferring On-Premises licenses by MCL 436. 1501 of the Michigan Liquor Control Code of 1998. Local approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT OR TOPLESS ACTIVITY permits by authority of MCL 436.1916.

For your convenience a resolution form is enclosed that includes a description of the licensing transaction requiring approval. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the Liquor Control Commission as soon as possible.**

If you have any questions, please contact the On-Premise Section of the Licensing Division as (517) -322-1400.

PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS

LC-1305 REV 9/17
4880-1234

The meeting was called to order at 7:37 p.m. by James Moseley in Conference Room C.

PRESENT: David Balagna
W. Stan Godlewski
James Moseley
James Peard
Sergeant George Zielinski
Marsha Livingston, Office Coordinator

ABSENT: Max Ehlert
Thomas Sawyer
John Walker
Jennifer Gilbert, Student Rep

Moved by Balagna, seconded by Peard, to EXCUSE the absent member(s).
APPROVED unanimously

Moved by Balagna, seconded by Godlewski, to APPROVE the minutes of the June 11, 2001 meeting as printed.
APPROVED unanimously

AGENDA ITEMS:

1. **CHC REIT LESSEE CORP. (A FLORIDA CORPORATION)** requests to drop GENCOM LESSEE, LIMITED PARTNERSHIP (A DELAWARE LIMITED PARTNERSHIP) and PA TROY HOSPITALITY INVESTORS, LIMITED PARTNERSHIP (A VIRGINIA LIMITED PARTNERSHIP) as co-licensees and add CHC REIT MANAGEMENT CORPORATION (A FLORIDA CORPORATION) and MAR-TY, LLC (A DELAWARE LIMITED LIABILITY COMPANY) as co-licensees in 2000 B-Hotel licensed business with Dance-Entertainment Permit, Official Permit (Food), and 8 bars, located at 200 W. Big Beaver, Troy, MI 48084, Oakland County, and requests a new SDM license. [MLCC REF#95266]

Present to answer questions from the committee was John Carlin.

Mr. Carlin distributed copies of the previous ownership chart and the current ownership chart to show the members. The previous owner, CHC Hotels & Resorts Corp, was bought out by Wyndham International, Inc. so the hotel became a subsidiary of Wyndham International, Inc. Then Patriot American Hospitality, Inc. merged with Wyndham International, Inc. and became a new subsidiary of Wyndham. The changes effected only this hotel and a hotel in Saginaw, Michigan. Basically, top management are the only people that know about this change in ownership.

There has been only one violation in July 2000, which ended up being dismissed. The violation was for Sale to Minor.

There will be no changes in the hotel, which will still be operated by Marriott. Upper management people have all stayed the same.

Moved by Balagna, seconded by Peard, to APPROVE the above request.
APPROVED unanimously

A discussion was held by members of the committee regarding sending a memo to City Council from the committee to limit liquor licenses (transfers/resorts).

Moved by Balagna, seconded by Godlewski, to APPROVE the above request.
APPROVED unanimously

Moved by Peard, seconded by Balagna, to ADJOURN the meeting at 7:54 p.m.
APPROVED unanimously

ML/ml

AGREEMENT REGARDING LIQUOR LICENSE REQUEST

This Agreement, made this 7th day of April, 2003, by and between the CITY OF TROY, MICHIGAN, a municipal corporation, with offices located at 500 W. Big Beaver Road, Troy, Michigan, 48084, hereinafter known as THE CITY, and **MAR-TY, LLC AND MARRIOTT INTERNATIONAL, INC. (DELAWARE CORP.)**, whose address is 200 W. Big Beaver Rd., Troy, MI 48084, the Applicant, hereinafter known as APPLICANT.

1. The City Council of the City of Troy, for and in consideration of the following covenants and conditions, agrees to recommend to the Michigan Liquor Control Commission Approval of the request by **Mar-ty, LLC and Marriott International, Inc.**, 200 W. Big Beaver, Troy, Oakland County, request to **transfer** ownership of 2002 **B-Hotel** licensed business with Dance-Entertainment Permit, Official Permit (food), and 8 bars from CHC REIT Lessee Corp.; PA Troy Hospitality Investors LP, and, CHC REIT Management Corporation (step II). Request to **add** Marriott International, Inc. as **co-licensee** in 2002 **B-Hotel** licensed business with Dance-Entertainment Permit, Official Permit (food) and 8 bars (step III). [MLCC REQ ID# 95266].
2. In consideration of the City of Troy's recommendation for approval of the transfer, the applicant hereby agrees that:
   a) It has read and is aware of the provisions of City of Troy Ordinances, Chapter Nos. 67, 68, and 98, and agrees that it shall be deemed to have knowledge of any subsequent amendments to said Chapters which may become effective during the term of this agreement.
   b) It has read and is in receipt of copies of the provisions of the City of Troy, City Council Resolution No. 93-1028, and agrees that it shall be deemed to have knowledge of any subsequent amendments to the Resolution which may become effective during the term of this agreement.
   c) It agrees to observe and comply with all laws, statutes, ordinances, rules, regulations or resolutions of the United States government, State of Michigan, and the City of Troy, or any department or agency of the governmental entities, as well as the rules and regulations of the Michigan Liquor Control Commission as they pertain to the operation of a liquor licensed business in the City of Troy.
3. Applicant agrees that the recommendation for Approval agreed upon by the City Council is not a property right and is approved upon the express and continuing condition that no violation as set forth in paragraph 2 of this agreement shall occur.
4. Applicant agrees that the recommendation for Approval agreed upon by the City Council is approved upon the express and continuing condition that the physical characteristics (including but not limited to the inside layout, building design and engineering, seating capacity, parking space allocations, fire exits, and other physical attributes); and also the nature and type of business intended to be conducted remain virtually the same.
5. Applicant agrees that upon such violation, after full investigation and an

opportunity for said applicant to be heard, upon a finding by the City Council that a violation as set forth in paragraph 2 of this agreement has occurred, the City Council shall have just cause for revocation of said recommendation for approval.

Nancy Beeneman
Assistant Secretary
AUTHORIZED REPRESENTATIVE
MARRIOTT INTERNATIONAL, INC.

Witnesses:

Subscribed and sworn to before me
this 7th day of April, 2003
R. Scott Campbell

R. SCOTT CAMPBELL
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires September 13, 2004

Notary Public
County,
My commission expires:

CITY OF TROY

By:
Matt Pryor, Mayor

By:
Tonni Bartholomew, City Clerk

Witnesses:

_____

_____

Subscribed and sworn to before me
this _____ day of _____, 2003

_____

Notary Public, Oakland
County, Michigan
My commission expires:

LCC
Liquor Licensee History

Business name:	**Troy Marriott Hotel**
Address:	200 W. Big Beaver (248) 680-9797
Licensee:	CHC Reit Lessee Corp.; Gencom Lessee LP; PA Troy Hospitality Investors, LP
License type:	**B-Hotel** (30829-2002)
Permits:	Sunday Sales, D/E, Official (Food), *8 Bars*
Comments:	Mike Feigenbaum, General Manager 680-9797

Date	Troy Incident #	Type	Disposition	Date
1/22/90		Council approved license		
10/17/90	**90-32277**	**Sale to minor (compliance test)**	**Fined $400 11/26/91**	
6/17/92	**92-17111**	**Sale to minor (compliance test)**	**Fined $200 each count**	**3/10/93**
12/20/92	**92-38954**	**3 counts Allow fights, brawls, etc.; allow intoxicated person to loiter; allow annoying & molesting of customers.**		
11/22/93	**93-36579**	**Sale to minor (compliance test)**	**Fined $1000 each count 24 hour suspension served 3/4/94**	**1/24/94**
10/2/95	**MLCC**	**Fail to Maintain Records, Sell an interest w/o approval, obtain license in it's name to benefit another, allow corp. whose name doesn't appear on license to derive benefit from license.**	**Fined $800.**	
6/3/96		Council grants transfer of license to CHC Reit Lessee Corp and Gemcom Lessee, LP.		
3/3/97		Council grants request for PA Troy hospitality Investors, LP to become partner.		
12/18/97	**97-45894**	**Sale to minor (compliance test)**	**MLCC Fined $600.**	**6/10/98**
01/02/99	99-00144	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
02/22/99	99-07201	Liquor Inspection (Road Patrol)	NO VIOLATIONS	

06/24/99	99-24029	Compliance Test	PASSED	
11/23/99	none	Compliance Test	PASSED	
01/01/00	**MLCC**	**Sell unlimited qty alcohol at one price** **Allow unlawful gambling (with raffle tickets)** **Allow unlawful gambing (raffle tickets)** **Allow contest with prize > $250**	**$300** **$300** **$300** **$300** **$1200**	**11/13/00** **11/13/00** **11/13/00** **11/13/00**
07/28/00	**00-27507**	**Sale to Minor-Compliance Test**	**DISMISSED** **witnesses failed to show** **Hearing was postponed from 01/03/01, but we never received a reschedule date!**	
08/13/00	00-29766	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
10/25/00	00-39555	Compliance Test	PASSED	
11/17/00	00-42661	Compliance Test	PASSED	
11/30/00	00-44305	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
01/16/01	01-01878	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
02/26/01		**Council Show Cause-**resolution to require all servers to undergo TIPS/TAM training with proof to PD within 60 days - **rec'd 04/25/01**		
03/19/01	01-09496	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
04/25/01		Proof of TIPS received		
05/03/01		Compliance Test	PASSED	
06/06/01	01-19813	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
06/20/01	01-21798	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
08/17/01	01-29646	Compliance Test	PASSED	
08/29/01	01-31084	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
10/05/01	01-36171	Compliance Test	PASSED	
10/18/01	01-37638	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
01/04/02	02-00436	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
03/01/02	02-06526	Compliance Test	PASSED	
04/16/02	02-11646	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
06/28/02	02-20760	Compliance Test	PASSED	

10/18/02	02-34354	Compliance Test	PASSED
11/11/02	02-36829	Liquor Inspection (Road Patrol-Feld)	NO VIOLATIONS
12/10/02	02-39994	Liquor Inspection (Road Patrol-Feld)	NO VIOLATIONS
03/11/03	03-7286	Liquor Inspection (Road Patrol-Feld)	NO VIOLATIONS
04/25/03	03-12391	Compliance Test	PASSED

The meeting was called to order at 7:30 p.m. by James C. Moseley in the Lower Level Conference Room.

PRESENT	Henry W. Allemon Alex Bennett Anita Elenbaum W. Stan Godlewski James C. Moseley James R. Peard Carolyn Glosby, Asst City Attorney Sergeant Thomas J. Gordon Pat Gladysz	ABSENT	Max K. Ehlert, Chairman Stephanie Robotnik, Student Rep

Moved by J. Peard, seconded by S. Godlewski, to EXCUSE the absent members. APPROVED unanimously

Moved by J. Peard, seconded by S. Godlewski, to APPROVE the minutes of the April 14, 2003 meeting as printed. APPROVED unanimously

AGENDA ITEMS:

1. **GABRIEL IMPORTED FOODS, INC.**, requests a **new Specially Designated Merchant (SDM)** licensed business located at 42889 Dequindre, Troy, MI 48085, Oakland County. [MLCC REF #177687] *Second appearance by applicant, tabled at April 14, 2003 meeting.*

Present to answer questions from the committee were Jamil and Debra Bouharb.

Mr. Bouharb has owned this 4,000 square-foot specialty market for 18 years. He is requesting the SDM license to be able to sell specialty beer and wine to compliment his food sales. He provided a schematic diagram of the store which showed that the beer and wine would be located on the north wall. He attended TIPS program on May 4, 2003.

A. Bennett inquired as to the number of parking spaces available at the store. Mr. Bouharb answered the question and indicated there was ample parking in the front and rear of the store.

Sgt. Gordon reported that all inspections have been approved.

Moved by S. Godlewski, seconded by H. Allemon, to APPROVE the above request. APPROVED unanimously

2. **MAR-TY, LLC AND MARRIOTT INTERNATIONAL, INC**., 200 W. Big Beaver, Troy, Oakland County, request to **transfer** ownership of 2002 **B-Hotel** licensed business with Dance-Entertainment Permit, Official Permit (food), and 8 bars from CHC REIT Lessee Corp.; PA Troy Hospitality Investors LP, and, CHC REIT Management Corporation (step II). Request to **add** Marriott International, Inc. as **co-licensee** in 2002 **B-Hotel** licensed business with Dance-Entertainment Permit, Official Permit (food) and 8 bars (step III). [MLCC REQ ID# 95266]
Step I previously granted by Committee on August 13, 2001

Present to answer questions from the committee were Randall Whately, attorney for Marriott International, and Thomas Leone, Hotel Manager.

Sgt. Gordon reported that this item was brought to his attention by an investigator in Lansing and is merely a paperwork technicality. This matter is brought before the committee as a formality.

Mr. Whately answered questions from the committee regarding the ownership of the hotel. He stated that this hotel was built 13 years ago.

Moved by J. Peard, seconded by H. Allemon, to APPROVE the above request.
APPROVED unanimously

Sgt. Gordon distributed information and reported on the following general interest items:

- A memo dated 04/02/03 to City Council outlines the criteria for seating requirement at class C establishments.
- A memo dated 04/28/03 to City Council states that 103 licensed liquor establishments were visited during March and April as part of a liquor sting by the Directed Patrol Unit. There were five violations.
- A memo dated 04/26/03 to City Council outlines a resolution passed recommending a non-renewal of the SDD and SDM liquor license for Rite Aid on John R and Wattles. The Michigan Liquor Control Commission returned the resolution stating that they have no authority to take the recommended action.
- A new restaurant, Noodles & Company, is rebuilding at the former site of Denny's at Crooks and Big Beaver.
- Chola Garden at South Boulevard and Crooks is requesting a quota Class C license.

J. Moseley commented on the Rite Aid memo and questioned whether the Committee could use the violation history of a corporation to deny requests for additional licenses. Sgt. Gordon responded that the committee would have to consider the requests on a case-by-case basis. He also noted that denials may be overturned in Lansing. Assistant City Attorney C. Glosby commented that a rejection on the basis of violation history certainly seems to be one with reasonable basis.

A. Bennett questioned a portion of the Rite Aid memo as to which liquor laws the Community Coalition is pursuing to modify. Sgt. Gordon responded that the State of Michigan was considering changing the blood alcohol level from the current .1 to .08. Assistant City Attorney C. Glosby commented that the State may lose federal road funds if the blood alcohol level is not reduced.

J. Moseley introduced A. Bennett as a new member of the committee. A. Bennett spoke briefly about himself.

Moved by A. Bennett, seconded by A. Elenbaum, to ADJOURN the meeting at 8:10 p.m.
APPROVED unanimously

/pg

(2) The fees provided in this act for the various types of licenses shall not be prorated for a portion of the effective period of the license.
History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.1527 Special license for nonprofit charitable organization; issuance; nontransferable; fee; auction.
Sec. 527. (1) The commission may issue a special license to a nonprofit charitable organization that is exempt from the payment of taxes under the internal revenue code for the purpose of allowing the organization to sell, at auction, wine donated to the organization.
(2) A special license issued pursuant to subsection (1) is not transferable. The organization applying for the special license shall pay the fee required under section 525(1)(r).
(3) An auction permitted under subsection (1) may occur upon premises which are otherwise licensed under this act to allow the sale of alcoholic liquor for consumption on the licensed premises.
History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.1529 Transfer of license or interest in license; notice of transfer of stock in licensed corporation or licensed limited partnership; investigation to ensure compliance; approval; transfer fee; inspection fee.
Sec. 529. (1) A license or an interest in a license shall not be transferred from 1 person to another without the prior approval of the commission. For purposes of this section, the transfer in the aggregate to another person during any single licensing year of more than 10% of the outstanding stock of a licensed corporation or more than 10% of the total interest in a licensed limited partnership shall be considered to be a transfer requiring the prior approval of the commission.
(2) Not later than July 1 of each year, each privately held licensed corporation and each licensed limited partnership shall notify the commission as to whether any of the shares of stock in the corporation, or interest in the limited partnership, have been transferred during the preceding licensing year. The commission may investigate the transfer of any number of shares of stock in a licensed corporation, or any amount of interest in a licensed limited partnership, for the purpose of ensuring compliance with this act and the rules promulgated under this act.
(3) Except as otherwise provided in subdivisions (a) through (f), upon approval by the commission of a transfer subject to subsection (1), there shall be paid to the commission a transfer fee equal to the fee provided in this act for the class of license being transferred. A transfer fee shall not be prorated for a portion of the effective period of the license. If a person holding more than 1 license or more than 1 interest in a license at more than 1 location, but in the name of a single legal entity, transfers all of the licenses or interests in licenses simultaneously to another single legal entity, the transfers shall be considered 1 transfer for purposes of determining a transfer fee, payable in an amount equal to the highest license fee provided in this act for any of the licenses, or interests in licenses, being transferred. A transfer fee shall not be required in regard to any of the following:
(a) The transfer, in the aggregate, of less than 50% of the outstanding shares of stock in a licensed corporation or less than 50% of the total interest in a licensed limited partnership during any licensing year.
(b) The exchange of the assets of a licensed sole proprietorship, licensed general partnership, or licensed limited partnership for all outstanding shares of stock in a corporation in which either the sole proprietor, all members of the general partnership, or all members of the limited

partnership are the only stockholders of that corporation. An exchange under this subdivision shall not be considered an application for a license for the purposes of section 501.
(c) The transfer of the interest in a licensed business of a deceased licensee, a deceased stockholder, or a deceased member of a general or limited partnership to the deceased person's spouse or children.
(d) The removal of a member of a firm, a stockholder, a member of a general partnership or limited partnership, or association of licensees from a license.
(e) The addition to a license of the spouse, son, daughter, or parent of any of the following:
(*i*) A licensed sole proprietor.
(*ii*) A stockholder in a licensed corporation.
(*iii*) A member of a licensed general partnership, licensed limited partnership, or other licensed association.
(f) The occurrence of any of the following events:
(*i*) A corporate stock split of a licensed corporation.
(*ii*) The issuance to a stockholder of a licensed corporation of previously unissued stock as compensation for services performed.
(*iii*) The redemption by a licensed corporation of its own stock.
(4) A nonrefundable inspection fee of $70.00 shall be paid to the commission by an applicant or licensee at the time of filing any of the following:
(a) An application for a new license or permit.
(b) A request for approval of a transfer of ownership or location of a license.
(c) A request for approval to increase or decrease the size of the licensed premises, or to add a bar.
(d) A request for approval of the transfer in any licensing year of any of the shares of stock in a licensed corporation from 1 person to another, or any part of the total interest in a licensed limited partnership from 1 person to another.
(5) An inspection fee shall be returned to the person by whom it was paid if the purpose of the inspection was to inspect the physical premises of the licensee, and the inspection was not actually conducted. An inspection fee shall not be required for any of the following:
(a) The issuance or transfer of a special license, salesperson license, limited alcohol buyer license, corporate salesperson license, hospital permit, military permit, or Sunday sale of spirits permit.
(b) The issuance of a new permit, or the transfer of an existing permit, if the permit is issued or transferred simultaneously with the issuance or transfer of a license or an interest in a license.
(c) The issuance of authorized but previously unissued corporate stock to an existing stockholder of a licensed corporation.
(d) The transfer from a corporation to an existing stockholder of any of the corporation's stock that is owned by the corporation itself.
(6) All inspection fees collected under this section shall be deposited in the special fund in section 543 for carrying out of the licensing and enforcement provisions of this act.
History: 1998, Act 58, Imd. Eff. Apr. 14, 1998.

436.1531 Public licenses and resort licenses; on-premise escrowed licenses; limitations and quotas; additional licenses for certain establishments; license for certain events at public university; economic development factors; exceptions as to certain veterans and airports; special state census of local governmental unit; rules; availability of transferable licenses held in escrow; on-premise escrowed or quota license; issuance of available licenses; hotels; definitions.

May 27, 2003

TO: Honorable Mayor and City Council

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

SUBJECT: Rejection of Bid – Fishing Pier

RECOMMENDATION

City management recommends that City Council approve the rejection of the only bid received to design, furnish, and install a fishing pier in the lake at Sylvan Glen Park. The bid, from *Faust Corporation, P.O. Box 36598, Grosse Pointe, MI, 48236* in the amount of $110,500.00 exceeded the amount Parks and Recreation had budgeted for the project.

BACKGROUND

Bids were opened on May 7, 2003, to design, furnish, and install a fishing pier in the lake at Sylvan Glen Park. The intent of the project was to provide barrier free fishing opportunities at the park, located next to Sylvan Glen Golf Course.

Only one vendor, Faust Corporation submitted a complete bid. Unfortunately, the bid amount greatly exceeded the amount available for the project and, therefore, staff is recommending the rejection of the bid.

14 Vendors notified – MITN System
1 Bid Response Rec'd

Prepared by: Jeffrey J. Biegler, Superintendent of Parks

May 23, 2003

To: The Honorable Mayor and City Council

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

Subject: Standard Purchasing Resolution 1: Award To Low Bidder–
Mosquito Control Services

RECOMMENDATION

City management recommends that City Council award a contract to furnish one (1) year requirements of Mosquito Control Services, at various City sites (see Appendix A) to the low total bidder – Advanced Pest Management of Fenton, Michigan, – at an estimated cost of $13,436.00 for Proposal B at unit prices contained in the attached tabulation dated May 22, 2003, contingent upon submission of proper insurance certificates, bonds, and all specified requirements.

SUMMARY

Quotes for the contract were opened May 22, 2003, with three companies responding. Proposal A, which includes a one time application of adulticide and larvicide was awarded administratively to the low bidder, Advanced Pest Management at an estimated total cost of $3,814.00.

BUDGET

Funds are available to complete this project in the Parks and Recreation and DPW Operating Budgets.

4 Quotes Sent
3 Quotes Rec'd
1 No Quote: Company not interested in bidding at this time – rejection issues.

Prepared by: Ron Hynd, Landscape Analyst

APPENDIX A

Subject Areas to be serviced:

RETENTION PONDS	*Larvicide and adulticide*	**ESTIMATED**
Section	***Location***	***Acres***
3	Lovell – Lovell & Rochester Rd.	2.80
5	Farmer Jack – south of Farmer Jack at Crooks & South Boulevard, just north of Woodcrest & Crestview	2.33
14	Chapel - at end of Fairmont, where Chapel and Fairmont come together	1.75
22	Lapp – at Bristol	2.72
	TOTAL	**9.60**

PARKS	*Larvicide (including parking lot catch basins) Only Estimated At 10 Acres*	10 Acres
	Adulticide	**ESTIMATED**
Section	***Name***	**ACRES**
1	Flynn	22.0
5	Firefighters	96.0
6	Outdoor Educational Center ***(larvicide only, NO SPRAYING)***	38.9
10	Sylvan Glen	40.0
10	Sylvan Glen Golf Course	143.2
11	Jaycee	34.6
18	Beach	10.0
19	Schroeder	12.0
20	Boulan	63.3
21	Civic Center site – north of Town Center	30.0
23	Raintree	41.2
24	Beaver Trail	7.3
25	Brinston	18.0
27	Robinwood	19.2
35	Redwood	3.0
	TOTAL	**578.7**

OPEN DRAINS	**Larvicide & adulticide**				**ESTIMATED**
Section	***Name***	***From***	***Direction***	***To***	***Length in miles***
2	Ferry	South Blvd	S	300' S of Diane	1.00
11	Renshaw-Gibson	Rochester	E	John R.	1.35
15	Sturgis	Livernois	E &S	Wattles	1.00
18	Rouge River	E of Kingsbury	S & W	Wattles	.75
21	No name	E of Ruthland	E	Livernois	.20
23	Boyd	50' w of Daley	E	Intersection Sturgis inlet at end of Boyd	.40
28	No name	Crooks	E & W	Heidi & Kirts Inlet	.52
				TOTAL	**5.22**

Opening Date -- 5/22/03
Date Prepared -- 5/23/03

CITY OF TROY
TABULATION
MOSQUITO CONTROL

VENDOR NAME:	** ADVANCED PEST MANAGEMENT	TRI-COUNTY PEST CONTROL

UNIT PRICES SHALL BE QUOTED BY THE ACRE FOR EACH DESIGNATED SERVICE, WITH THE EXCEPTION OF OPEN DRAINS

PROPOSAL A:		**EST QTY**	2003		2003	
ADMINISTRATIVELY APPROVED			**Cost per Acre/Application**			
RETENTION PONDS						
1X	Larvicide	9.6 Acres	**$ 50.50**	$ 484.80	$ 50.00	$ 480.00
	Adulticide	9.6 Acres	**$ 6.40**	$ 61.44	$ 100.00	$ 960.00
PARKS						
1X	Larvicide	10.0 Acres	**$ 50.50**	$ 505.00	$ 700.00	
1X	Adulticide	578.7 Acres	**$ 3.24**	$ 1,874.99	$ 2,075.00	AS PER ATTACHED SHEET
OPEN DRAINS			**Cost per Mile/Application**			
1X	Larvicide	5.22 Miles	**$ 85.00**	$ 443.70	$ 150.00	$ 783.00
	Adulticide	5.22 Miles	**$ 85.00**	$ 443.70	$ 100.00	$ 522.00
ESTIMATED GRAND TOTAL-- ***ADMINISTRATIVELY APPROVED***				**$ 3,813.63**		$ 5,520.00

PROPOSAL B:		**EST QTY**				
			Cost per Acre/Application			
RETENTION PONDS			2003		2003	
1X	Larvicide	9.6 Acres	**$ 150.50**	$ 1,444.80	$ 50.00	$ 480.00
4X	Adulticide	9.6 Acres	**$ 6.40**	$ 245.76	$ 100.00	$ 3,840.00
PARKS						
1X	Larvicide	10.0 Acres	**$ 150.50**	$ 1,505.00	$ 700.00	
4X	Adulticide	578.7 Acres	**$ 3.24**	$ 7,499.95	$ 2,075.00	$ 8,300.00
					AS PER ATTACHED SHEET	
OPEN DRAINS			**Cost per Mile/Application**			
1X	Larvicide	5.22 Miles	**$ 185.00**	$ 965.70	$ 150.00	$ 783.00
4X	Adulticide	5.22 Miles	**$ 85.00**	$ 1,774.80	$ 100.00	$ 2,088.00
ESTIMATED GRAND TOTAL--		**PROPOSAL B**	******	**$ 13,436.01**		$ 16,191.00

INSURANCE:	Can Meet	XX	XX
	Cannot Meet		
MANDATORY REQUIREMENT			
	A, B, or C	C	A
NON-MANDATORY REQUIREMENT			
	Can Meet	BLANK	BLANK
	Cannot Meet		
COMPLETION SCHEDULE:			
	Can Meet	XX	XX
	Cannot Meet		

Opening Date -- 5/22/03
Date Prepared -- 5/23/03

CITY OF TROY
TABULATION
MOSQUITO CONTROL

VENDOR NAME:	** **ADVANCED PEST MANAGEMENT**	TRI-COUNTY PEST CONTROL
GENERAL QUESTIONNAIRE:		
Attached	XX	XX
Not Attached		
SPECIFICATION CHECKLIST		
Y or N	YES	YES
TERMS:	NET 30	NET 30 DAYS
WARRANTY:	BLANK	BLANK
EXCEPTIONS:	BLANK	BLANK

NO QUOTES:
Rose Exterminator Co

**** DENOTES LOW TOTAL BIDDER**

ATTEST:
Cheryl Morrell
Ron Hynd
Susan Leirstein

Jeanette Bennett
Purchasing Director

G:/Mosquito Control Informal Quote

VENDOR NAME: ERADICO PEST CONTROL

UNIT PRICES SHALL BE QUOTED BY THE ACRE FOR EACH DESIGNATED SERVICE, WITH THE EXCEPTION OF OPEN DRAINS

PROPOSAL A:		**EST QTY**	2003		2003	
			Cost per Acre/Application			
RETENTION PONDS						
1X	Larvicide	9.6 Acres	$ 150.00	$ 1,440.00		
	Adulticide	9.6 Acres	$ 10.33	$ 99.17		
PARKS						
1X	Larvicide	10.0 Acres	$ 150.00	$ 1,500.00		
1X	Adulticide	578.7 Acres	$ 10.33	$ 5,977.97		
OPEN DRAINS			**Cost per Mile/Application**			
1X	Larvicide	5.22 Miles	$ 319.00	$ 1,665.18		
	Adulticide	5.22 Miles	$ 203.00	$ 1,059.66		
ESTIMATED GRAND TOTAL--				$ 11,741.98		

PROPOSAL B:		**EST QTY**				
			Cost per Acre/Application			
RETENTION PONDS			2003		2003	
1X	Larvicide	9.6 Acres	$ 288.00	$ 2,764.80		
4X	Adulticide	9.6 Acres	$ 10.33	$ 396.67		
PARKS						
1X	Larvicide	10.0 Acres	$ 288.00	$ 2,880.00		
4X	Adulticide	578.7 Acres	$ 10.33	$ 23,911.88		
OPEN DRAINS			**Cost per Mile/Application**			
1X	Larvicide	5.22 Miles	$ 567.00	$ 2,959.74		
4X	Adulticide	5.22 Miles	$ 203.00	$ 4,238.64		
ESTIMATED GRAND TOTAL--				$ 37,151.74		

INSURANCE:	Can Meet	XX	
	Cannot Meet		
MANDATORY REQUIREMENT			
	A, B, or C	A	
NON-MANDATORY REQUIREMENT			
	Can Meet	BLANK	
	Cannot Meet		
COMPLETION SCHEDULE:			
	Can Meet	XX	
	Cannot Meet		

Opening Date -- 5/22/03
Date Prepared -- 5/23/03

CITY OF TROY
TABULATION
MOSQUITO CONTROL

VENDOR NAME:	ERADICO PEST CONTROL	
GENERAL QUESTIONNAIRE:		
Attached	XX	
Not Attached		
SPECIFICATION CHECKLIST		
Y or N	YES	
TERMS:	NET 25 DAYS	
WARRANTY:	AS SPECIFIED	
EXCEPTIONS:	BLANK	

May 22, 2003

To: Honorable Mayor and City Council

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

Subject:: Medi-Go Service Agreement

Recommendation

Attached please find the annual agreement with Troy Medi-Go for 2003-2004. This agreement states that the City will fund Medi-Go $170,000.00.

This funding is the same as in 2002-2003 and is the amount that has been approved by City Council for the 2003-2004 budget. The agreement remains unchanged in all other aspects.

AGREEMENT BETWEEN
THE CITY OF TROY, MICHIGAN AND TROY MEDI-GO

This agreement is made by and between the City of Troy, Michigan, hereinafter called "Troy" and Troy Medi-Go, hereinafter called "Medi-Go".

PURPOSE

To provide financial support to Medi -Go for the purpose of maintaining a program to provide transportation service for senior citizens and physically handicapped residents of Troy, Michigan.

OBJECTIVES

Medi-Go shall accomplish the following objectives through the fiscal year, July 1,2003, through June 30, 2004, to service the residents of Troy:

1. Provide four (4) passenger vans with handicapped lifts operating approximately forty (40) hours per week.

2. Provide experienced drivers to operate the passenger vans.

3. Arrange for storing the passenger vans.

4. Provide a central scheduling person to implement the transportation services.

MEDI-GO FURTHER AGREES TO:

1. Maintain fiscal records and files, including appropriate income and expense ledgers.

2. Permit an independent auditor representing Troy to audit accounts of income and expenses relating to Troy's contribution with findings to be submitted to Troy.

3. Comply with all state and local regulations covering the use of passenger vans.

4. Hold harmless Troy, their principals, staff, and agents from any liability for loss or damage to any person or property arising out of or in any way related to the service provided by Medi-Go.

5. Furnish Troy such information as may be necessary, indicating the use of the service by the senior citizens and handicapped residents of Troy.

TROY FURTHER AGREES TO:

1. Provide payment of $170,000.00 to be paid on or after July 1, 2003.
2. Recognize Medi-Go's autonomy in determining its own personnel and operating policies.
3. Assist, if possible, in disseminating information about the service to senior citizens and handicapped residents of Troy.
4. Make available at the Troy Community Center information regarding the Medi-Go service.

AGREEMENT PERIOD:

This agreement is in full force and effect from July 1, 2003, through June 30, 2004.

CONTRACT APPROVAL:

CITY OF TROY

By: _____ By: _____
Matt Pryor, Mayor Tonni Bartholomew, City Clerk

Date: _____ Date: _____

TROY MEDI-GO

By: Ronald Ristau By: David P. Maynilla
President Ronald Ristau Treasurer

Date: 5-13-03 Date: 5-19-03

May 13, 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
Patricia A. Petitto, Senior Right of Way Representative

SUBJECT: Request for Acceptance of Permanent Sanitary Sewer Easement and Permanent Water Main Easement
Sidwell #88-20-08-476-013, Hughes & Sheila Potiker

In connection with the development of the property at Crooks Road and Corporate Drive in the Southeast ¼ of Section 8, the Real Estate and Development Department has acquired the following permanent easements from Hughes L. Potiker and Sheila M. Potiker, the owners of the property:

Sanitary Sewer Easement
Water Main Easement

The consideration on each document is $1.00. Management recommends that City Council accept the attached easements.

cc: Steve Vandette, City Engineer

PERMANENT EASEMENT

Sidwell: 88-20-08-476-013

Hughes L. Potiker and Sheila M. Potiker, husband and wife, Grantors, whose address is 3366 N. Torrey Pines Court, LaJolla California, 92037, for and in consideration of the sum of: One Dollar ($1.00) paid by the City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 6 day of October A.D. 1997.

In presence of:
WITNESS

ROBERT A. MARSHALL

Hughes L. Potiker (L.S.)

ROBERT A. MARSHALL

Sheila M. Potiker (L.S.)

As to Mortgagee notification and approval only.

Mellon Bank N.A.

By: Steven R. Richard
Its: Vice President
Mellon Bank. N.A.

State of California)
County of San Diego)

On this 6 day of October A.D. 1997, before me, a Notary Public in and for said county, personally appeared Hughes L. Potiker and Sheila Potiker, husband and wife, to me known to be the same persons(s) described in and who executed the within instrument, who then acknowledged the same to be their free act and deed.

CONNIE J. VALANTINE
Commission # 1092314
Notary Public — California
San Diego County
My Comm. Expires Mar 24, 2000

Connie J. Valantine

Notary Public San Diego County, California

(Individual)

My Commission Expires 3/24/2000

State of Pennsylvania)
County of Allegheny)

On this 30th day of September A.D. 19 97, before me, a Notary Public in and for said county, personally appeared Steven R. Richard, who being by name sworn, did for himself say that he is Vice President whose name in and which executed the within instrument and that said instrument was signed on behalf of Mellon Bank N.A. and acknowledged said instrument to be his free act and deed.

Notarial Seal
Christine Shostek, Notary Public
Pittsburgh, Allegheny County
My Commission Expires April 17, 1999
Member, Pennsylvania Association of Notaries

Christine Shostek
CHRISTINE SHOSTEK

Notary Public Allegheny County, Pennsylvania

My Commission Expires 4-17-99

Prepared by: Dennis C. Stephens
500 W. Big Beaver
Troy, MI 48084

Return to: City Clerk, City of Troy
500 W. Big Beaver
Troy, MI 48084

EXHIBIT "A"

20 FOOT WIDE EASEMENT DESCRIPTION FOR SANITARY SEWER

A PART OF THE EAST 1/2 SECTION 8, T-2-N, R-11-E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SECTION 8; THENCE SOUTH 87°25'50" WEST, 90.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL; THENCE SOUTH 02°37'54" EAST, 679.67 FEET ALONG SAID LINE; THENCE SOUTH 87°22'06" WEST, 339.55 FEET; THENCE NORTH 02°37'54" WEST, 328.00 FEET; THENCE SOUTH 87°22'06" WEST, 237.79 FEET; THENCE NORTH 02°36'26" WEST, 23.48 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF A 20 FOOT WIDE EASEMENT FOR SANITARY SEWER PURPOSES; THENCE NORTH 87°22'06" EAST, 254.08 FEET; THENCE SOUTH 02°37'54 EAST, 188.98 FEET TO THE POINT OF ENDING.

PERMANENT EASEMENT

Sidwell: 88-20-08-476-013

Hughes L. Potiker and Sheila M. Potiker, husband and wife, Grantors, whose address is 3366 N. Torrey Pines Court, LaJolla California, 92037, for and in consideration of the sum of: One Dollar ($1.00) paid by the City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace water main, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:

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

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 6 day of October A.D. 1997.

In presence of:
WITNESS

Robert A. Marshall
ROBERT A. MARSHALL

Hughes L. Potiker (L.S.)
Hughes L. Potiker

Robert A. Marshall
ROBERT A. MARSHALL

Sheila M. Potiker (L.S.)
Sheila M. Potiker

As to Mortgagee notification and approval only.

Kelly L. Niemiec

Michael E. Smith

Mellon Bank N.A.

By: Steven R. Richard
Its: Vice President
Mellon Bank, N.A.

State of California)
County of San Diego)

On this 6 day of October A.D. 1997, before me, a Notary Public in and for said county, personally appeared Hughes L. Potiker and Sheila Potiker, husband and wife, to me known to be the same persons(s) described in and who executed the within instrument, who then acknowledged the same to be their free act and deed.

CONNIE J. VALANTINE
Commission # 1092314
Notary Public — California
San Diego County
My Comm. Expires Mar 24, 2000

Connie J. Valantine

Notary Public San Diego County, California

My Commission Expires March 24, 2000

(Individual)

State of Pennsylvania
County of Allegheny)

On this 30th day of September A.D. 19 97, before me, a Notary Public in and for said county, personally apeared Steven R. Richard who being by name sworn, did for himself say that he is Vice President whose name in and which executed the within instrument and that said instrument was signed on behalf of Mellon Bank N.A. and acknowledged said instrument to be his free act and deed.

Christine Shostek
CHRISTINE SHOSTEK

Notarial Seal
Christine Shostek, Notary Public
Pittsburgh, Allegheny County
My Commission Expires April 17, 1999
Member, Pennsylvania Association of Notaries

Notary Public Allegheny County, Pennsylvania

My Commission Expires 4-17-99

Prepared by: Dennis C. Stephens
500 W. Big Beaver
Troy, MI 48084

Return to: City Clerk, City of Troy
500 W. Big Beaver
Troy, MI 48084

EXHIBIT "A"

EASEMENT #1 DESCRIPTION FOR WATERMAIN

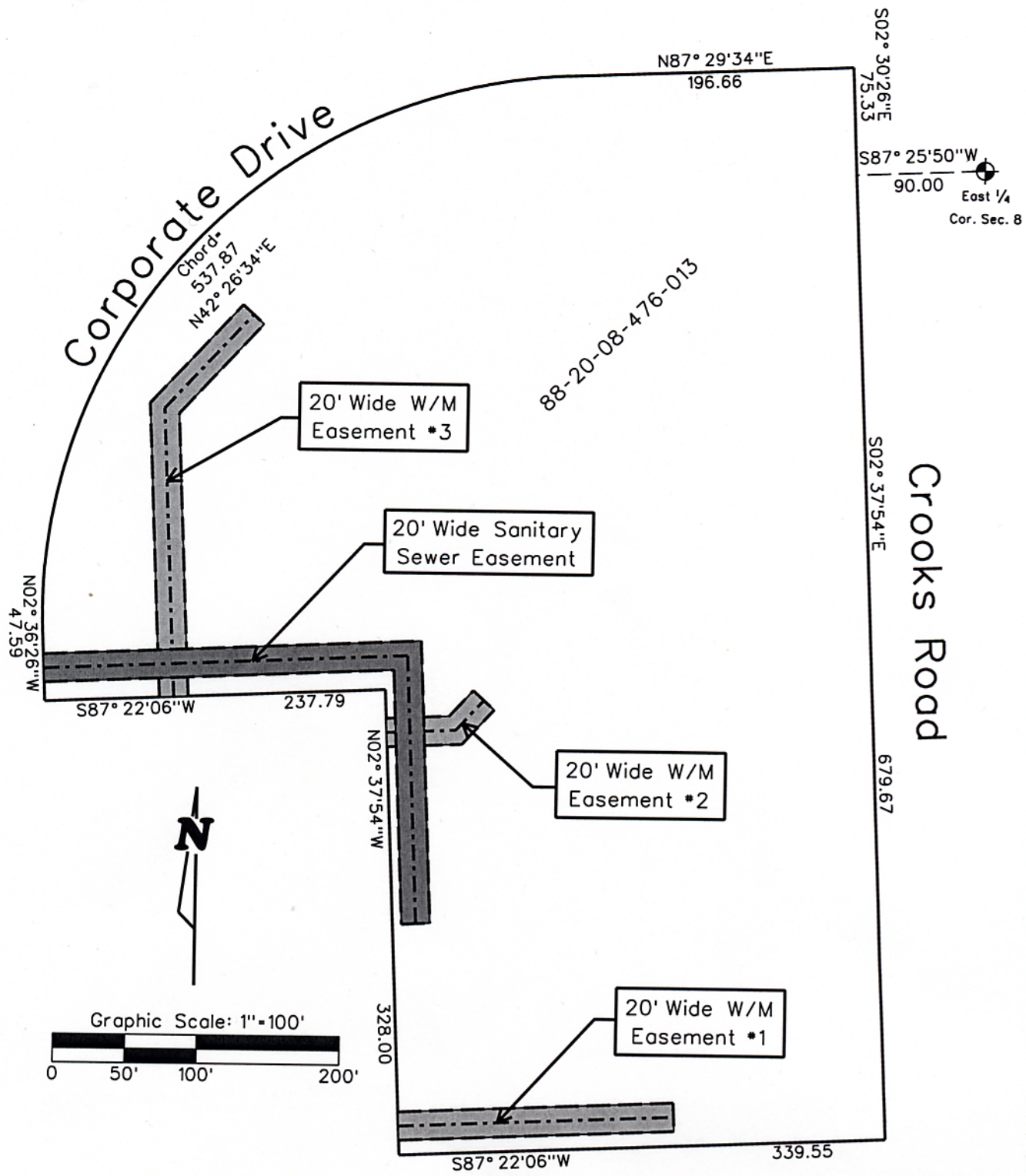
A PART OF THE EAST 1/2 SECTION 8, T-2-N, R-11-E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SECTION 8, THENCE SOUTH 87°25' 50" WEST, 90 FEET TO THE POINT OF BEGINNING OF THE PARCEL; THENCE SOUTH 02°37'54" EAST, 679.67 FEET; THENCE SOUTH 87°22'06" WEST, 339.55 FEET; THENCE NORTH 02°37'54" WEST, 20.50 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF THE 20 FOOT WIDE EASEMENT #1 FOR WATERMAIN PURPOSES; THENCE NORTH 87°22'06" EAST, 192.36 FEET TO THE POINT OF ENDING.

EASEMENT #2 DESCRIPTION FOR WATERMAIN

A PART OF THE EAST 1/2 SECTION 8. T-2-N, R-11-E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SECTION 8, THENCE SOUTH 87°25'50" WEST, 90.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL; THENCE SOUTH 02°37'54" EAST, 679.67 FEET; THENCE SOUTH 87°22'06" WEST, 339.55 FEET; THENCE NORTH 02°37'54" WEST, 297.73 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF THE 20 FOOT WIDE EASEMENT #2 FOR WATERMAIN PURPOSES; THENCE NORTH 87°22'06" EAST, 48.31 FEET; THENCE NORTH 42°22'06" EAST, 28.72 FEET TO THE POINT OF ENDING.

EASEMENT #3 DESCRIPTION FOR WATERMAIN

A PART OF THE EAST 1/2 SECTION 8. T-2-N. R-11-E, CITY OF TROY, OAKLAND COUNTY, MICHIGAN. BEING DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SECTION 8; THENCE SOUTH 87°25'50" WEST, 90.00 FEET TO THE POINT OF BEGINNING OF THE PARCEL; THENCE SOUTH 02°37'54" EAST, 679.67 FEET; THENCE SOUTH 87°22'06" WEST, 339.55 FEET; THENCE NORTH 02°37'54" WEST, 328.00 FEET; THENCE SOUTH 87°22'06" WEST, 148.01 FEET TO THE POINT OF BEGINNNING OF THE CENTERLINE OF THE 20 FOOT WIDE EASEMENT #3 FOR WATERMAIN PURPOSES; THENCE NORTH 02°37'54" WEST, 203.31 FEET; THENCE NORTH 42°22'06" EAST, 90.58 FEET TO THE POINT OF ENDING.



G:\Surveying\GEORGE\Easement Drawings\88-20-08-476-013.dgn

DATE	REV.

DOCUMENT PREPARED BY
George J. Ballard III
CITY SURVEYOR

CONTRACT No.

CITY OF TROY
OAKLAND COUNTY, MICHIGAN

Proposed Easement Sketch

SCALE	DRAWN BY	CHECKED	FILE
HOR.	NAME GJB III	NAME	See Below
VER.	DATE 5-27-03	DATE	VIEW

STEVEN J. VANDETTE
CITY ENGINEER

SHEET No. 1 of 1 | JOB No.

May 14, 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 Empire Electronics
Project No. 03.902.3

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

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 – 03.902.3 Empire Electronics\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. 03.902.3	PROJECT LOCATION: 214 E. 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 **Empire Electronics** whose address is **629 Elmwood St., Troy, MI 48083** and whose telephone number is **248-585-8130** hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of **watermain** in accordance with plans prepared by **Environmental Engineers** whose address is **18620 W. Ten Mile, Southfield, MI 48075** and whose telephone number is **248-424-9510**, and approved prior to construction by the City specifications of the City shall be complied with for this construction.

SECOND: That the Owners agree to contribute the approximate contract price of **$27,200.00**. 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	$	1,659.20
Water Main Testing Fee	$	650.00
Street Cleaning/Road Maintenance (Refundable)	$	
	$	
	$	
TOTAL:	$	**$2,309.20**

* 6.1% (.061) of approximate contract price

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS

(PRIVATE AGREEMENT)

PROJECT NO. 4.202	PROJECT LOCATION: 214 E. Maple
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 even 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 **$ 29,509.20** 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. 0

PROJECT LOCATION: 214 E. Maple

RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 14TH day of MAY, 2003.

OWNERS

By:

Ken Doman

Please Print or Type

KEN DOMAN, CHIEF FINANCIAL OFFICER

Please Print or Type

CITY OF TROY

By:

Matt Pryor, Mayor

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 14 day of MAY, A.D.2003, before me personally appeared _____ known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

Joanne Harmon

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: February 4, 2007

JOANNE HARMON
Notary Public, Oakland County, MI
My Commission Expires Feb. 4, 2007

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES
PRIVATE AGREEMENT FOR EMPIRE ELECTRONICS
PROJECT NO. 03.902.3

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

Escrow Deposits:

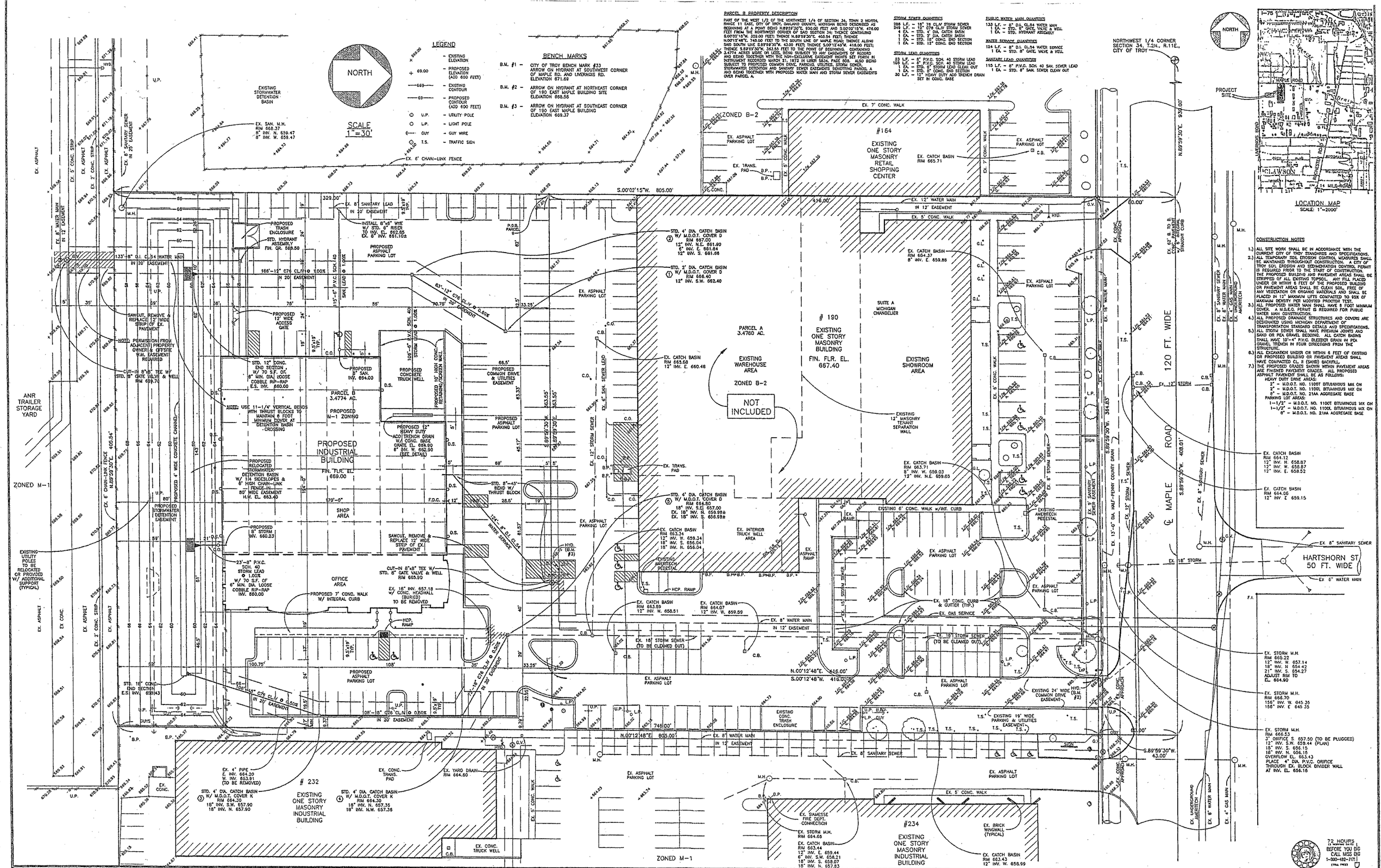
Water Main	**27,200.00**

Total Escrow Deposits: (check) **$ 27,200.00**

Cash Fees:

Review & Inspection	$1,659.20
Water Main Testing Fee	650.00
Street Cleaning/Road Maintenance	_____

Total Cash Fees: (check) **$ 2,309.20**



CLIENT:
REB CONSTRUCTION SERVICES, INC.
1801 NORTH OPDYKE RD.
AUBURN HILLS, MICHIGAN 48326
PHONE: 248/373-7184

REVISIONS: REVISED 5/8/03 PER CITY REVIEW

NEW FACILITY FOR
EMPIRE ELECTRONICS

SITE UTILITIES PLAN
Environmental engineers, inc.
18620 WEST TEN MILE ROAD SOUTHFIELD, MICHIGAN 48075

CLIENT PROJECT No.	DATE ISSUED	PROJECT No.	SHEET No
	2/26/03	0270	C-2

May 27, 2003

TO: The Honorable Mayor and City Council

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

SUBJECT: Request for Acceptance of Permanent Sanitary Sewer Easement & Approval to Pay Consideration – Sidwell #88-20-13-429-020
Dequindre Sewer Project No. 02.406.5

In connection with the proposed installation of a sewer to the property located at 39917 Dequindre (Property B) the Real Estate and Development Department reached an agreement with the Amir J. and Widad Hallac, property owners of 39839 Dequindre Road (Property A) to grant a sanitary sewer easement to allow a sanitary lead hook up. This easement in no way benefits the Hallac property.

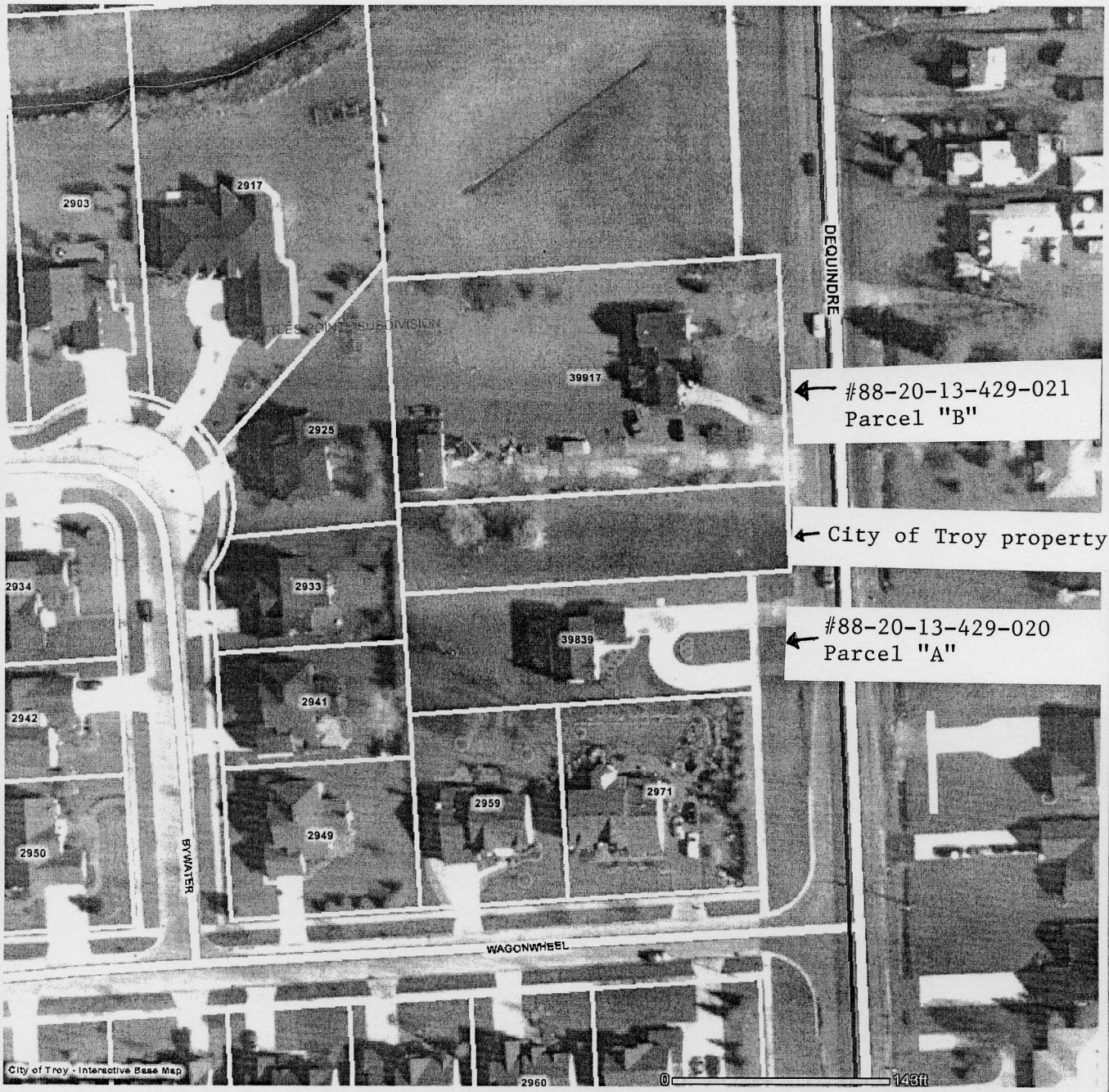
Based on an appraisal prepared by Andrew Reed and Associates, Inc., and a review performed by Kimberly Harper, Deputy City Assessor, Management believes that the compensation of $1,000.00 for a permanent easement is justified. Funding for the project will come from the Water & Sewer Fund.

It is the intention of the City to bring sewer service to pockets of property owners, who are currently serviced by septic fields, along Dequindre Road. It is anticipated that all sewer installations will be completed prior to the widening of Dequindre Road.

Management recommends that City Council accept the attached permanent sanitary sewer easement and authorize the payment of $1,000.00.

City of Troy

Geographical Information Systems



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

NORTH

PERMANENT EASEMENT

Sidwell #88-20-13-429-020
Project #02.~~2025~~ 406.5
Resolution #

Amir J. Hallac and Widad Hallac, husband and wife, whose address is 39839 Dequindre, Troy, MI 48085 for and in consideration of the sum of: One Thousand and no/Dollars ($1,000.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

Part of the Southeast ¼ of Section 13, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being more particularly described as:
Beginning at the Northwest Corner of Lot 70 of "Wattles Pointe Subdivision", as recorded in Liber 215, Pages 29-35, of Oakland County, Michigan records; thence North 89 degrees 03 minutes 08 seconds East, along the north line of said lot, 25.00 feet; thence South 00 degrees 40 minutes 35 seconds East 40.00 feet; thence South 89 degrees 03 minutes 08 seconds West 25.00 feet to the west line of said lot 70; thence North 00 degrees 40 minutes 35 seconds West, along said west line, 40.00 feet to the Point of Beginning. Containing 1,000 Square Feet or 0.023 Acres more or less.

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

IN FURTHER CONSIDERATION, the premises so disturbed by reason of the exercise of any of the foregoing powers, shall be reasonably restored to its original condition by the City.

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

IN WITNESS WHEREOF, the undersigned hereunto affixed 2 signature(s) this 22nd day of May A.D. 2003.

In presence of : (not required)

Amir J Hallac (L.S.)
*Amir J. Hallac

Widad Hallac (L.S.)
*Widad Hallac

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 22nd day of May, 2003, by Amir J. Hallac and Widad Hallac, husband and wife.

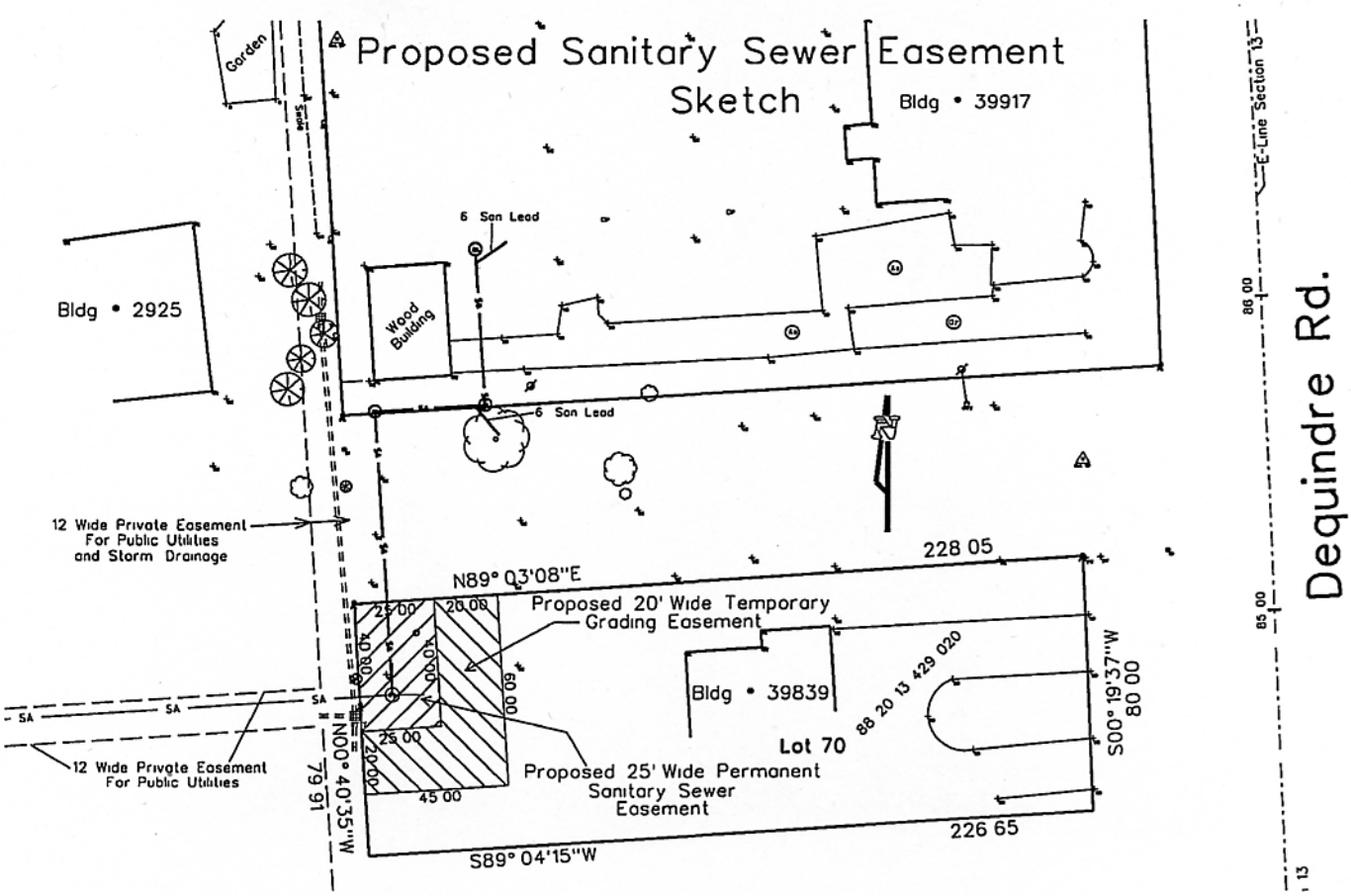
Larysa Figol
* LARYSA FIGOL
Notary Public, OAKLAND County, Michigan

My Commission Expires MAR. 2/2006

Prepared by: Larysa Figol
City of Troy
500 West Big Beaver
Troy, MI 48084

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

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


Proposed Sanitary Sewer Easement
Sketch
Bldg • 39917
Garden
Bldg • 2925
Wood Building
6 San Lead
6 San Lead
12 Wide Private Easement
For Public Utilities
and Storm Drainage
N89° 03'08"E
228 05
Proposed 20' Wide Temporary
Grading Easement
25 00
20 00
40 00
10 00
60 00
Bldg • 39839
Lot 70
88 20 13 429 020
S00° 19'37"W
80 00
SA
SA
SA
12 Wide Private Easement
For Public Utilities
25 00
20 00
45 00
Proposed 25' Wide Permanent
Sanitary Sewer
Easement
N00° 40'35"W
79 91
226 65
S89° 04'15"W
E-Line Section 13
86 00
85 00
Dequindre Rd.

May 13, 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
Patricia A. Petitto, Senior Right of Way Representative

SUBJECT: Request for Acceptance of Permanent Sanitary Sewer Easement
Sidwell #88-20-25-428-012, Project No. 01.403.3
Daniel E. Bora, Daniel T. Bora and Silvia Bora

In connection with the Stratford Sanitary Sewer Extension project in the Southeast ¼ of Section 25, the Real Estate and Development Department has acquired a permanent easement for sanitary sewer from Daniel E. Bora, Daniel T. Bora and Silvia Bora, the owners of the property. The consideration on the document is $1.00.

Management recommends that City Council accept the attached easement.

cc: Steve Vandette, City Engineer

PERMANENT EASEMENT

Sidwell #88-20-25-428-012

Daniel E. Bora, a single man, Daniel T. Bora and Silvia Bora, husband & wife, Grantors, whose address is 856 Vanderpool, Troy, MI 48083 for and in consideration of the sum of: One Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace Sanitary Sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

SEE ATTACHED EXHIBIT "A"

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed their signature(s) this 16th day of November A.D. 2001.

In presence of:
WITNESS

Aurelija Csoka
AURELIJA CSOKA

Aurelia D. Bora
AURELIA D. BORA

By Daniel E. Bora (L.S.)
Daniel E. Bora

By Daniel T. Bora (L.S.)
Daniel T. Bora

By Silvia Bora (L.S.)
Silvia Bora

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 16Th day of November, 2001, by Daniel E. Bora, a single man, Daniel T. Bora and Silvia Bora, husband & wife

Aurelija Csoka
* AURELIJA CSOKA
Notary Public, MACOMB County, Michigan,
ACTING IN OAKLAND COUNTY
My Commission Expires February 4, 2003

Prepared by: Dennis C. Stephens
Cityof Troy
500 W. Big Beaver Road
Troy, MI 48084

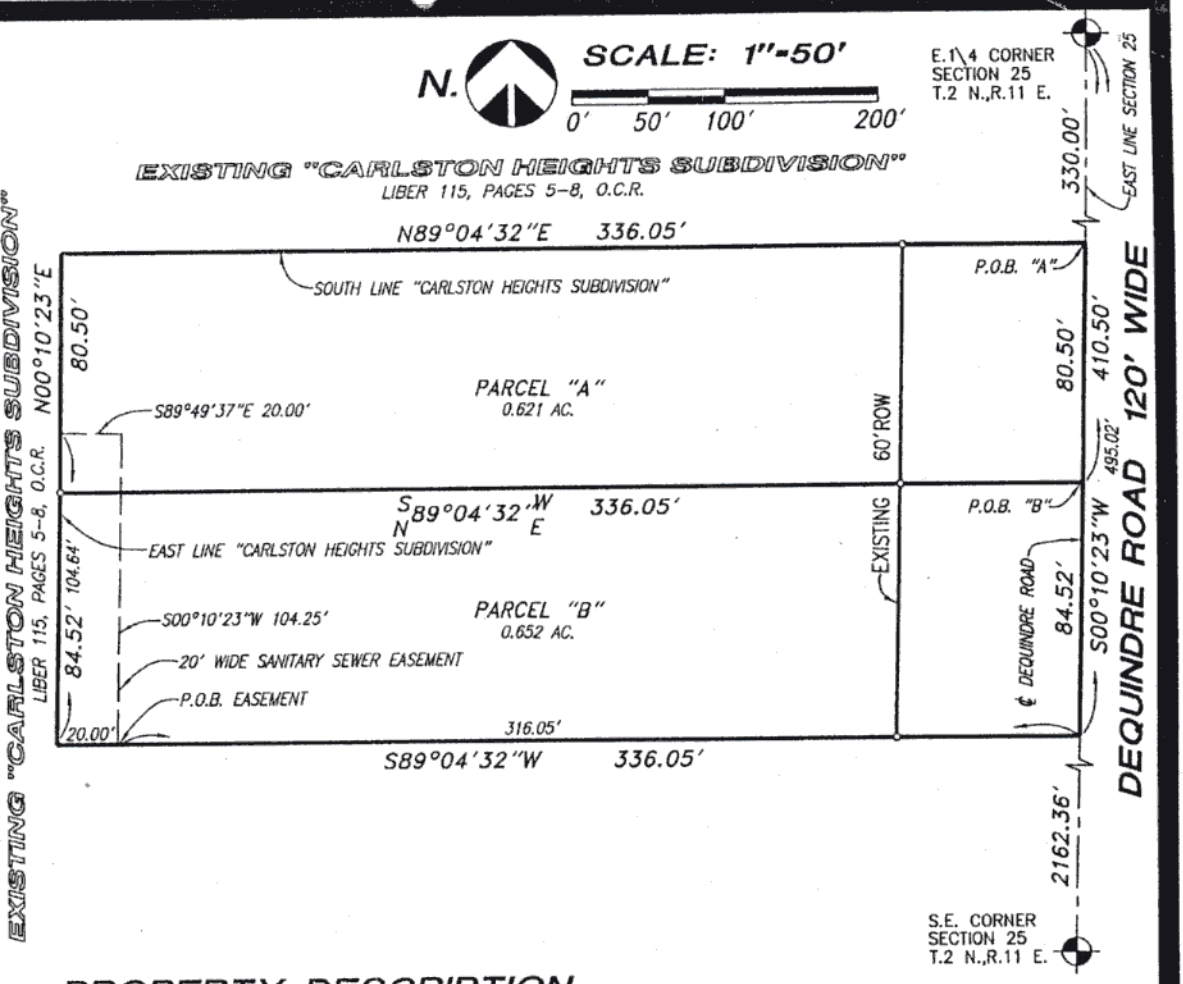
Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

EXHIBIT "A"

SANITARY EASEMENT

A twenty (20) foot wide easement for sanitary sewer is described as:
Commencing at the East ¼ corner of Section 25; thence S.00 10'23"W., 495.02 feet along the East line of Section 25 and the centerline of Dequindre; thence S.89*04'32"W., 316.05 feet to the Point of Beginning; thence continuing S.89*04'32"W., 20.00 feet to a point on the east line of "Carlston Heights Subdivision " as recorded in Liber 115, Pages 5-8 of the Oakland County Records; thence along said line N.00*10'23"E., 104.64 feet; thence S.89*49'37"E., 20.00 feet; thence S.00*10"23"W., 104.25 feet to the Point of Beginning and containing 0.048 acres.



PROPERTY DESCRIPTION

Parcel "A"

Part of the Southeast 1/4 of Section 25, T.2N., R.11E., City of Troy, Oakland County, Michigan is described as: Commencing at the East 1/4 corner of Section 25; thence S.00°10'23"W., 330.00 feet along the East line of Section 25 and the centerline of Dequindre Road to the Point of Beginning; thence continuing along said line S.00°10'23"W., 80.50 feet; thence S.89°04'32"W., 336.05 feet to a point on the East line of "Carlston Heights Subdivision" as recorded in Liber 115, Pages 5-8 of the Oakland County Records; thence along said line N.00°10'23"E., 80.50 feet to a point on the South line of "Carlston Heights Subdivision" as recorded in Liber 115, Pages 5-8 of the Oakland County Records; thence along said line N.89°04'32"E., 336.05 feet to the Point of Beginning and containing 0.621 acres.

Subject to the rights of the public for highway purposes along Dequindre Road and to all easements both recorded and unrecorded.

Parcel "B"

Part of the Southeast 1/4 of Section 25, T.2N., R.11E., City of Troy, Oakland County, Michigan is described as: Commencing at the East 1/4 corner of Section 25; thence S.00°10'23"W., 410.50 feet along the East line of Section 25 and the centerline of Dequindre Road to the Point of Beginning; thence continuing along said line S.00°10'23"W., 84.52 feet; thence S.89°04'32"W., 336.05 feet to a point on the East line of "Carlston Heights Subdivision" as recorded in Liber 115, Pages 5-8 of the Oakland County Records; thence along said line N.00°10'23"E., 84.52 feet; thence N.89°04'32"E., 336.05 feet to the Point of Beginning and containing 0.652 acres.

Subject to the rights of the public for highway purposes along Dequindre Road and to all easements both recorded and unrecorded.

SANITARY EASEMENT

A twenty (20) foot wide easement for sanitary sewer is described as: Commencing at the East 1/4 corner of Section 25; thence S.00°10'23"W., 495.02 feet along the East line of Section 25 and the centerline of Dequindre; thence S.89°04'32"W., 316.05 feet to the Point of Beginning; thence continuing S.89°04'32"W., 20.00 feet to a point on the east line of "Carlston Heights Subdivision" as recorded in Liber 115, Pages 5-8 of the Oakland County Records; thence along said line N.00°10'23"E., 104.64 feet; thence S.89°49'37"E., 20.00 feet; thence S.00°10'23"W., 104.25 feet to the Point of Beginning and containing 0.048 acres.

URBAN LAND CONSULTANTS ®
PHONE 810 731-8030
FAX 810 731-2605
CIVIL ENGINEERS PLANNERS LAND SURVEYORS
8800 23 MILE ROAD SHELBY TWP., MI 48316-4518

LEGEND

FIB = Found Iron Bar
FIP = Found Iron Pipe
SIB = Set Iron Bar/Cap
R = Record Distance
M = Measured Distance

EXHIBIT "A"

Sanitary Sewer Easement

01.403.3

Date 04-17-01
Drawn R.F.F.
Check B. LINDH
Sheet 1 of 1
Fld. Bk.
Job No. 010202-5887

City of Troy

5/27/03

TO: Mayor and Members of Troy City Council

FROM: Lori Grigg Bluhm, City Attorney LGB
Susan M. Lancaster, Assistant City Attorney SML

RE: Troy v. Ronald R. Theuer (Section 24 Park)

A condemnation case was initiated against Ronald R. Theuer in conjunction with the Bond Proposal for the acquisition of land for parks. Jay Messer, of Intregra-Dean, completed an appraisal of the property before the condemnation action was filed . He determined that the highest and best use of the property, which is zoned R-1C, was for single-family residential and that an assembly of the parcel with property to the south was possible. He valued the property at $615,000. Due to Mr. Messer's serious illness it was necessary to obtain another appraiser who could testify at trial. Mary Jane Anderson, Anderson & Anderson Associates, Inc. completed an appraisal in October, 2002 and valued the property at $766,000 indicating that the highest and best use was single-family residential. Ms. Anderson used different comparable than Jay Messer and valued the property at a higher price per acre.

Mr. Theuer's appraiser was David Burgoyne who valued the property at $1,100,000 arguing that the property could have been rezoned to medium density residential, specifically R-1T. The case was submitted to Case Evaluation, where three attorneys who practice in Oakland County returned a Case Evaluation award of $933, 000. The City rejected this award.

Accordingly the case proceeded to jury trial on May 19, 2003 before the Honorable Edward Sosnick. The jury returned a verdict of $926,860 as just compensation for the subject property. Although the City made a motion asking that it be allowed to use the $615,000 appraisal as the lower most amount the jury could award, Judge Sosnick ruled that the lowest amount the jury could return as a verdict was $766,000 since Jay Messer had died and could not be cross-examined on his appraisal report.

The City must pay Ronald Theuer an additional $311,860 plus interest on that amount. Additionally, under the Uniform Condemnation Procedures Act, the City must also pay attorney fees with interest, actual costs and expert witness fees. A copy of the Judgment is attached. Since there is a dispute regarding the costs and expert witness fees, those items have been reserved until either the parties can agree or Judge Sosnick make a ruling on the amounts.

We have prepared a resolution approving payment of the sums set forth in the judgment. If you have any questions concerning this matter, please let us know.

STATE OF MICHIGAN

OAKLAND COUNTY CIRCUIT COURT

CITY OF TROY, a Michigan
Municipal Corporation,

Plaintiff,

v

Case No. 01-037097- CC

RONALD R. THEUER and SUN PIPELINE,
a Pennsylvania Corporation, f/k/a
Buckeye Pipe Line Company, a Corporation
of Ohio,

HON. Edward Sosnick

Defendants.

_____/

CITY OF TROY-CITY ATTORNEY'S OFFICE
By: Susan M. Lancaster (P33168)
Attorney for Plaintiff
500 W. Big Beaver Road
Troy, MI 48084
(248) 524-3320

Thomas R. Charboneau (P31837)
Attorney for Defendant Ronald R. Theuer
Sills, Charboneau, Fiedler & Barnett, P.C.
36880 Woodward Avenue, Suite 103
Bloomfield Hills, MI 48304-0921
(248) 644-3600

JUDGMENT ON JURY VERDICT
DETERMINING JUST COMPENSATION

At a session of Court held in the
Courthouse in the City of Pontiac,
Oakland County, MI
on:_____

PRESENT: HONORABLE EDWARD SOSNICK, CIRCUIT JUDGE

This cause came on for trial before the Court and a jury, the Honorable Edward Sosnick presiding, and the jury having determined Defendant is entitled

to $926,860 as just compensation to Ronald R. Theuer for the subject property, now, therefore

IT IS ORDERED:

1. Title to the property which is the subject of this cause of action, and which is fully described in the Complaint for Acquisition of Property and Declaration of Taking filed with this Court on December 21, 2001, has vested in the Plaintiff by virtue of the filing of the Complaint for Acquisition of Property and Declaration of Taking and the entry by this Court on August 8, 2002 of the Order for Payment of Estimated Compensation and Surrender of Possession.

2. As required in the Order for Payment of Estimated Compensation and Surrender of Possession, the Plaintiff previously paid the Defendant Ronald R. Theuer estimated just compensation in the amount of $615,000.

3. On the date of the jury verdict, the Court entered a dismissal of the Defendant Sun Pipeline with no compensation.

4. Pursuant to the jury's verdict, Plaintiff shall pay to Defendant Ronald R. Theuer the additional sum of Three Hundred Eleven Thousand Eight Hundred and Sixty ($311,860.00) Dollars for the acquisition of the property described in the Complaint for Acquisition of Property and Declaration of Taking or otherwise arising out of the taking for public purposes of said property (exclusive of interest, costs and attorney fees) and except as otherwise expressly provided in this Judgment.

5. Pursuant to the provisions of 1931 PA 270 as amended, MCL 213.291, any amounts due as delinquent taxes, assessments or water bills, if any, shall be deducted by Plaintiff prior to payment of the sums set forth in paragraph 4.

6. Plaintiff shall further pay Defendant Ronald R. Theuer statutory interest on the unpaid just compensation of $311,860.00 from and after December 21, 2001 in accordance with the provisions of Section 15 of the Uniform Condemnation Procedures Act, MCL 213.65, until the date of actual tender of payment. The accrued interest compounded annually from December 21, 2001 through December 31, 2001, at the federal income tax deficiency rate is determined to be $ 654.91. The additional per diem interest from January 1, 2002 to actual day of tender of all sums under this paragraph 6 shall be $27,131.82 for a total interest payment of $27,786.73.

7. Plaintiff, in accordance with MCL 213.66(1), shall pay a jury fee of $60 paid by Defendant.

8. The payee in all instruments of payment drawn pursuant to this judgment for just compensation and interest shall be Ronald R. Theuer. The total amount due to Ronald R. Theuer is $339,646.73 which is just compensation of $311,860.00 plus $27,786.73 interest.

9. Pursuant to the provisions of Section 2 of the General Property Tax Act, being 1893 PA 206, as amended, (MCL 211.2) taxes paid or deducted shall be prorated, on a due-date basis and adjusted proportionately for the amount of the acquisition, and an appropriate adjustment shall be made in the amount paid or withheld pursuant to this judgment.

10. Plaintiff, pursuant to MCL 213.66(3), shall pay attorney fees to Sills, Charboneau, Fiedler & Barnett, P.C., in the sum of $103, 953.33 plus an interest payment of $9,262.24 for a total payment of $113,215.57 pursuant to Section 16(3) of the Uniform Condemnation Procedures Act (1980 PA 87; MCL 213.66(3); MSSA 8.265 (16)(3)).

This judgment reserves the payment of expert witness fees to David Burgoyne, disputed interest amount on just compensation and disputed costs for case evaluation, transcript fees for Mary Jane Anderson's deposition, motion fees and transcript fees for the necessity hearing.

_____
Circuit Judge

Approved as to substance and form;
notice of entry waived.

_____
Susan M. Lancaster (P33168)
Attorney for Plaintiff

_____
Thomas R. Charboneau, Jr. (P31837)
Attorney for Defendant, Ronald R. Theuer

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/Finance & Admin.
Cindy Stewart, Community Affairs Director

SUBJECT: Recognition as a Nonprofit Organization Status from Troy Police Benevolent Association

DATE: May 29, 2003

The Troy Police Benevolent Association (TPBA) would like to obtain a Charitable Gaming License to conduct a raffle in conjunction with Troy Daze Festival. One of the requirements to obtain this license is a resolution for the City of Troy, confirming that the TPBA is a recognized nonprofit organization in the community.

The Troy Police Benevolent Association is a nonprofit 501(c)(3) organization organized by the Troy Police, City employees and community volunteers. Our purpose is to provide assistance to City of Troy employees that experience personal tragedy and subsequent financial distress – particularly if it is related to their public service employment.

The TPBA was initiated when Officer Chuck Mulvihill passed away while on duty last year. With the help from local businesses and citizens, the TPBA raised $33,600 to fund two scholarships for Officer Mulvihill's sons, Timothy and Thomas. The TPBA contributed to allow Carol Rupkey to participate in the National Fire Fighters Memorial Service in Washington, DC. Her husband, Jim, was a Troy Volunteer fire fighter. He suffered a fatal heart attack during training April 23, 2001. A donation was also made to the Mouch family after Robert Mouch, a volunteer fire fighter was killed in an automobile accident last December.

Attached is a proposed resolution for your consideration.

TO: MAYOR AND MEMBERS OF CITY COUNCIL
FROM: LORI GRIGG BLUHM, CITY ATTORNEY LGB
ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY ATM
DATE: May 21, 2003
SUBJECT: CITY OF TROY v LIVERNOIS ROAD PARTNERS

As part of a project to acquire parkland and open space for recreational purposes, the City initiated a condemnation case against the Livernois Road Partners, the owners of property located at 3450 Livernois Road. As required by the Uniform Condemnation Procedures Act, $473,000 was paid to the property owners as estimated just compensation for the property. That amount was based on an appraisal report prepared by Jay L. Messer, of Integra Dean Appraisal. Mr. Messer's report had a valuation date of March 22, 2000. Since the property owners were not satisfied with the estimated just compensation, the case is scheduled to proceed to trial. However, since the condemnation case was filed October 11, 2001, it was necessary to obtain an updated appraisal with a valuation date of October 11, 2001. The City has received an updated appraisal prepared by Ken Blondell, of Integra Dean Appraisal, that concludes the value of the property at $667,000.

As a result of the updated appraisal, the attorney for the property owner has requested the City pay his client the difference between our estimated just compensation and the updated value estimate plus statutory interest from the date the City took procession of the property. It is our recommendation we pay the difference and the statutory interest as soon as possible. Since the City will be submitting into evidence the updated appraisal report and the testimony of Ken Blondell, the jury will be instructed the value of $667,000 is the minimum amount it could award the property owners. The City will ultimately have to pay the difference between our two appraisals ($194,000). Thus, it will be in the City's best interest to pay that amount as soon as possible to minimize statutory interest. Although the trial is schedule for October 28, 2003, it could be several months to a year before the matter actually proceeds to jury trial. Accordingly, payment of the difference now will save the City money. A proposed order is attached for your approval.

Payment of $194,000 plus statutory interest is not a settlement of the case nor does that amount include the property owners' attorney fees. Attorney fees and costs are issues that will arise if the matter is settled or when there is a jury verdict.

If you have any questions about this matter, please let us know.

ATM/ps

STATE OF MICHIGAN

OAKLAND COUNTY CIRCUIT COURT

CITY OF TROY, a Michigan
municipal corporation,

Plaintiff,

v

Case No. 01-035350 CC
Hon. Michael Warren

LIVERNOIS ROAD PARTNERS and
COUNTY OF OAKLAND,

Defendants.
_____/

CITY OF TROY-CITY ATTORNEY'S OFFICE
By: Allan T. Motzny (37580)
Attorney for Plaintiff
500 W. Big Beaver Road
Troy, MI 48084
(248) 524-3320

David W. Berry (P25418)
Attorney for Defendants, Livernois Road Partners
32255 Northwestern Highway #280
Farmington Hills MI 48334-1527
(248) 851-3434
_____/

ORDER FOR INTERIM PAYMENT OF JUST COMPENSATION

At a session of said Court held
in the Courthouse in the City of
Pontiac, Oakland County, MI
on:_____

PRESENT: HONORABLE MICHAEL WARREN, CIRCUIT JUDGE

The City of Troy has updated its estimate of just compensation owing for the taking at issue in this case following the exchange of appraisals. Based upon the City of Troy's updated appraisal report prepared by Kenneth Blondell, the

City is increasing its offer of just compensation from $473,000 to $667,000. This Order requires payment of the difference, plus interest.

IT IS ORDERED:

1. Troy shall pay Defendants $194,000 representing the increased just compensation from $473,000 to $667,000, without prejudice to Defendants' right to seek additional compensation of the acquisition described in the Declaration of Taking and Complaint. In addition, Troy shall pay interest from November 21, 2001, the date Defendants surrendered possession of the Property to Troy, through the date of actual payment, at the rate required by MCLA 213.65.

2. Troy's increased estimate of just compensation plus interest shall be paid within 21 days after the entry of this Order.

3. This is not a final order and this case shall proceed in accord with the Court's scheduling order.

_____
Circuit Judge

I stipulate to entry of the above order:

_____.
Allan T. Motzny (P37580)
Attorney for Plaintiff

_____.
David W. Berry (P25418)
Attorney for Defendants, Livernois Road Partners

TO: MAYOR AND MEMBERS OF CITY COUNCIL
FROM: LORI GRIGG BLUHM, CITY ATTORNEY
ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY
DATE: May 21, 2003
SUBJECT: TROY v CORAZZA AND REHSE (SQUARE LAKE/DEQUINDRE)

In conjunction with the improvement of the Square Lake and Dequindre Road intersection, a condemnation case was initiated against property owners Henry Corazza and David Rehse. The City had planned to add a southbound right hand turn lane, which would require the acquisition of only one of the two structures located on the property. However, the residence and the property was being used as a storage facility for the office building, and the property owners asked the City to include the older structure in the condemnation resulting in a total take of the property.

Jay Messer, of Integra-Dean, completed an appraisal of the property on March 5, 2001, and determined the property, which is zoned B-1, was valued at $330,000. The Defendant's appraiser, David Burgoyne, valued the same parcel of property at $1,100,000 as of the date of taking, August 15, 2001. The case was previously submitted to case evaluation, where three attorneys who practice in Oakland County, attempted to put a value on the case. The case evaluators awarded the Defendants $752,000 plus statutory attorney fees, costs, and interest. The City rejected this award.

Prior to trial, the City sought to have the matter adjourned to allow it to amend its witness list to add a new appraiser to testify as its expert. This was due to the illness of Jay Messer (now deceased), who was no longer able to make court appearances. However, the court denied the request on the basis that Mr. Messer was assisted in the appraisal by another certified appraiser, Donald Passalacqua. The Court advised that Mr. Passalacqua, although he had never testified before, should be able to testify with regard to the City's appraisal.

Accordingly, the case proceeded to jury trial on February 10, 2003, and concluded on February 14, 2003. The jury returned a verdict awarding $665,000 as just compensation for the subject property.

Following the jury verdict, Defendants submitted a proposed judgment which included an amount for attorney and expert witness fees. Pursuant to the Uniform Condemnation Procedures Act, the City is required to pay the property owners reasonable attorney fees and expert witness fees. However, the City objected to the fees requested on the basis they were not reasonable. Accordingly, the Court held an evidentiary hearing on the issue of fees. At the conclusion of the hearing, the Court determined $16,385 was a reasonable fee for defendants' appraiser and that $6,761.44 was a reasonable fee for their planner. Additionally, the Court awarded defendants $123,391.75 in attorney fees. A copy of the final judgment is attached.

In accordance with the judgment, we have prepared a resolution approving payment of the sums set forth in the judgment.

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

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

CITY OF TROY, a Michigan
municipal corporation,

Plaintiff,

-vs-

Case No. 01-033981-CC
Hon. Colleen A. O'Brien

HENRY E. CORAZZA and
DAVID REHSE,

Defendants.
_____/

City of Troy-City Attorney's Office
By: Allan T. Motzny (P37580)
Attorney for Plaintiff
500 W. Big Beaver Road
Troy, MI 48084
(248) 524-3320

HUTSON, SAWYER, REILLY,
RUPP & SCHROEDER
Thomas G. Sawyer (P19929)
Attorney for Defendants
292 Town Center Drive
Troy, MI 48084-1774
(248) 689-5700
_____/

JUDGMENT ON JURY VERDICT
DETERMINING JUST COMPENSATION

At a session of said Court held in the Courthouse in the City of Pontiac, County and State aforesaid, on MAY 08 2003

PRESENT: HON. COLLEEN A. O'BRIEN, CIRCUIT JUDGE

This cause came on for trial before the Court and a jury, the Honorable Colleen A. O'Brien presiding, and the jury having determined Defendants are entitled to $665,000 as just compensation for the subject property, and Defendants having filed a Motion to Settle Entry of Judgment which was objected to

HUTSON, SAWYER,
REILLY, RUPP
& SCHROEDER
ATTORNEYS AT LAW
292 TOWN CENTER DRIVE
TROY, MI 48084-1774
(248) 689-5700
FAX (248) 689-5741

by Plaintiff and was heard by the Court and testimony was taken on April 30, 2003,

NOW, THEREFORE, IT IS ORDERED:

1. Title to the property which is the subject of this cause of action, and which is fully described in the Complaint for Acquisition of Property and Declaration of Taking filed with this Court on August 15, 2001, has vested in the Plaintiff by virtue of the filing of the Complaint for Acquisition of Property and Declaration of Taking and the entry by this Court on October 22, 2001 of the Order for Payment of Estimated Compensation and Surrender of Possession.

2. As required in the Order for Payment of Estimated Compensation and Surrender of Possession, the Plaintiff previously paid the Defendants, Henry E. Corazza and David Rehse, estimated just compensation in the amount of $330,000.

3. Pursuant to the jury's verdict, Plaintiff shall pay to Defendants the additional sum of Three Hundred Thirty-Five Thousand ($335,000) Dollars for the acquisition of the property described in the Complaint for Acquisition of Property and Declaration of Taking or otherwise arising out of the taking for public purposes of said property (exclusive of interest, costs and attorney fees) and except as otherwise expressly provided in this Judgment.

4. Pursuant to the provisions of 1931 PA 270, as amended, MCL 213.291, amounts due as delinquent real property taxes or assessments, if any, shall be deducted by Plaintiff prior to payment of the sums set forth in Paragraph 3.

HUTSON, SAWYER, REILLY, RUPP & SCHROEDER
ATTORNEYS AT LAW
292 TOWN CENTER DRIVE
TROY, MI 48084-1774
(248) 689-5700
FAX (248) 689-5741

5. Plaintiff shall further pay defendants statutory interest on the unpaid just compensation of $335,000 from and after August 15, 2001, in accordance with the provisions of Section 15 of the Uniform Condemnation Procedures Act, MCL 213.65, until the date of actual tender of payment. The accrued interest compounded annually through April 30, 2003, at the Federal income tax deficiency rate specified in the statute is determined to be $35,175.24 through April 30, 2003. The additional per diem interest payable from May 1, 2003 to the date of actual tender of all sums under this Paragraph 5 is $48.80 per day.

6. Plaintiff, in accordance with Section 16 of the Uniform Condemnation Procedures Act, MCL 213.66, shall pay expert witness fees incurred by Defendants in the amount of $16,385.00, as to Burgoyne Appraisal Company, and $6,761.44 to Land Design Studio.

7. The payee in all instruments of payment drawn pursuant to this Judgment for just compensation and interest shall be Henry E. Corazza and David Rehse, jointly and severally.

8. Pursuant to the provisions of Section 2 of the General Property Tax Act, being 1893 PA 206, as amended, (MCL 211.2), taxes previously paid by Defendants, or deducted by Plaintiff, shall be prorated on a due-date basis and adjusted proportionately for the amount of the acquisition, and an appropriate adjustment shall be made in the amount paid or withheld pursuant to this Judgment.

9. Plaintiff, pursuant to Section 16 of the Uniform Condemnation Procedures Act, MCL 213.66(3), shall pay attorney fees to Hutson, Sawyer, Reilly, Rupp & Schroeder, P.C., in a sum

HUTSON, SAWYER, REILLY, RUPP & SCHROEDER
ATTORNEYS AT LAW
292 TOWN CENTER DRIVE
TROY, MI 48084-1774
(248) 689-5700
FAX (248) 689-5741

equal to one-third (1/3) of the ultimate award received by Defendants as set out in Paragraph 5 of this Judgment, which sum has been determined to be fair and reasonable by the Court. One-third (1/3) of the ultimate award through April 30, 2003, is $123,391.75, plus one-third (1/3) of the additional ultimate award that Plaintiff is required to pay to Defendants for accrued and unpaid interest from May 1, 2003, until the ultimate award is actually paid.

10. Plaintiff shall pay to Defendants for reimbursement of their taxable costs in accordance with the determination by the Court in the amount of $60.00.

This Judgment resolves the last pending claims and closes the case.

COLLEEN A. O'BRIEN
CIRCUIT JUDGE

A TRUE COPY
G. WILLIAM CADDELL
Oakland County Clerk - Register of Deeds
By _____
Deputy

Approved as to form:

City of Troy-Legal Department

By _____
Allan T. Motzny (P37580)
Attorneys for Plaintiff

HUTSON, SAWYER, REILLY, RUPP & SCHROEDER

By _____
Thomas G. Sawyer (P19929)
Attorneys for Defendants

HUTSON, SAWYER, REILLY, RUPP & SCHROEDER
ATTORNEYS AT LAW
292 TOWN CENTER DRIVE
TROY, MI 48084-1774
(248) 689-5700
FAX (248) 689-5741

tjl.ple.reh.jdmt.doc

May 27, 2003

TO: Honorable Mayor and City Council

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

SUBJECT: Standard Purchasing Resolution 1: Award to Low Bidder–
Park Shelter at Boulan Park

RECOMMENDATION

City management recommends that City Council award a contract to furnish and install a new park shelter at Boulan Park to the low bidder, *Michigan Playgrounds, Inc., 102 Walnut Ave., Ste C, Holland, MI 49423, 888-233-7529*, for an estimated total cost of $50,650.00, plus an amount not to exceed $2,000.00 for insurance, to be paid directly to the insurer, contingent upon submission of proper proposal and bid documents, including insurance certificates, bonds and all specified requirements.

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

SUMMARY

Bids for the contract were opened May 2, 2003, with two companies responding with complete bids. The project requires the vendor to furnish all labor, materials, and equipment to remove and dispose of one existing aging park shelter, then furnish and install a new park shelter at Boulan Park.

The park shelter being replaced is a concrete block structure with a composition shingle roof. It is not structurally sound with cracks running throughout the block. Additionally, the roof is nearing the end of its life and the building houses a conglomeration of electrical panels, boxes, and services that are in need of upgrade. The shelter is enclosed with blocked off fireplaces at two ends and has become an area for undesirable activity due to lack of visibility into and through the structure.

The new park shelter installed under this contract will be an open structure similar to the park shelters in other parks, with metal posts and roof for reduced maintenance costs and interior light fixture for increased visibility and security. A single service panel that will supply electricity to the new shelter for security light and electrical outlets will replace the wall of electrical panels and cabinets currently located on the existing structure.

BUDGET

Funds are available to complete this project in the Boulan Park Development Capital Account #401770.7974.020.

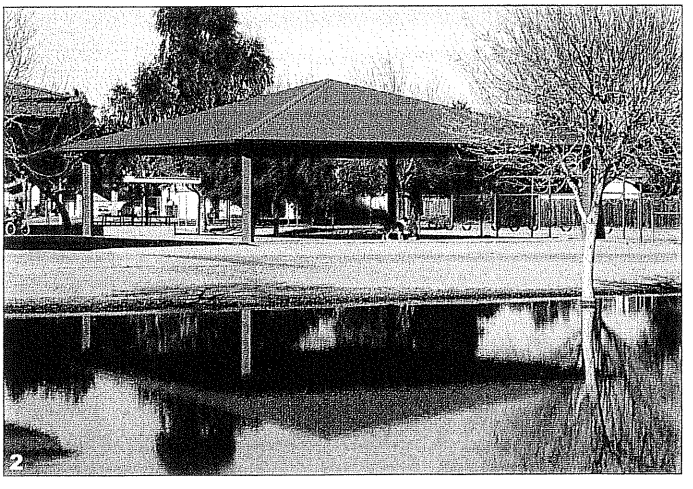
28 Vendors Notified – MITN System
2 Bid Responses Rec'd
2 No Bids: (1) Company unable to bid as specified.
(1) Company submitting a bid through Rolar Inc.

Prepared by: Jeffrey J. Biegler, Superintendent of Parks

Mesa Model

Our most popular model features a practical and attractive hip roof that sheds water efficiently and provides excellent shade. Available in a wide variety of shapes and sizes: square, rectangle, "U" and "L" shapes. Shade a single picnic table, cover a playground or an entire basketball court.

1. Situated next to a playground, this 30′ x 30′ structure features a weathered copper-colored HR-36 steel roof and allows parents to relax while supervising the kids.
2. The 40′ x 40′ model is popular with large groups or outdoor classes.



Mesa Model continued next page

Opening Date -- 5-2-03
Date Prepared -- 5/27/03

CITY OF TROY
BID TABULATION
PARK SHELTER - BOULAN PARK

VENDOR NAME:	**	**MICHIGAN PLAYGROUNDS INC**		ROLAR PROPERTY SERVICES INC
10%				
CHECK #:		0213255		874463089
CHECK AMOUNT:		$ 5,065.00		$ 5,980.00

PROPOSAL: TO FURNISH ALL LABOR, MATERIALS, AND EQUIPMENT TO REMOVE AND DISPOSE OF THE EXISTING SHELTER, THEN FURNISH AND INSTALL A NEW PARK SHELTER AT BOULAN PARK

ONE (1) PARK SHELTER AT BOULAN PARK **COMPLETE FOR THE SUM OF:**		**$ 50,650.00**		$ 59,800.00
MANUFACTURED BY:		CLASSIC RECREATION SYSTEMS		POLIGON PARK ARCHITECTURE
STYLE/MODEL:		Mesa 30'x40'		RAM 30x44 MR Ramada Shelter
COST BREAKDOWN:	MARKED AS	Attachment A		Listed on Page 1 of 5
SCHEDULE OF VALUES:	MARKED AS	Attachment B		Listed on Page 1 of 5
CONTACT INFORMATION:	HOURS	8am-8pm		7am-6pm
EM. PHONE		(616) 393-8601		(248) 879-0355
INSURANCE	CAN MEET			XX
	CANNOT MEET	XX		
		=>30 days is still currently		
		being disputed w/carrier		
		may be available		
		$500,000 WC		
		and an upcharge (See Note Below)		
SITE INSPECTION:	Y/N	YES,		YES,
	Date	4/22/03		4/15/03
WORK WILL COMMENCE AFTER NOTICE OF AWARD		One Day		30 Days
WARRANTY:		Attached To Bid		Per Specifications
EXCEPTIONS:		Listed in Bid		Blank

NOTE: Bid proposal was qualified in an amount not to exceed $2,000.00 to be paid directly to the insurance company in order to obtain the additional coverage needed to comply with specifications.

NO BIDS:
Engan-Tooley-Doyle & Assoc, Inc
Mike Downey Sales

**** DENOTES LOW BIDDER**

ATTEST:
Charlene McComb
Jeffrey Biegler
Linda Bockstanz

Jeanette Bennett
Purchasing Director

G:PARKSHELTER ITB-COT 03-02

Michigan Inter-governmental Trade Network
MITN

Matching and Downloading History for ITB-COT 03-02Shelter

This report shows all fax and e-mail vendors that matched the document when it was issued. It also shows all vendors (including those that are registered free), that have obtained the document and any subsequent amendments up to and including **5/27/2003.**

Document Title: One (1) Park Shelter at Boulan Park
Date Issued: 4/7/2003
Close Date: 5/2/2003

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Addenda
10010	Test E-mail Company for MITN	E-mail	4/8/2003	
10021	MBM Computer System Solutions	Free	4/11/2003	
10063	Tri-Con Electric Inc.	Free	4/7/2003	
10065	Payne Landscaping, Inc.	E-mail		
10207	Rasins Landscape & Assoc., Inc.	E-mail		
10447	Saf-Play Services, Inc.	Fax	4/17/2003	
10604	white excavating company inc.	Fax	4/8/2003	
10664	Timber Systems	E-mail	4/8/2003	
10884	Maged Contracting, Inc.	Fax	4/9/2003	
10905	Engan Tooley Doyle & Assoc., Inc.	E-mail	4/11/2003	
10938	Great Lakes Landscaping & Construction Inc.	Fax	4/22/2003	
11073	Oscar W. Larson Co.	E-mail		
11151	S & D Field Services	Free	4/9/2003	
11186	Homeowners Building & Remodeling Inc.	Free	4/15/2003	
11257	Allied, Inc.	E-mail	4/9/2003	
11272	Pollard Heating and Cooling	Free	4/24/2003	
11316	Mike Downey Sales	Fax	4/11/2003	
11460	Turf Services, Inc.	E-mail		
11562	Outdoor Fun Store Co.	E-mail	4/8/2003	
11619	TROY ORNAMENTAL IRON & FENCE	Free	5/1/2003	
11623	brencal contractors inc.	Free	4/10/2003	
11631	Bowman Construction LLC	Free	4/11/2003	

11638	Michigan Playgrounds, Inc.	E-mail	5/1/2003	
11681	D and J Lawn and Snow Corp.	E-mail	4/24/2003	
11720	Rolar Property Services Inc.	E-mail	4/16/2003	
11723	BT's Construction, Inc.	Free	4/18/2003	
11749	Play Environments, Inc.	Free	4/21/2003	
11752	Sinclair Recreation	Free	4/18/2003	
11873	WCI Cintractors,Inc.	Free	4/29/2003	

Back to Main Menu New Report

May 23, 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 Woodside Bible Church
Project No. 01.945.3

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

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

Approval is recommended.

G:\Projects\Projects - 2001\01.945.3 Woodside Bible Church\Private Agreement Cover Letter.doc

cc: Tonni Bartholomew, City Clerk (Original Agreement)
James Nash, Financial Services Director
Carol Anderson, Director of Parks and Recreation
Mark Miller, Planning Director
Nino Licari, City Assessor
Timothy Richnak, Director of Public Works
William Jawlik, Inspector Supervisor.
Woodside Bible Church

Prepared by: G. Scott Finlay, PE
Civil Engineer

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

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS
(PRIVATE AGREEMENT)

PROJECT NO. 01.945.3

PROJECT LOCATION: NW ¼ SECTION 2

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 Woodside Bible Church whose address is 3193 Rochester Road, Troy, MI 48084 and whose telephone number is 248-689-2015 hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of water main, detention, sanitary sewer, sidewalks, soil erosion, landscaping wetland mitigation and r.o.w. paving in accordance with plans prepared by Professional Engineers Associates. whose address is 2430 Rochester Court, Troy, MI 48083-1872 and whose telephone number is (248) 689-9090 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 **$733,089.00**. 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 ☒

Said funds shall be placed on deposit with the City upon the execution of this contract and shall be disbursed to the contractor by the City only upon presentation of duly executed waivers of lien and sworn statements satisfactory to the City, and after final inspection and approval by the Engineering Department for the City. In addition, the owners agree to deposit and contribute **$174,988.00** cash fee per the attached **Detailed Summary of Required Escrow Deposits Cash Deposits and Cash Fees.**

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS (PRIVATE AGREEMENT)

PROJECT NO. 01.945.3 PROJECT LOCATION: NW ¼ SECTION 2

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 $771,377.00 for the construction of said public utilities in lieu of the establishments of any special district by the City. Further, owners acknowledge that the benefit to their property conferred by the improvement is equal to, or in excess of, the aforementioned amount.

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

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

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS (PRIVATE AGREEMENT)

PROJECT NO. 01.945.3

PROJECT LOCATION: NW ¼ SECTION 2

COUNCIL RESOLUTION NO.

DATE OF COUNCIL APPROVAL:

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this 15TH day of MAY, 2003.

OWNERS
By:

Please Print or Type KEVAN JOHNSTON

Please Print or Type

CITY OF TROY
By:

Matt Pryor, Mayor

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this 15TH day of MAY, A.D.2003, before me personally appeared KEVAN JOHNSTON 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, Janet E. White Michigan

JANET E. WHITE
NOTARY PUBLIC OAKLAND CO., MI
MY COMMISSION EXPIRES Oct 27, 2003

My commission expires: 10-27-03

Detailed Summary of Required Escrow Deposits, Cash Fees & Cash Deposits
Woodside Bible Chruch - Project No. 01.945.3
Section 2

ESCROW DEPOSITS:

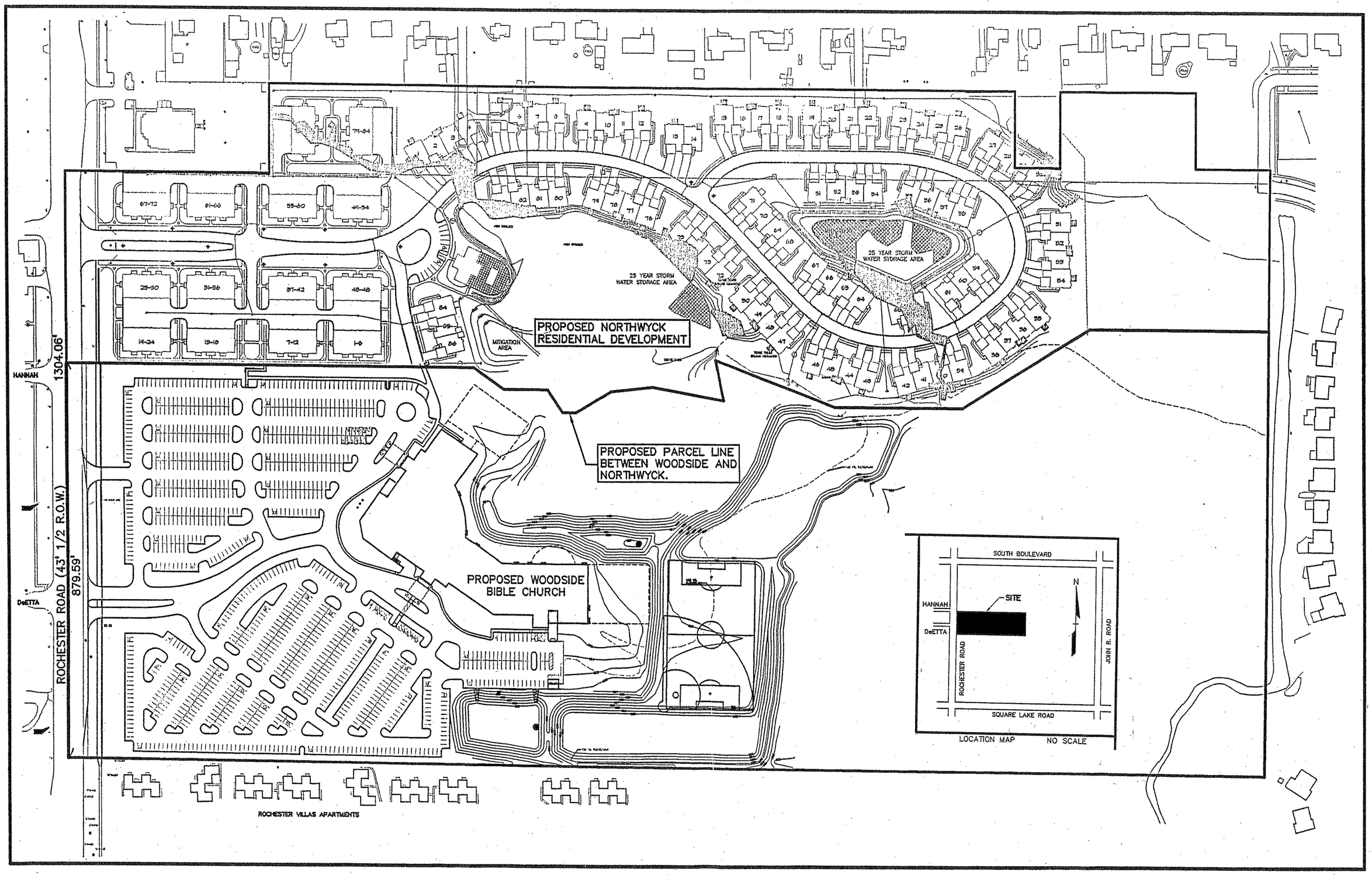
Sanitary Sewers	$32,658
Water Mains	$100,646
Grading	$420,000
Detention Basin	$20,000
Soil Erosion Control Measures	$5,945
Monuments and Lot Corner Irons	$50
Temporary Access Road	$2,000
Deceleration Lane - Rochester Road	$19,728
Sidewalks - OFF SITE	$24,000
Deposit for the Repair of Damage to Existing Public Streets Used for Access	$20,000
Vegatation Stablization	$88,062
TOTAL ESCROW DEPOSITS (REFUNDABLE):	**$733,089**

CASH FEES (NON-REFUNDABLE):

SUB03	Water Main Testing and Chlorination	$970
	Maintenance of Detention Basin - PRIVATE	$0
SUB10	Soil Erosion and Sedimentation Control Permits include in Act 451 Permit	$0
SUB11	Testing Services	$1,617
SUB13	Engineering Review and Inspection	$35,701
	TOTAL CASH FEES (NON-REFUNDABLE):	**$38,288**

CASH DEPOSITS (REFUNDABLE):

SUB02	Split Rail Fence	$13,200
	Wetland Mitigation	$80,100
SUB14	Deposit for Maintenance & Cleaning of Ex. Public Streets Used for Access	$10,000
SUB07	Landscape Deposit	$27,100
BUB09	Punchlist & Restoration Deposit	$6,300
	TOTAL CASH DEPOSITS (REFUNDABLE):	**$136,700**


PROPOSED NORTHWYCK RESIDENTIAL DEVELOPMENT
25 YEAR STORM WATER STORAGE AREA
25 YEAR STORM WATER STORAGE AREA
MITIGATION AREA
PROPOSED PARCEL LINE BETWEEN WOODSIDE AND NORTHWYCK.
PROPOSED WOODSIDE BIBLE CHURCH
ROCHESTER VILLAS APARTMENTS
ROCHESTER ROAD (43' 1/2 R.O.W.)
1304.06'
879.59'
HANNAH
DeETTA
SOUTH BOULEVARD
SITE
N
HANNAH
DeETTA
ROCHESTER ROAD
JOHN R. ROAD
SQUARE LAKE ROAD
LOCATION MAP NO SCALE

TO: The Honorable Mayor and City Council

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

RE: Proposed 2003-04 City of Troy Downtown Development Authority Budget

DATE: May 27, 2003

Please find attached the Proposed 2003-04 City of Troy Downtown Development Authority Budget, which has been recommended for approval by the Downtown Development Authority at their May 21, 2003 meeting.

May 28, 2003

TO: Honorable Mayor and City Council

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

SUBJECT: FINAL PLANNED UNIT DEVELOPMENT APPROVAL AND PLANNED UNIT DEVELOPMENT AGREEMENT APPROVAL – Woodside Bible Church (formerly Troy Baptist Church)/Northwyck Planned Unit Development (PUD - 1), located on the east side of Rochester Road, north of Square Lake Road and south of South Boulevard, Section 2

RECOMMENDATION

City Council approved the Preliminary Plan for Woodside Bible Church/Northwyck Planned Unit Development on September 23, 2002. The proposed Final Plan is consistent with the Preliminary Plan. The Engineering Department granted approval of the engineering plans based upon the City's Development Standards; however, storm water detention has been required for a higher 25-year rain event and a lower discharge rate than the 10-year rain event required by the Development Standards. Therefore, the development will not cause or exacerbate drainage problems on contiguous properties, due to surface run-off from the proposed development. In addition, the City Engineer concurs with a hydrogeological study that indicates that the proposed development will have minimal effect on groundwater or surface water to the east or south and will not have any significant effect on the existing lakes to the east and south (Attachment 7).

The executed Development Agreement for the Woodside Bible Church/Northwyck Planned Unit Development (Attachment 5) is attached to this report.

City Council approved the Contract for Installation of Municipal Improvements/Private Agreement for Northwyck Condominiums on May 5, 2003. Woodside Bible Church's Private Agreement is on the consent agenda for approval on the June 2, 2003 City Council meeting. Both parties have provided a Letter of Credit for escrow, and cash fees and deposits for the cost of public improvements.

City Management recommends Final Approval of the Woodside Bible Church/Northwyck Planned Unit Development and execution of the Planned Unit Development Agreement.

GENERAL INFORMATION

Name of Owner / Applicant:
Woodside Bible Church and Robertson Brothers Co.

Size of subject parcel:
The parcel is approximately 89.4 acres in size.

Proposed use(s) of subject parcel:
The applicant is proposing a mixed-use development including a church, a neighborhood community center, fourteen 6-unit townhouses, twenty-one 4-unit condominiums and wetlands and open space areas.

Current use of subject property:
The property is presently vacant.

Current use of adjacent parcels:

North: The Alibi Restaurant is on the corner of Hartwig and Rochester Road. The remainder of the property to the north is single family residential (Eyster's Subdivision).

South: The front half of the property is one family attached dwellings (Rochester Villas); the back half of the property is open space.

East: Single family residential (Emerald Lakes Subdivision).

West: Across Rochester Road, all of the property with the exception of a dentist office between Lovell and Hannah is single family residential.

Current zoning classification:
The parcel is currently zoned R-1D One Family Residential.

Zoning classification of adjacent parcels:

North: The property on the corner of Hartwig and Rochester is zoned B-3 General Business and P-1 Vehicular Parking. The remainder of the property is zoned R-1D One Family Residential.

South: The west half of the property is zoned CR-1 One Family Residential Cluster. The east half is zoned E-P Environmental Protection.

East: R-1D One Family Residential

West: The property between Lovell and Hannah is zoned B-1 Local Business. The remainder of the property is zoned R-1B One Family Residential.

Future Land Use Designation:
The property is a mix of designations in the Future Land Use Plan. The frontage along Rochester Road is designated as Medium Density Residential. The property further to the east is designated as Low Density Residential. There is a relatively large area west of the Gibson Renshaw Drain that is designated as Open Space. The proposed development appears to be consistent with the Future Land Use Plan.

Stormwater Detention:
The proposed development will detain water on site using existing floodplain areas, wetlands, swirl chambers, smaller detention basins and wetland mitigation areas. All of these areas will be shallow sloped.

Natural features and floodplains:
Approximately 25 acres (30% of the overall site) of wetlands and woodlands will be preserved with MDEQ and City of Troy conservation easements.

Compatibility with adjacent land uses:
The proposed development is compatible with adjacent land uses.

Compliance With Standards For Approval Of Planned Unit Developments (Section 35.70.00)

In considering applications for Planned Unit Developments, the Planning Commission and City Council shall make their determination based upon the following standards:

> ***The overall design and all proposed uses shall be consistent with and promote the Intent of the Planned Unit Development approach, as stated in Section 35.10.00, and the Eligibility conditions as stated in Section 35.30.00:***
>
> The proposed development is consistent with the intent of the PUD approach, including innovation and variety in design, preserving natural features, providing for enhanced recreation opportunities, compatibility with adjacent sites and consistency with the Future Land Use Plan (Section 35.10.00).
>
> The proposed development is consistent with the Eligibility conditions (Section 35.30.00).

The proposed Planned Unit Development shall be consistent with the intent of Master Land Use Plan:

The PUD is consistent with the Future Land Use Plan, which delineates medium density residential along Rochester Road and Low Density Residential toward the rear of the parcel. In addition, the area that is to be preserved is delineated as Open Space in the Plan.

The proposed Planned Unit Development includes information which clearly sets forth specifications or information with respect to structure height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to the surrounding properties and uses thereon, as well the relationship between the various elements of the proposed Planned Unit Development. In determining whether this requirement has been met, consideration shall be given to the following:

The bulk, placement, and materials of construction of the proposed structures and other site improvements:

The required rear yard setback in the R-1D district to the north is 40 feet. All condominium units have rear yard setbacks of at least 35 feet.

A 28-foot wide private road will serve the residential neighborhood. Setbacks between separate buildings are at least 30 feet. Units are typically set back at least 30 feet from the edge of the private drive and in no instance are set back less than 21 feet from the edge of the private drive.

These setbacks allow the petitioner to preserve a significant portion of the property's natural features.

The location and screening of vehicular circulation and parking areas in relation to surrounding properties and the other elements of the development:

The PUD will be screened from Rochester Road by a 50-foot wide landscaped berm. All interior roadways will be lined with trees. The church parking lot will be screened from the residential development to the south by a fence and landscaping. In addition, the interior of the parking lot will be planted with trees. The residential neighborhood will be screened from the property to the north by a wooden fence with landscaping. All fences will have a one (1) foot space from grade. The residential neighborhood to the east will be buffered by a 400-foot wide woodland preserve.

The location and screening of outdoor storage, loading areas, outdoor activity or work areas, and mechanical equipment:

All outdoor activity areas will be recreational in nature.

The hours of operation of the proposed uses:

The church will generate significant traffic immediately before and after church services on Sunday mornings and Wednesday evenings. These times will generally not coincide with peak traffic volumes on Rochester Road.

The location, amount, type and intensity of landscaping, and other site amenities:

Site amenities include approximately 25 acres of preserved open space, including woodlands and wetlands. The proposed "Sacred Grove" located east of the church includes a meditation area, picnic area and wetlands overlook area. The PUD also includes a neighborhood community center, sports field, boardwalk and walking trails. These amenities will improve the quality of life of residents of the PUD and surrounding area. A pedestrian connection is also included which will link the Emerald Lakes Subdivision to Rochester Road, through the proposed residential development.

The proposed development shall not exceed the capacities of existing public facilities and available public services, including but not limited to utilities, roads, police and fire protection services, recreation facilities and services, and educational services (Section 35.70.04).

The proposed development will not exceed the capacities of existing public facilities.

The Planned Unit Development shall be designed to minimize the impact of traffic generated by the PUD on the surrounding uses and area (Section 35.70.05).

Vehicular access to the PUD will be from Rochester Road. A boulevard entrance with acceleration and deceleration lanes is proposed for both the church entrance and the entrance to the residential neighborhood. An additional two-way entrance is proposed for the church.

The Planned Unit Development shall include a sidewalk system to accommodate safe pedestrian circulation throughout the development, and along the perimeter of the site, without undue interference from vehicular traffic.

The PUD includes a system of sidewalks and trails throughout the property. The system will be connected to an 8' wide sidewalk along Rochester Road as well as a connection to Lovell in the Emerald Lakes Subdivision to the east.

The proposed Planned Unit Development shall be in compliance with all applicable Federal, State and local laws and ordinances.

The PUD is in compliance with all applicable laws and ordinances.

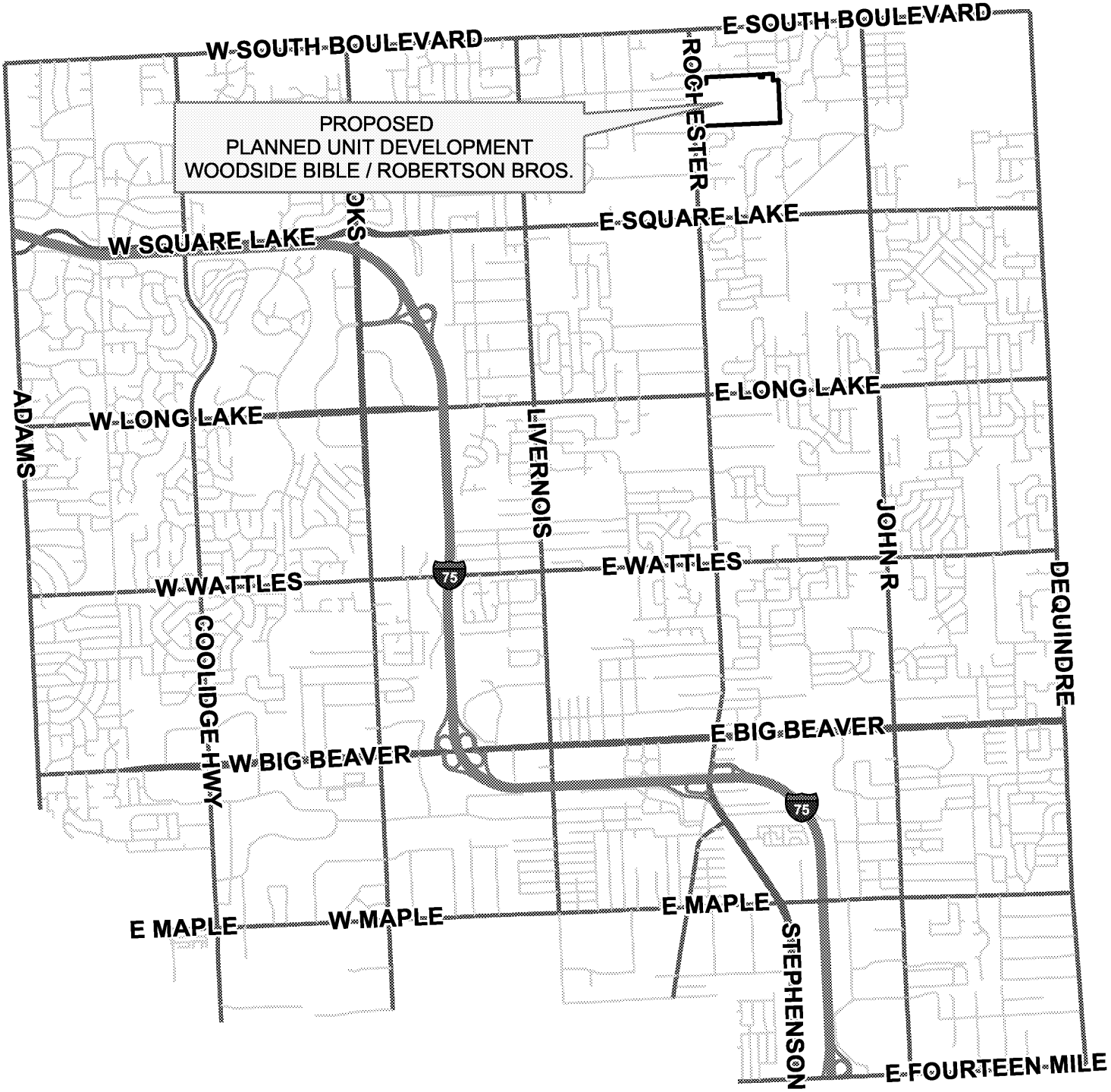
Attachments:

1. City Wide Location Map
2. Location Map
3. Zoning Map
4. Aerial Map
5. Planning Unit Development Agreement
6. Conservation and Access Easement
7. Hydrogeological Study
8. Preliminary PUD Approval Minutes, September 23, 2002
9. PUD Final Plan

Attachment 1

City Wide Location Map

CITY OF TROY

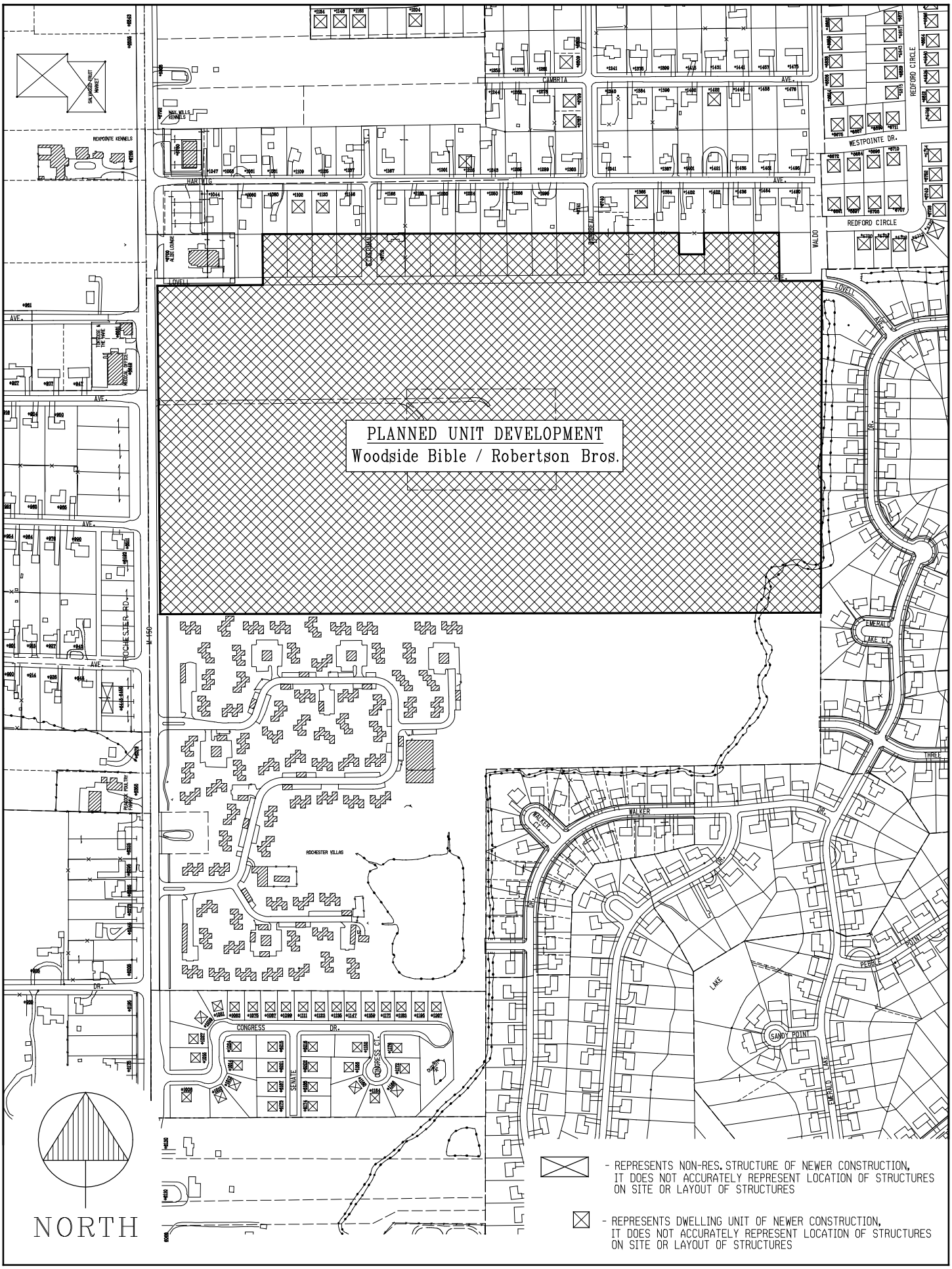


N

PREPARED BY CITY OF TROY PLANNING DEPT.

Attachment 2

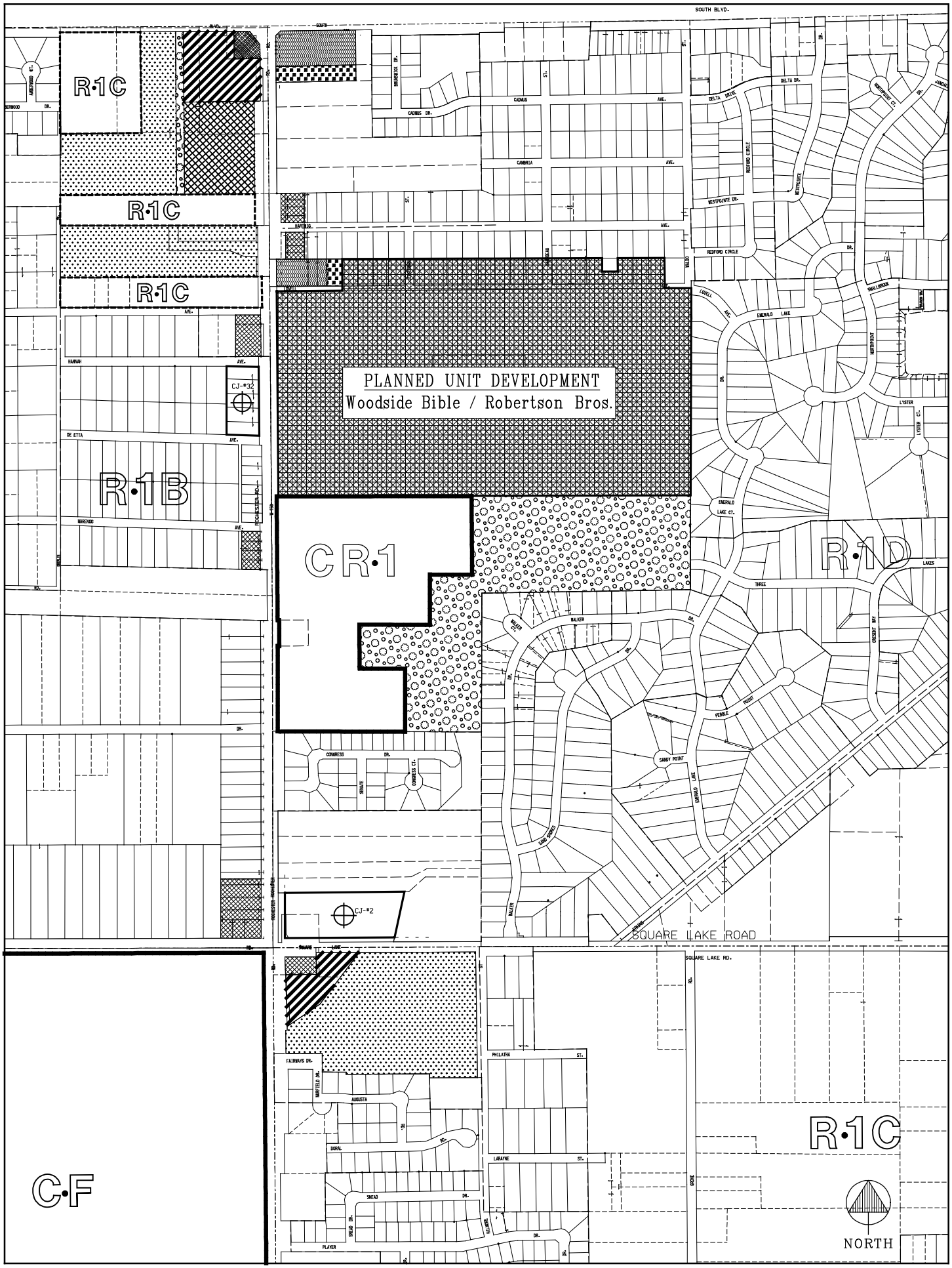
Location Map



TROY BAPTIST ET AL P.U.D. / SEC. 02 / 06-20-02

Attachment 3

Zoning Map


PLANNED UNIT DEVELOPMENT
Woodside Bible / Robertson Bros.
R-1C
R-1C
R-1C
R-1B
CR-1
R-1D
C-F
R-1C
CJ-#32
CJ-#2
SOUTH BLVD.
SQUARE LAKE ROAD
SQUARE LAKE RD.
NORTH

Attachment 4

Aerial Map

PROPOSED P.U.D.
WOODSIDE BIBLE CHURCH / ROBERTSON BROS.
S OF SOUTH BLVD., E SIDE ROCHESTER
SEC 2 (PUD-1)

0 100 200 400 600 800 Feet

N

Attachment 5

Planning Unit Development Agreement

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF TROY

DEVELOPMENT AGREEMENT FOR THE WOODSIDE BIBLE CHURCH/NORTHWYCK PLANNED UNIT DEVELOPMENT

THIS DEVELOPMENT AGREEMENT, dated as of May_____,2003, is by and between ROBERTSON NORTHWYCK, LLC, a Michigan Limited Liability Company, having its principal office at 6905 Telegraph Road, Bloomfield Hills, Michigan 48301, WOODSIDE BIBLE CHURCH, a Michigan Ecclesiastical Corporation, having its principal office at 3193 Rochester Road, Troy, Michigan 48083 (hereinafter the "Developers") and the CITY OF TROY, a Michigan municipal corporation, having its principal office at 500 W. Big Beaver Road, Troy, Michigan 48084 (hereinafter the "City").

RECITATIONS:

Developers are also the owners of all of the property described in attached Exhibit A (hereinafter the "Property"), which is located within the City of Troy. The Developers are in the process of developing that Property as Woodside Bible Church/Northwyck Planned Unit Development. Developers as owners of all legal and equitable title in and to the Property have approved this Agreement.

Developers have proposed and are pursuing approvals from the City for rezoning and development of the Property as Woodside Bible Church/Northwyck Planned Unit Development. Accordingly, Developers have applied for approval of an amendment to the City's Zoning Ordinance granting a rezoning of the Property to PUD (Planned Unit Development), with the zoning on the Property to be known as "Woodside Bible Church/Northwyck Planned Unit Development", sometimes also referred to herein as the "Development".

As part of the application process, Developers have offered and agreed to make the improvements and to proceed with the undertakings described in the PUD Documents as defined below, which Developers and the City agreed were necessary and roughly proportional to the burden imposed in order to (i) ensure that public services and

facilities affected by Development will be capable of accommodating increased services and facility loads caused by the Development, (ii) protect the natural environment and conserve natural resources, (iii) ensure compatibility with adjacent uses of land, (iv) promote use of the Property in a socially and economically desirable manner, and (v) achieve other legitimate objectives authorized under the City and Village Zoning Enabling Act, MCL 125, 581, *et. seq*. and Chapter 39, ARTICLE XXXV of the City of Troy Zoning Ordinance.

For the purpose of confirming the rights and obligations in connection with the improvements, development and other obligations to be undertaken on the Property once it has been rezoned to Woodside Bible Church/Northwyck Planned Unit Development, the parties have entered into this Development Agreement to be effective on the date the City's Zoning Ordinance Amendment Granting Woodside Bible Church/Northwyck Planned Unit Development becomes effective (the "Effective Date").

NOW, THEREFORE, as an integral part of the grant of the rezoning of the Property to Woodside Bible Church/Northwyck Planned Unit Development, and for other good and valuable consideration the receipt and sufficiency of which are hereby acknowledged, IT IS AGREED AS FOLLOWS:

1. **Development as PUD**. The Property shall be developed and improved only in accordance with the following which shall be referred to herein as the "PUD Documents":

A. Chapter 39, ARTICLE XXXV of the City's Zoning Ordinance, and amendments, if any.

B. Full sized plans and the cover letter dated _____, 2003, the transmittal letter dated _____, 2003, the Plan Changes List, the Project Description, PUD Justification, Tree Inventory, Wetland Assessment, Troy Baptist Church Presentation, Condominiums Presentation, presented in a binder format with reduced plans, and including:

- GWE 1 of 11 Final Site Plan Cover, 4/11/03
- GWE 2 of 11 Land Use/General Development Map, 4/11/03
- GWE 3 of 11 Natural Features Plan, 4/11/03
- GWE 4 0f 11 Tree Inventory Plan, 4/11/03
- GWE 5 of 11 Storm Water Management Plan, 4/11/03
- GWE 6 of 11 Utility Layout Plan, 4/11/03
- GWE 7 of 11 100 Scale Final Site Plan, 4/11/03
- GWE 8 of 11 50 Scale Final Site Plan, 4/11/03
- GWE 9 of 11 50 Scale Final Site Plan, 4/11/03
- GWE 10 of 11 50 Scale Final Site Plan, 4/11/03
- GWE 11 of 11 50 Scale Preliminary Site Plan, 4/11/03
- PEA L-1 Landscape Plan Woodside Bible Church, 5/1/03

- PEA L-2 Landscape Plan Woodside Bible Church, 5/1/03
- Northwyck Landscape Construction Documents, Coversheet
- L1 Overall Site Landscape/ Tree Preservation Plan, 5/9/03
- L2 The Townes Site Landscape Plan, 5/9/03
- L3 The Townes Unit Landscape Plan, 5/9/03
- L4 The Villas Site Landscape (Matchline A to Matchline B), 5/9/03
- L5 The Villas Site Landscape, 5/9/03
- L6 The Villas Unit Landscape Plan, 5/9/03
- L7 Clubhouse Layout Plan, 5/9/03
- L8 Clubhouse Planting Plan, 5/9/03
- L9 Clubhouse Detail Plan, 5/9/03
- L10-N Northwyck Entrance Northern Wall & Boulevard Layout, 5/9/03
- L10-S Northwyck Entrance Southern Wall Layout, 5/9/03
- L11 Northwyck Entrance Planting Plan, 5/9/03
- L12 Seed and Sod Plan, 5/9/03
- L13 Landscape Planting Detail, 5/9/03
- GWE Access Easements, 5/9/03
- GWE Wetland Conservation Easements, 5/12/03
- GWE County Drain Easements, 5/12/03
- GWE Sanitary Sewer Easements, 5/12/03
- GWE Watermain Easements, 5/12/03

C. This Development Agreement for Woodside Bible Church/Northwyck Planned Unit Development.

D. The Master Deed(s), By-Laws, and the Architectural Control Policies and Procedures proposed for use and recordation in regard to the Northwyck Planned Unit Development Residential Condominiums.

E. Any and all conditions of the approval of the City Council pertaining to the Woodside Bible Church/Northwyck Planned Unit Development as specifically reflected in the official minutes of such meeting, if not already set out in this Agreement and in the PUD Documents.

F. An Affidavit of the Property Owners to be recorded with the Oakland County Register of Deeds office prior to commencement of construction and prior to the sale or lease of any portion of the Property, containing the legal description of the entire project, specifying the date of approval of the Planned Unit Development, and declaring that all future development of the Property has been authorized, restricted and required to be carried out in accordance

with the Ordinance Amendment Granting Woodside Bible Church/Northwyck Planned Unit Development and the PUD Documents.

G. The Ordinance Amendment Granting Woodside Bible Church/Northwyck Planned Unit Development. .

2. **Effect of PUD Approval**. The Ordinance Amendment Granting the Woodside Bible Church/Northwych Planned Unit Development reclassifies the zoning of the Property to PUD and constitutes the land use authorization for the Property, and all use and improvement of the Property shall be in conformity with such Ordinance and the PUD Documents referenced herein.

3. **Summary Description of the PUD**. The 89.83-acre PUD Development is located on the east side of Rochester Road south of South Boulevard. It will be a mixed-use development consisting of a church and condominiums with the preservation of a large conservation area. The church property will be located primarily on the southwest portion of the parcel and the condominiums primarily on the north side of the parcel. The church will be approximately, 117,000 square feet, including 1st and 2nd floor, in its first phase. (A second phase is anticipated of approximately 35,000 square feet which would require review and approval by the City of Troy. Other expansions, if any, would also require review and approval by the City of Troy.) The church will have worship space for 1,500 seats, a fellowship hall with 207 seats, a gymnasium with 140 person occupancy and administrative offices and classrooms. The church facility will have 1,137 parking spaces and 75 land banked spaces. The church will have an athletic field for regulation soccer with a baseball overlay. The church's major orientation is to a significant grove of trees which will be featured as the church's "Sacred Grove". The "Sacred Grove" area is not part of the conservation easement property. As such, it will not be dedicated in perpetuity to either the MDEQ or the City. The "Sacred Grove" is part of the open space design of the PUD Documents. However, it is the intent of the parties that part or all of the grove of trees, may be removed if the City grants a future expansion of the church and it is necessary to remove part or all of those trees for the expansion.

There will be 170 residential condominiums. 84 "urban" condominiums, ("the Townes"), will be contained within 14 buildings; 6 units per building with 2 units being ranch plans and 4 unit being carriage ranch. Units shall range in size from 1295 square feet to 1600 square feet. The buildings will have attached garages. 86 "suburban" condominiums, ("the Villas"), will be contained in 22 buildings with units ranging from 2100 square feet to 2400 square feet. All units will have 3 bedrooms and 2 car attached garages. The condominiums project will provide a total of 312 garage parking spaces and 365 spaces outside of garages. Open-space, a clubhouse, pool, meeting rooms, nature trials, pedestrian circulation and recreational facilities will be developed.

The eastern portion of the property where wooded upland and wetland areas exist is being preserved in its natural state. This area will be set-aside in a conservation

easement that will preserve this significant natural feature for the City and supply a buffer between the new construction and the Emerald Lake homes. The planned nature trails will continue where appropriate through this area. There will be a public access through the Development between Lovell Street and Rochester Road and public access to trails/boardwalks/sidewalks in the wetland and/or conservation area.

There will be architectural consistency between uses through continuity of planning, entries, signage, walkways and landscaping. There will be two boulevard entries off Rochester Road. One entry will service the church portion of the development and the second entry will service the condominium development.

4. **Statement of Conditions**. Contained within the PUD Documents are specific references, site plans, narratives and layouts which constitute the conditions of the Woodside Bible Church/Northwyck Planned Unit Development, including, but not limited to, architectural standards, building elevations and materials, site lighting, pedestrian facilities, and landscaping. Deviation from those conditions will constitute a deficiency under this Agreement.

Uses permitted as part of the "Woodside Bible Church" Development shall be church and related uses. Uses specifically prohibited shall be restaurants open to the general public, retail not related to church activities, office uses for non-church related tenants or occupants, and any other uses not otherwise allowed in residentially zoned districts under the City ordinance for R-1D districts. Uses permitted as part of the "Northwyck" Development shall be residential only unless a use or structure is specifically included in the PUD documents, for example, clubhouse, trails, soccer field.

Except where and to the extent the express provisions of the PUD Documents provide otherwise, the regulations of the R-1D district of the City Zoning Ordinance, as amended, shall be applicable to Woodside Bible Church/Northwyck Planned Unit Development.

All development, use and improvement of the Property shall be subject to and in accordance with this Agreement, the PUD Documents, all applicable City ordinances, and shall also be subject to and in accordance with all other approvals and permits required under applicable City ordinances, the PUD Documents and State law for the respective components of the Development

A. **Master Deed Requirements for Condominium Development**. The Developers shall submit to the City proposed Master Deed(s) for the 170 unit condominiums to be located and developed on the Property, which Master Deed(s) are to be reviewed and approved by the City Attorney prior to the Effective Date. The Master Deeds shall contain provisions obligating Developers and all future successor owners of any portion of the Property including a Condominium Owners Association consisting of the presidents of each of the Condominium Owners Associations, (hereinafter "Association(s)"), in the form of a Michigan non-profit corporation for a perpetual term, with general and special assessment powers, formed in conjunction with the

Development of the condominium community, and whose structure, jurisdiction and duties are more particularly described in the Master Deed(s) and By-Laws.

1.The Master Deed(s) shall contain provisions obligating the Developers and the Association(s) to maintain and preserve the drainage and detention facilities, the private roadways, parking areas, sidewalks, clubhouse, common structures and facilities or accessory structures, including but not limited to boardwalks, pavilions, gazebos and storage sheds, open spaces, cul-de-sacs, common areas, landscaping, natural features, tree inventory, nature trails including signs, private common utilities, fences, boulevards, berms, lighting, entranceway signs and any other General Common Areas or Elements (as defined in the Master Deed[s]) in good working order and appearance at all times and in accordance with the PUD documents. Additionally, the Master Deeds shall identify and make reference to the PUD documents and the regulations of the land therein and specify that any site plans, descriptions and conditions in those PUD Documents shall control decisions regarding maintenance, locations, and other specific items as set out in those PUD Documents. Adequate provisions shall be made in the Master Deed(s) for permanent maintenance of the General Common Areas or Elements, however, any property which has been legally described as a conservation area under separate documents called the "Conservation Easements" with MDEQ or "Conservation and Access Easement" with the City shall be preserved/maintained in accordance with the terms and conditions of those easements.

2. Each unit owner in the condominium community shall be a member of the Association at all times during the terms of such ownership, and subject to assessment by said membership.

3. The Association(s) shall be authorized to perform the functions and duties delegated and assigned to it by the By-laws, either directly, or through maintenance contractors or a management agent engaged by the Association(s), or through an association in which the Association(s) is a constituent member, or any combination thereof.

4. The Architectural Control Policies and Procedures shall require that exterior modifications to the units within the condominium community shall be subject to detailed architectural review and policies and procedures referenced in the Master Deed(s) and By-Laws for the Association(s), including all aspects of development, landscaping, deck construction and alterations to unit construction. The Master Deed(s) shall indicate that if proposed exterior modifications are in conflict with the PUD Documents, the PUD Documents shall control and take precedence over the Architectural Control Policies and Procedures.

5. The condominium community shall conform to the Development Plan and the PUD Documents including the establishment and permanent creation of the Conservation and Access Easement area, through the MDEQ required conservation areas and the Conservation and Access Easement provided to the City.

B. **Deed Restrictions for Church Development**. The Developers on behalf of themselves and the future successor owners of the Property acknowledge that this Development Agreement shall constitute Deed Restrictions on any portion of the Property not included in the Master Deed requirements of Paragraph A which may be sold after completion of the Development. Any warranty deed, quit claim deed, document transferring part or all ownership of title in the Property or any document which transfers any type of property rights shall make reference to the existence of this Agreement and the fact that this Agreement contains deed restrictions that run with the land. The Deed Restrictions contained herein obligate the current property owners and all future successor owners of any portion of the Property to maintain and preserve the drainage and detention facilities, the private roadways, parking areas, sidewalks, structures and facilities or accessory structures, including but not limited to boardwalks, pavilions, gazebos and storage sheds, open spaces, cul-de-sacs, common areas, landscaping, natural features, tree inventory, nature trails including signs, private common utilities, fences, boulevards, berms, lighting, entranceway signs and any other areas set out in the PUD Documents as General Common Areas or Elements, in good working order and appearance at all times and in accordance with the PUD documents. Additionally, the Master Deeds shall identify and make reference to the PUD documents and the regulations of the land therein and specific that any site plans, descriptions and conditions in those PUD Documents shall control decisions regarding maintenance, locations, and other specific items as set out in those PUD Documents. Likewise, the specifications of the PUD Documents shall be considered Deed Restrictions.

5. **Summary of Public Improvements:**

A. **Water and Sanitary Sewer Systems.** Developers shall, at their sole expense, construct and install improvements and/or connections tying into the municipal water and sewage systems, including any required water hydrants. Such improvements shall be designed and constructed in accordance with the Site Plans, the PUD Documents and all applicable City, County and State standards, codes, regulations, ordinances and laws. Such water and sanitary sewer service facilities, including any on-site and off-site facilities, extensions and easements to reach the area to be served, shall be provided by and at the sole expense of the Developers, and shall be completed, approved and dedicated to (as required by the City in its discretion) the City to the extent necessary to fully service all proposed and existing facilities, structures and uses within the phase of the Development to be served thereby, prior to issuance of any building permits for any buildings in such phase of the Development, other than building permits issued prior to the date of this Agreement. The water and sanitary sewer improvements within and for a particular phase must be completed to the extent that such phase shall, upon completion and dedication of such improvements, be fully capable of standing on its own in terms of the provision of water and sanitary sewer services to such phase according to applicable laws, ordinances, codes, regulations and standards at the time of construction of each such phase. However, with respect to each phase of the Development, Developer shall be entitled to post security in the form of cash or check or certificate of deposit or irrevocable letter of credit issued by an institution doing business in Oakland County,

under a separate agreement in an amount equal to the cost of construction as specified in a bona fide contract for construction of such water and sanitary sewer system improvements to serve each such Development phase, which estimate has been approved by the City Engineer, together with an agreement with the City, approved by the City Attorney, authorizing the City, at its option, to install the water system and/or sanitary ewer system for such phase if Developers have failed to do so within the time specified in the agreement. In such case, the building permits for the applicable phase of the development to be served by the water and sanitary system facilities improvements in question shall be issued upon the posting of such security and execution of such agreement. Developers shall assume all risks associated with any non-availability of water and/or sanitary sewers to serve the structures within the Development, including without limitation, uninhabitable buildings and fire protection risks, and shall release, indemnify and hold harmless the City from and against any claims arising by reason of any such non-availability. Developers shall, upon completion of installation and testing of the public water and sanitary sewer improvements for each phase of the Development, convey and dedicate all interest in such facilities to the City by providing and executing documents and title work in accordance with all applicable City ordinances and requirements.

B. **Storm Water Drainage.** The Developers, at their sole expense, shall construct and maintain a storm water and ground water drainage system, which system shall include both on-site and off-site improvements, in accordance with this Agreement, the PUD Documents, the site plans, and all applicable ordinances, laws, codes, standards and regulations. All drainage improvements necessary for any phase of the Development shall be completed and approved prior to issuance of any building permits. However, except for drainage improvements which the City Engineer determines to be critical and not deferrable (which must be completed prior to building permits being issued for any phase of the Development), the Developers shall be entitled to post security in the form of cash or check or certificate of deposit or irrevocable letter of credit issued by an institution doing business in Oakland County, in a separate agreement approved by the City in an amount equal to the estimated cost of installation as specified in a bona fide contract for installation of such drainage improvements approved by the City Engineer, together with an agreement with the City, approved by the City Attorney, authorizing the City to, at its option, install the drainage improvements in question if the Developers have failed to do so within the time specified in such agreement therein. In such case, building permits for the applicable phase of the development to be served by the drainage improvements in question shall be issued upon the posting of such security and execution of such agreement. The drainage improvements shall be completed and approved prior to issuance of any certificates of occupancy within the phase of that development, and in all events within twelve (12) months after issuance of the first building permit to be served thereby; and any purchase agreement for any condominium units in the phase shall provide that a certificate of occupancy shall not be issued until the drainage improvement have been completed.

All construction, repair, maintenance and replacement of the storm drainage and detention system, as described in this Paragraph, shall be the sole obligation of the

Developers and their successors in ownership, including the Association(s), and the Master Deed(s) and as a Deed Restriction herein shall require on-going maintenance, repair and improvements of the storm drainage and detention system by the Association(s) and property owners. During the development of the applicable phase, the Developers shall be obligated to maintain the storm drainage and detention system and facilities in a fully operational condition. Upon the installation of the final or topcoat of asphalt on the roads within a phase, the Developers may assign their responsibility with respect to such maintenance to the Association(s) as provided in the applicable Master Deed(s) and as Deed Restrictions herein. Thereafter, the obligation shall be solely that of the Association(s) for the condominium community and the property owners for the church development. The proper functioning, maintenance and repair of such drainage and detention facilities shall be a condition for issuance of any and all building permits for construction of dwellings of the Property and for the issuance of certificates of occupancy.

C. **Streets, Boulevards, Sidewalks, Drives, Entryways and Parking Lots**.

1. The City will proceed with the final abandonment of Lovell Street as depicted on the PUD Documents, and the Developers shall dedicate the portions of the Shelldrake Street and Lovell Street that currently fall within the properties overall legal description.

2. All streets, boulevards, drives, entryways, sidewalks, and parking lots within the Development shall be designed, situated and constructed in accordance with all requirements and applicable ordinances of the City, the PUD Documents and the approved site plans. All internal streets, boulevards, drives, entryway, sidewalks, and parking lots will be private except as otherwise setout herein. The private streets and boulevards depicted in the PUD Documents and site plans shall provide internal access to applicable parts of the Development. All streets, boulevards and drives shall be completed and approved prior to issuance of building permits for the construction of any building or structure to be served thereby or to benefit therefrom. However, the Developers shall be entitled to post security in the form of cash or check or certificates of deposit or irrevocable letter of credit issued by an institution doing business in Oakland County, in a separate agreement approved by the City in an amount equal to the estimated cost of the construction as specified in a bona fide contract for construction of all such improvements, approved by the City Engineer, together with an agreement approved by the City Attorney, authorizing the City to, at its option, install the improvements in question if the Developers have failed to do so within the time specified therein. In such case, building permits shall be issued subject to installation and maintenance of an adequate gravel subsurface base for all entranceways and internal drive areas to provide for access for construction traffic, City personnel, emergency and fire fighting equipment; and further, the aforementioned agreement for completion shall provide that the paving of all areas referenced in this Paragraph shall be completed and approved (including topcoat and parking lot striping) prior to issuance of any final certificate of occupancy within any portion of the church Development and prior to the issuance of more than 95% of the certificates of occupancy within any phrase of the condominium

Development, but in any event such paving shall be completed within twelve (12) months of issuance of the first building permit for the church Development and within two (2) years of issuance of the first building permit for a building within each phase of the condominium Development.

3. The internal streets, boulevards, drives, entranceways, sidewalks and parking areas shall be designed and constructed to the standards of the City, except for deviations approved by the City's Engineer. The Developers, their successors and assigns, shall provide in the Master Deeds for the Condominiums and as Deed Restrictions herein express provisions for emergency access and access for all easement holders and public entities and their personnel. The Developers, for themselves and on behalf of all future owners, successors and assigns of land within the Development, acknowledge hereby and by way of the recording of this Agreement with the Oakland County Register of Deeds and the provisions in the Master Deed(s) for the condominiums that, even if the parties request that the internal roads be dedicated as public roads, the internal roadways may not be accepted by the City for public dedication if they do not meet the standards of the City.

4. Developers and any successors and assigns and of the Developers shall be responsible for maintenance and repairs of the streets, boulevards, drives, entranceways, sidewalks, and parking lots during the period of construction, and shall also keep Rochester Road free from debris and repair any damage to Rochester Road (subject to City of Troy requirements) caused by construction activities on or for the Property and use of Rochester Road for construction purposes. If the Developers fail to maintain and repair the streets, boulevards, drives, entranceways, parking lots and Rochester Road as required by this Paragraph, in addition to any enforcement authorization or remedy provided in the Master Deed(s), the Deed Restrictions herein, or any other agreement, the City may issue stop work orders and/or withhold issuance of further approvals, permits and occupancy certificates for the Development until such failure is cured to the reasonable satisfaction of the City. At all time, during and after completion of construction, Developers, their successor and assigns, shall cause all internal streets, boulevards, drives, entranceways and parking lots to be maintained, repaired and kept in an unimpeded, unobstructed, safe and passable condition at all times to allow for the free flow and circulation of traffic throughout the Development. The responsibility and obligation for such ongoing maintenance and repair shall be that to the Developers, their successors and assigns. Developers shall incorporate provisions in the Master Deed(s) for the condominiums and the church is bound by the Deed Restriction herein providing for perpetual maintenance obligations by the owner, successor and assigns of the church property and Condominium Owners Association in the manner set forth in this Paragraph and this Agreement.

5. For purposes of maintenance obligations set forth in this Paragraph, the term "maintenance," "maintain" and "maintained" shall mean and include regular inspections, grading and other earth-moving, removing dirt, debris, and other obstacles, repairing potholes and cracks, adding new materials, providing for drainage, construction any needed structures (e.g., without limitation, to provide lateral support, curbing, drainage,

etc.), graveling, sealing, resurfacing, and such other action as shall be necessary or expedient to provide structural integrity and substantially continuous, unobstructed and safe vehicular passage, and providing unobstructed drainage as necessary and required.

D. **Other Utilities and Improvements**. Gas and electric utilities, landscaping, signage, safety paths, fences, stone walls, entranceway signs, soil erosion and sedimentation control and any other improvements within the Development shall be completely constructed and provided to the church and condominiums within the Development as required and in the manner set forth in this Agreement, PUD documents or site plans. All signage and lighting within the Development shall be consistent in design, character, and appearance, and all such signage and lighting shall comply with the requirements and specifications set forth in this Agreement, PUD Documents, and site plans, including any conditions of, placement, landscaping and lumination/screening of lighting from adjacent properties.

6. **Conservation Easement and Open Space**. For the purpose of ensuring permanent preservation of open space and natural features within the Development, such open space/common areas designated within the Development in this Agreement, in the PUD Documents and on the site plans, as park commons, wetlands areas, and drainage and detention areas and facilities, have been or shall be perpetually preserved as open space conservation areas by way of provisions contained in the Master Deed(s) for the applicable condominiums and the Deed Restriction contained herein or by the execution of a Conservation Easements in respect thereof. The Developers, for themselves and future owners, successors and assigns, including but not limited to, the Condominium Owners Association and the successors and assigns of the Woodside Bible Church and any of its Property, shall be required to maintain and preserve such areas as open space and natural preserves. The Developers, and all of Developers' successors and assigns in ownership of any portion or all of the Property, shall at all times comply with any permits issued by the City, the Michigan Department of Environmental Quality (hereinafter "MDEQ"), and any other governmental unit relative to such areas located on the Property; provided, the Developers may assign their responsibilities as to compliance to the Condominium Owners Association for Northwyck and to the Woodside Bible Church, its successors and assigns, in which event the Developers for Woodside Bible Church/Northwyck Planned Unit Development shall be relieved of further responsibility with respect thereto at the time specified in the applicable Master Deed(s), the Deed Restriction herein and Conservation Easements. The Developers have submitted documentation from the MDEQ acceptable to the City indicating that the wetlands as set out in the Conservation and Access Easement are designated as protected areas by the MDEQ. The Developers have signed a Conservation and Access Easement indicating that all conservation areas will be perpetually preserved as open-space and/or wetlands and that, if MDEQ or its successors or assigns or the State of Michigan or any of its agencies whether in existence on the Effective Date of this Agreement or not, determines that the wetlands protected by MDEQ, its successors or assigns, are no longer protected areas, that those Conservation Easements signed by the Developers shall remain in effect in perpetuity regardless of the MDEQ designation. The Developers have executed Conservations Easements with the MDEQ which are included as a part of this

Agreement. Trails and pedestrian interconnections have been excluded by the MDEQ as part of those Conservation Easements. Although those Conservation Easements provide that the there will be no public access to the conservation area, the Developers agree that since the trails and pedestrian interconnections are excluded from the conservation areas, those trails and pedestrian interconnections will be open to the general public.

7. **City Enforcement**. In the event there is a failure to timely perform any obligation or undertaking required under or in accordance with this Agreement, the PUD documents, or the site plans, the City may serve written notice upon the Developers, their successors and assigns, setting forth such deficiencies. The notice shall also set forth a demand that the deficiencies be cured within a reasonable time stated therein, and the date, time and place for a hearing before City Council, or such other board, body or official delegated by the City Council, for the purpose of allowing Developers and successor owners of the Property to be heard as to why the City should not proceed with the correction of the deficiency or obligation which has not been undertaken or properly fulfilled. At the hearing, the time for curing and the hearing itself may be extended and/or continued to a date certain. If, following the hearing, the City Council, or the other board, body or official designated by the City Council to conduct the hearing, shall determine that the obligation has not been fulfilled or failure corrected within the time specified in the notice, or if an emergency circumstance exists as determined by the City in its discretion, the City shall thereupon have the power and authority, but not the obligation, to take any of the following actions, in addition to any actions authorized under City ordinance and/or State law:

(A) Enter upon the Property, or cause its agents or contractors to enter upon the Property and perform such obligation or take such corrective measures as reasonably found by the City Council to be appropriate. In addition to any financial assurance given to ensure completion of the improvements, the costs and expense of making and financing such action by the City, including without limitation notices by the City and reasonable legal fees incurred by the City, plus an administrative fee in the amount of twenty-five (25%) percent of the total of all such costs and expenses incurred, shall be paid by Developers within thirty (30) days of a billing to Developers and the Developers are jointly and severally liable for this payment. The payment obligation under this Paragraph shall be secured by a lien against the phase or phases of the Property within which the deficiency exists, which lien shall be deemed effective as of the date of the initial written notice of deficiency provided to Developers pursuant to this Paragraph, or in emergency circumstances, the date at which the City incurred its first cost or expense in taking corrective action. Such security shall be realized by placing a billing which has been unpaid either in full or in part by Developers for more than thirty (30) days on the delinquent tax rolls of the City related to such portion of the Property, to accumulate interest and penalties, and to be deemed and collected, as and in the same manner as made and provided for collection of delinquent real property taxes any and all portions of the Property owned by the Developers, and/or Developer's successors, heirs, transferees and assigns as of the date of the initial written notice of deficiency provided to Developers pursuant to this Paragraph. In the discretion of the City, such costs and expenses may be collected by suit initiated against Developers, and, in such event, the

Developers shall be joint and severally liable for any judgment and shall pay all court costs and attorney fees incurred by the City in connection with such suit if the City prevails in collecting funds thereby.

(B) Initiate legal action for the enforcement of any of the provisions, requirements, and obligations set forth in the PUD documents. Except in emergency circumstances, Developers shall be provided notice of the deficiencies from the City and shall be afforded an opportunity to timely correct. In the event the City obtains any relief as a result of such litigation, Developers shall pay all court costs and attorney fees incurred by the City in connection with such suit.

(C) The City may issue a stop work order as to any or all aspects of the Development, may deny the issuance of any requested building permit or certificate of occupancy within any part or all of the Development regardless of whether the Developers are the named applicant for such permit or certificate of occupancy, and may suspend further inspections of any or all aspects of the Development.

(D) After the Effective Date of this Agreement, should either Developer and/or Property Owners or a successor Developer and/or Property Owner(s) transfer ownership of all or part of the property by warranty deed, quit claim deed, land contract, assignment or any other means, the successor Developer and/or Property Owner(s) shall notify the City in writing addressed to the Planning Director that the ownership or property interest of all or part of the Property has been transferred. That notice shall include the names, legal entity and legal description of all or part of the Property or property interest transferred and the date of the transfer including the nature of the interest transferred. The City may require copies of documentation of such transferred. The Developers and/or Property Owner(s) shall also require that the successor Developers and/or Property Owner(s) enter into an Agreement in which the Developers and/or Property Owner(s) and each successor Developer or Property Owner(s) or party with a property interest acknowledges its responsibility for maintaining and preserving that part of the Property to which it claims ownership, including but not limited to, entrance ways, landscaping at the entrance way, berms, entries, entranceway boulevards and private streets, entrance way signage, its common areas, the drainage, the detention facilities, private roadways, parking area, clubhouse, common structures, and facilities as set out in this Agreement. It is the intent of this provision, that the Agreement between the Developers and/or Property Owners and any successors clearly reflect who will be maintaining and preserving each of the items set out in the Planned Unit Development Agreement so that the City has knowledge of the parties incurring the responsibility and for what portion of the Property for enforcement purposes.

8. **Access to Property**. In all instances in which the City utilizes the proceeds of a financial assurance given to ensure completion or maintenance of improvements, and at any time throughout the period of development and construction of any part of the Development, the City, its contractors, representatives, consultants and agents, shall be permitted, and are hereby granted authority, to enter upon all or any portion of the Property for the purpose of inspecting and/or completing the respective

improvements, and for the purposes of inspecting for compliance with and enforcement of the PUD Documents and site plans.

9. **Temporary Sales Trailers and For Sale and Advertising Signs.** Developers shall comply with the City Ordinances, make any necessary application for permits and obtain any necessary permits for the use of temporary sales trailers and/or for sale and advertising signs.

10. The terms of the PUD documents, including this Development Agreement, have been negotiated by the undersigned parties and such documentation represents the product of the joint efforts and agreement of the Developers and the City. Developers fully accept and agree to the final terms, conditions, requirements and obligations of the PUD documents, and shall not be permitted in the future to claim that the effect of these PUD documents results in an unreasonable limitation upon uses of all or a portion of the Property, or claim that enforcement of any of the PUD documents causes an inverse condemnation or taking of all or a portion of the Property. Furthermore, it is agreed that the improvements and undertakings set forth in the PUD documents are necessary and roughly proportional to the burden imposed in order to ensure that services and facilities affected by the Woodside Bible Church/Northwyck Planned Unit Development will be capable of accommodating increased services and facility loads, traffic and storm water drainage caused by the development thereof, to protect the natural environment and conserve natural resources, to ensure compatibility with adjacent uses of land, to promote use of the Property in a socially and economically desirable manner, and to achieve other legitimate objectives authorized under the City and Village Zoning Enabling Act, MCL 125.581, *et seq*. It is further agreed and acknowledged hereby that all of such improvements are and clearly and substantially related to the burdens to be created by the development contemplated hereby, and all such improvements and the requirements and regulations of the Property under the PUD documents and Zoning Ordinance, without exception, are clearly and substantially related to the City's legitimate interests in protecting the public health, safety and general welfare.

11. This Development Agreement shall run with the land constituting the Property, and shall be binding upon and inure to the benefit of Developers and the City, and their respective heirs, successors, assigns and transferees.

12. This Development Agreement shall be interpreted and construed in accordance with the laws of the State of Michigan, and shall be subject to enforcement in Michigan courts.

13. The parties understand and agree that this Development Agreement is consistent with the intent and provisions of the Michigan and United States Constitutions and all applicable law.

THIS AGREEMENT was executed by the respective parties on the date specified with the notarization with their name, and shall take effect on the date of adoption by the

Troy City Council of the Zoning Ordinance Amendment Granting Woodside Bible Church/Northwyck Planned Unit Development Rezoning.

WITNESSES:

ROBERTSON NORTHWYCK, L.L.C.,
a Michigan Limited Liability Company

By: Robertson Brothers Company,
a Michigan Corporation,
Its: Managing Member

By: _____
James V. Clarke

Its: Vice President

Patricia A. Thompson
PATRICIA A. THOMPSON

Ron Phillips
Ron Phillips

STATE OF MICHIGAN)
) ss.
COUNTY OF Oakland

The foregoing instrument was acknowledged before me this 28th day of MAY, 2003, by James V. Clarke, Vice President of Robertson Brothers Company, a Michigan Corporation and Managing Member of Robertson Northwyck, L.L.C.

JANET E. WHITE
NOTARY PUBLIC OAKLAND CO., MI
MY COMMISSION EXPIRES Oct 27, 2003

_____, Notary Public
_____County, Michigan
My Commission Expires:_____

WITNESSES:

WOODSIDE BIBLE CHURCH,
a Michigan Ecclesiastical Corporation,

By:_____
Its:_____

By: _____
Kevin Johnston
Its: Trustee

Patricia A. Thompson
PATRICIA A. THOMPSON

Ron Phillips
Ron Phillips

STATE OF MICHIGAN)
) ss.
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 28th day of May, 2003 by Kevan Johnston of Woodside Bible Church, a Michigan Ecclesiastical Corporation, its TRUSTEE.

JANET E. WHITE
NOTARY PUBLIC OAKLAND CO., MI
MY COMMISSION EXPIRES Oct 27, 2008

, Notary Public
_____ County, Michigan
My Commission Expires: 10-27-03

WITNESSES:

CITY OF TROY,
a Michigan Municipal Corporation

By: Matt Pryor
Its: Mayor

_____ _____

By: Tonni Bartholomew
Its: City Clerk

_____ _____

STATE OF MICHIGAN)
) ss.
COUNTY OF_____)

The foregoing instrument was acknowledged before me this_____day of _____, 2003, by Matt Pryor, Mayor and Tonni Bartholomew, City Clerk of the City of Troy, a Michigan Municipal Corporation.

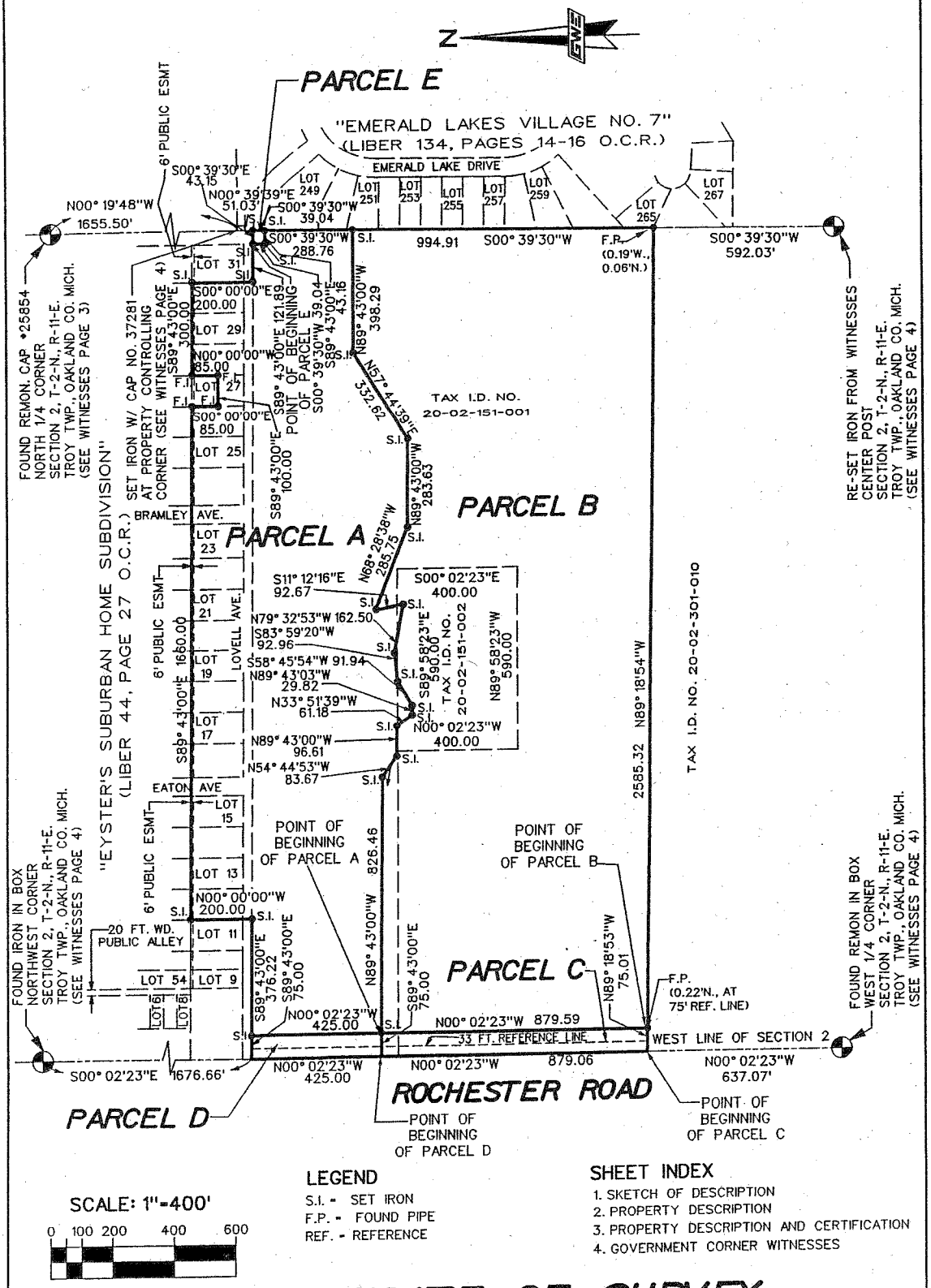
_____
, Notary Public
My Commission Expires:_____

AFTER RECORDING SEND TO:

CITY OF TROY
500 W. Big Beaver Road
Troy, MI 48084

PREPARED BY:
Susan M. Lancaster (P33168)
Assistant City Attorney for Troy
CITY OF TROY
500 W. Big Beaver Road
Troy, MI 48084

Exhibit "A"



SCALE: 1"=400'

0 100 200 400 600

LEGEND

S.I. - SET IRON
F.P. - FOUND PIPE
REF. - REFERENCE

SHEET INDEX

1. SKETCH OF DESCRIPTION
2. PROPERTY DESCRIPTION
3. PROPERTY DESCRIPTION AND CERTIFICATION
4. GOVERNMENT CORNER WITNESSES

CERTIFICATE OF SURVEY

PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN

Giffels-Webster Engineers Inc.	DATE 3/18/03	CKD. BY	DATE	SCALE 1" = 400'
ENGINEERS-SURVEYORS-PLANNERS	DRAWN: ATW	JNR	3/03	SHEET 1 OF 4
2871 BOND STREET, ROCHESTER HILLS, MICHIGAN 48309 (248) 852-3100	DESIGN: -			
	SECTION: 2	T- 2 -N. R- 11 -E.		GWE No. 15786

I:/15786/Rb_legal_03.dgn

REVISED 4-07-03 ADDED PARCEL E

Exhibit "A"

PROPERTY DESCRIPTION
PARCEL A (AS FIELD SURVEYED)

A PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, INCLUDING LOTS 12 THROUGH 26 AND THE SOUTH 1/2 OF LOT 27 AND LOTS 28 THROUGH 30 OF "EYSTER'S SUBURBAN HOME SUBDIVISION" AS RECORDED IN LIBER 44, PAGE 27, OF PLATS, OAKLAND RECORDS; ALSO THE REVISIONARY INTEREST IN THAT PART OF ECKERMAN AVENUE (PLATTED AS EATON AVENUE) (60 FEET WIDE), BARRBEAU AVENUE (PLATTED AS BROMLEY AVENUE) (60 FEET WIDE) AND LOVELL AVENUE (30 FEET WIDE) ALL LYING WITHIN THE BOUNDS OF THIS PARCEL, ALL BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 2; THENCE N.00° 02'23"W., 1516.13 FEET ALONG THE WEST LINE OF SAID SECTION 2 (ROCHESTER ROAD) THENCE S.89° 43'00"E., 75.00 FEET TO THE POINT OF BEGINNING; THENCE N.00° 02'23"W., 425.00 FEET TO A POINT ON THE SOUTH LINE OF "EYSTER'S SUBURBAN HOME SUBDIVISION"; THENCE S. 89° 43'00"E., 376.22 FEET; THENCE N.00° 00'00"W., 200.00 FEET; THENCE S.89° 43'00"E., 1660.00 FEET; THENCE S.00° 00'00"E., 85.00 FEET; THENCE S.89° 43'00"E., 100.00 FEET; THENCE N00° 00'00"W., 85.00 FEET; THENCE S. 89° 43'00"E., 300.00 FEET; THENCE S.00° 00'00"E., 200.00 FEET; THENCE S.89° 43'00"E., 121.89 FEET; THENCE S.00° 39'30"W., 39.04 FEET; THENCE S. 89° 43'00"E., 43.16 FEET TO A POINT ON THE WEST LINE OF "EMERALD LAKES VILLAGE NO. 7", AS RECORDED IN LIBER 134, PAGES 14 THROUGH 16 OF PLATS, OAKLAND COUNTY RECORDS, SAID POINT ALSO BEING A POINT ON THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 2 AS OCCUPIED; THENCE S00° 39'30"W., 288.76 FEET ALONG SAID LINE; THENCE N.89° 43'00"W., 398.29 FEET; THENCE S.57° 44'39"W., 332.62 FEET; THENCE N.89° 43'00"W., 283.63 FEET; THENCE N. 68° 28'38"W., 285.75 FEET; THENCE S.11° 12'16"E., 92.67 FEET; THENCE N.79° 32'53"W., 162.50 FEET; THENCE S. 83° 59'20"W., 92.96 FEET; THENCE S.58° 45'54"W., 91.94 FEET; THENCE N.89° 43'03"W., 29.82 FEET; THENCE N. 33° 51'39"W., 61.18 FEET; THENCE N.89° 43'00"W., 96.61 FEET; THENCE N.54° 44'53"W., 83.67 FEET; THENCE N.89° 43'00"W., 826.46 FEET TO THE POINT OF BEGINNING AND CONTAININING 35.046 ACRES.

PROPERTY DESCRIPTION
PARCEL B (AS FIELD SURVEYED)

A PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 2; THENCE N.00° 02'23"W., 637.07 FEET ALONG THE WEST LINE OF SAID SECTION 2 (ROCHESTER ROAD) THENCE S.89° 18"53"E., 75.01 FEET TO THE POINT OF BEGINNING; THENCE N.00° 02'23"W., 879.59 FEET; THENCE S.89° 43'00"E., 826.46 FEET; THENCE S.54° 44'53"E., 83.67 FEET; THENCE S.89° 43'00"E., 96.61 FEET; THENCE. S.33° 51'39"E., 61.18 FEET; THENCE S.89° 43'03"E., 29.82 FEET; THENCE N.58° 45'54"E., 91.94 FEET, N.83° 59'20"E., 92.96 FEET; THENCE S.79° 32'53"E., 162.50 FEET; THENCE N.11° 12'16"W., 92.67 FEET; THENCE S.68° 28'38"E.,. 285.75 FEET; THENCE S.89° 43'00"E., 283.63 FEET; THENCE N.57° 44'39"E., 332.62 FEET; THENCE S.89° 43'00"E., 398.29 FEET TO A POINT ON THE WEST LINE OF "EMERALD LAKES VILLAGE NO. 7 " AS RECORDED IN LIBER 134, PAGES 14 THROUGH 16 OF PLATS, OAKLAND COUNTY RECORDS, SAID POINT ALSO BEING A POINT ON THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 2 AS OCCUPIED; THENCE S.00° 39'29"W., 994.91 FEET ALONG SAID LINE; THENCE N.89° 18'54"W., 2585.32 FEET TO THE POINT OF BEGINNING AND CONTAINING 52.382 ACRES.

PROPERTY DESCRIPTION
PARCEL C (AS FIELD SURVEYED)

A PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 2; THENCE N.00° 02'23"W., 637.07 FEET ALONG THE WEST LINE OF SAID SECTION 2 (ROCHESTER ROAD) TO THE POINT OF BEGINNING; THENCE CONTINUING N.00° 02'23"W., 879.06 FEET ALONG SAID SECTION LINE; THENCE S.89° 43'00"E., 75.00 FEET; THENCE S.00° 02'23"E., 879.59 FEET; THENCE N89° 18'58"W., 75.01 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.514 ACRES

CERTIFICATE OF SURVEY

PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

Giffels-Webster Engineers Inc.	DATE: 3-18-03	CKD. BY	DATE	SCALE N/A
ENGINEERS-SURVEYORS-PLANNERS	DRAWN: ATW	J.N.R.	3/03	SHEET 2 OF 4
2871 BOND STREET, ROCHESTER HILLS, MICHIGAN 48309 (248) 852-3100	DESIGN: -			GWE No. 15786
	SECTION: 2	T- 2 -N. R- 11 -E.		

I:/15786/Rb_legal_03.dgn

Exhibit "A"

PROPERTY DESCRIPTION
PARCEL D (AS FIELD SURVEYED)

A PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 2; THENCE N.00° 02'23"W., 1516.13 FEET ALONG THE WEST LINE OF SAID SECTION 2 (ROCHESTER ROAD) TO THE POINT OF BEGINNING; THENCE CONTINUING N.00° 02'23"W., 425.00 FEET ALONG SAID SECTOIN LINE TO A POINT ON THE SOUTH LINE OF "EYSTER'S SUBURBAN HOME SUBDIVISION" AS RECORDED IN LIBER 44, PAGE 27 OF PLATS, OAKLAND COUNTY RECORDS THENCE S.89° 43'00"E., 75.00 FEET ALONG SAID SOUTH LINE; THENCE S.00° 02'23"E., 425.00 FEET; THENCE N.89° 43'00"W., 75.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.732 ACRES

PROPERTY DESCRIPTION
PARCEL E (AS FIELD SURVEYED)

A PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, INCLUDING LOTS 12 THROUGH 26 AND THE SOUTH 1/2 OF LOT 27 AND LOTS 28 THROUGH 30 OF "EYSTER'S SUBURBAN HOME SUBDIVISION" AS RECORDED IN LIBER 44, PAGE 27, OF PLATS, OAKLAND RECORDS; ALSO THE REVISIONARY INTEREST IN THAT PART OF ECKERMAN AVENUE (PLATTED AS EATON AVENUE) (60 FEET WIDE), BARRBEAU AVENUE (PLATTED AS BROMLEY AVENUE) (60 FEET WIDE) AND LOVELL AVENUE (30 FEET WIDE) ALL LYING WITHIN THE BOUNDS OF THIS PARCEL, ALL BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 2; THENCE N.00° 02'23"W., 1516.13 FEET ALONG THE WEST LINE OF SAID SECTION 2 (ROCHESTER ROAD) THENCE S.89° 43'00"E., 75.00 FEET; THENCE N.00° 02'23"W., 425.00 FEET TO A POINT ON THE SOUTH LINE OF "EYSTER'S SUBURBAN HOME SUBDIVISION"; THENCE S. 89° 43'00"E., 376.22 FEET; THENCE N.00° 00'00"W., 200.00 FEET; THENCE S.89° 43'00"E., 1660.00 FEET; THENCE S.00° 00'00"E., 85.00 FEET; THENCE S.89° 43'00"E., 100.00 FEET; THENCE N.00° 00'00"W., 85.00 FEET; THENCE S. 89° 43'00"E., 300.00 FEET; THENCE S.00° 00'00"E., 200.00 FEET; THENCE S.89° 43'00"E., 121.89 FEET TO THE POINT OF BEGINNING; THENCE S.89° 43'00"E., 43.16 FEET TO A POINT ON THE WEST LINE OF "EMERALD LAKES VILLAGE NO. 7", AS RECORDED IN LIBER 134, PAGES 14 THROUGH 16 OF PLATS, OAKLAND COUNTY RECORDS, SAID POINT ALSO BEING A POINT ON THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 2 AS OCCUPIED; THENCE S00° 39'30"W., 39.04 FEET ALONG SAID LINE; THENCE N.89° 43'00"W., 43.16 FEET; THENCE N.00° 39'30"W., 39.04 FEET TO THE POINT OF BEGINNING AND CONTAININING 0.039 ACRES.

CERTIFICATION

I HEREBY CERTIFY THAT I HAVE SURVEYED AND MAPPED THE LAND HEREON PLOTTED AND DESCRIBED DURING FEBUARY OF 2003, AND THAT THE RATIO OF CLOSURE ON THE UNADJUSTED FIELD OBSERVATIONS OF SUCH SURVEY WAS 1 IN 83,720; THAT THE BEARINGS FOR THIS SURVEY ARE BASED ON DESCRIPTIONS OF RECORD; AND THAT ALL OF THE REQUIREMENTS OF P.A. 132, 1970, AS AMENDED, HAVE BEEN COMPLIED WITH.

DATE: APRIL 07, 2003

JOHN N. REDASH, P.S. *37281

CERTIFICATE OF SURVEY

PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

Giffels-Webster Engineers Inc.	DATE: 3-18-03	CKD. BY	DATE	SCALE N/A
ENGINEERS-SURVEYORS-PLANNERS	DRAWN: ATW	J.N.R.	3/03	SHEET 3 OF 4
2871 BOND STREET, ROCHESTER HILLS, MICHIGAN 48309	DESIGN: -			
(248) 852-3100	SECTION: 2	T- 2 -N. R- 11 -E.		GWE No. 15786

1:/15786/Rb.legal_03.dgn

Exhibit "A"

GOVERNMENT CORNER WITNESSES

WITNESS TO:

CENTER POST SECTION 2, T.-2.-N., R.-11.-E.,TROY TWP., OAKLAND CO., MI.
RE-SET IRON FROM L.C.R.C. L. 5926, P. 519 AND EXISTING SUBDIVISION REMONUMENTION.

N.00° E., 190.00', FOUND MONUMENT
N.35° E., 48.11', SOUTHWEST CORNER BRICK HOUSE NO. 1462 (THREE LAKES DRIVE).
S.20° W., 6.23', FOUND CHISELED "+" ON SOUTHEAST CORNER OF CONCRETE TRANSFORMER BASE.
N.80° W., 80.02', SET MAG NAIL W/ GWE TAG #43402 IN SOUTH FACE OF 40" OAK TREE.

WITNESS TO:

NORTH 1/4 CORNER OF SECTION 2, T.-2.-N., R.-11.-E., TROY TWP., OAKLAND CO., MI.
FOUND REMON. CAP #25854 IN MONUMENT BOX, 2.4' SOUTH OF NORTH EDGE OF ROAD.

N.60° W., 64.76', CENTERLINE OF TOP NUT OF HYDRANT.
S.45° E., 57.15', FOUND NAIL W/ REMON WASHER #25854.
S.25° W., 77.62', SET MAG NAIL W/ GWE TAG #43403 IN NORTHWEST FACE OF UTILITY POLE.
S.85° W., 44.20', FOUND MONUMENT IN MONUMENT BOX.

WITNESS TO:

NORTHWEST CORNER OF SECTION 2, T.-2.-N., R.-11.-E., TROY TWP., OAKLAND CO., MI.
FOUND IRON IN MONUMENT BOX.

N.55° W., 96.07', FOUND P.K. NAIL W/ REMON WASHER #25854 IN NORTHEAST FACE OF U. POLE.
N.50° E., 68.85', FOUND P.K. NAIL W/ REMON WASHER #25854 IN SOUTHEAST FACE OF U. POLE.
S.35° E., 60.85', FOUND P.K. NAIL W/ REMON WASHER #25854 IN SOUTHWEST FACE OF U. POLE.
S.45° W., 103.40', FOUND P.K. NAIL W/ REMON WASHER #25854 IN SOUTHEAST FACE OF U. POLE.

WITNESS TO:

WEST 1/4 CORNER OF SECTION 2, T.-2.-N., R.-11.-E., TROY TWP., OAKLAND CO., MI.
FOUND REMON DISK IN MONUMENT BOX.

N.30° W., 92.38', FOUND P.K. NAIL W/ REMON WASHER #25854 IN NORTHEAST FACE OF U. POLE.
N.40° E., 61.24', CHISELED "x" ON SOUTHEAST RIM OF BELL MANHOLE.
S.45° E., 66.64', FOUND P.K. NAIL W/ REMON WASHER #25854 IN NORTHEAST FACE OF 24" ELM TREE.
N.85° W., 43.47', FOUND P.K. NAIL W/ REMON WASHER #25854 IN NORTH FACE OF U. POLE

WITNESS TO:

PROPERTY CONTROLLING CORNER
SET IRON W/ CAP NO. 37281 AT NORTHWEST CORNER OF "EMERALD LAKES VILLAGE NO. 7"
AS RECORDED IN LIBER 134, PAGES 14-16, OAKLAND COUNTY RECORDS, BEING A DEFLECTION
IN THE NORTH-SOUTH 1/4 LINE. IRON FALLS 0.18' EAST OF EAST BACK OF CURB WALDO ROAD.

N.80° W., 25.90', SOUTHEAST CORNER OF CB RIM.
N.05° E., 91.00', SET MAG NAIL & GWE TAG NO. 43407 IN WEST FACE OF 12" ASH.
S.85° E., 22.54', SET MAG NAIL & GWE TAG NO. 43406 IN SOUTH FACE OF 18" MAPLE
S.40° E., 56.48', CENTERLINE TOP NUT OF FIRE HYDRANT.

CERTIFICATE OF SURVEY

PART OF THE NORTHWEST 1/4 OF SECTION 2,T-2-N.,R-11-E.,
CITY OF TROY,OAKLAND COUNTY,MICHIGAN

Giffels-Webster Engineers Inc.	DATE: 3-18-03	CKD. BY	DATE	SCALE N/A
ENGINEERS-SURVEYORS-PLANNERS	DRAWN: ATW	J.N.R.	01/01	SHEET 4 OF 4
2871 BOND STREET, ROCHESTER HILLS, MICHIGAN 48309	DESIGN: -			
(248) 852-3100	SECTION: 2	T- 2 -N. R- 11 -E.		GWE No. 15786

1:/15786/Rb_legal_03.dgn

Attachment 6

Conservation and Access Easement

CONSERVATION AND ACCESS EASEMENT

On this _____ day of _____, 2003, ROBERTSON NORTHWYCK, LLC, a Michigan Limited Liability Company, having its principal office at 6905 Telegraph road, Bloomfield Hills, Michigan 48301, WOODSIDE BIBLE CHURCH, a Michigan Ecclesiastical Corporation, having its principal office at 3193 Rochester Road, Troy, Michigan 48083 (hereinafter the OWNERS) hereby conveys and warrants a perpetual conservation and access easement to THE CITY OF TROY, (hereinafter TROY) a Michigan municipal corporation, with an address of 500 W. Big Beaver Road, Troy, MI 48084. The subject Property is described as:

See Exhibits A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S and T attached hereto as though fully set out herein.

No monetary consideration will be provided to ROBERTSON NORTHWYCK, LLC or WOODSIDE BIBLE CHURCH for this easement, and therefore the conveyance is exempt from Transfer Tax pursuant to MCL 207.505(a) AND 207.526(a).

The parties (OWNERS and TROY and any successor owners or parties in interest) agree as follows:

1. ROBERTSON NORTHWYCK, LLC AND WOODSIDE BIBLE CHURCH are the current OWNERS of the property described above, and are committed to preserving the Conservation Values of the Property. OWNERS agree to confine use of the Property to activities consistent with the Purposes of this Easement and the preservation of the Conservation Values. This commitment shall also be extended to all subsequent parties who have ownership interests in the property.

2. TROY is a qualified recipient of this Conservation and Access Easement, and is committed to preserving the Conservation Values

of the Property, and is committed to upholding the terms of this Conservation and Access Easement. There are local, state and federal conservation policies that are designed to yield a significant public benefit, including but not limited to the preservation of open spaces, natural habitats of wildlife, fish, plants, and the ecosystems that support them.

3. The parties acknowledge that the OWNERS have executed Conservation Easements with the Geological and Land Management Division of the Michigan Department of Environmental Quality (hereinafter MDEQ) which run with the land in perpetuity and consist of the identical property as set out in the Conservation and Access Easement with TROY. The parties intend that the two (2) Conservation Easements between the OWNERS and MDEQ shall take precedence over the Conservation and Access Easement with TROY. The Conservation and Access Easement with TROY, including, but not limited, to the terms and conditions pertaining to enforcement, shall only take effect if the MDEQ, or its successors or assigns, or a court of law, declares that one or both of the Conservation Easements between MDEQ and OWNERS are no longer in effect for all or a portion of the Property encompassed in those Conservation Easements or if any part or all of the Property is declared not protected by the MDEQ, any of its successors or assigns, the State of Michigan or a court of law, at which time all or the excluded part of the Property shall continue as conservation and access area in perpetuity under this Conservation and Access Easement with TROY.

4. The parties desire to ensure that the Property will be perpetually preserved in its predominately natural, forested, and open space condition The parties agree that the purposes of this Conservation and Access Easement are to protect the Property's natural resource and watershed values; to maintain and enhance biodiversity; to retain quality habitat for native plants and animals, and to maintain and enhance the natural features of the Property. Any uses of the Property that may impair or interfere with the Conservation Values are expressly prohibited.

5. The parties agree that the property possesses natural, open space, scientific, biological and ecological values of prominent importance to OWNERS, TROY, and the public. These values are referred to as the "conservation values" in this Easement. The Conservation Values include, but are not limited to the following:

   a. Scenic landscape and natural character that would be impaired

by modification of the Property.

b. Relief from urban closeness.

c. Biological integrity of other land in the vicinity has been modified by intense urbanization, and the trend is expected to continue.

d. The State of Michigan has recognized the importance of protecting our natural resources, as delineated in the 1963 Michigan Constitution, Article IV, Section 52: "The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of health, safety, and general welfare of the people. The legislature shall provide for the protection of the air, water, and other natural resources of the state from pollution, impairment, and destruction."

e. The Property is preserved pursuant to clearly delineated local/state/federal conservation policies and yields a significant public benefit. The following legislation, regulations, and policy statements establish relevant public policy:

    1. Biological Diversity Conservation, Part 355 of the Michigan Natural Resources and Environmental Protection Act, MCL 324.35501 et. seq.

    2. Wetland Protection, Part 303 of the Michigan Natural Resources and Environmental Act- MCL 324.30301 et. seq.

    3. Water Pollution Control Act of 1972, 33 USC 1251-1387 (1251 Goals & Policy; 1344 Wetlands permitting, aka "Section 404" Clean Water Act).

    4. Farmland and Open Space Preservation, Part 361 of the Michigan Natural Resources and Environmental Protection Act- MCL 324.36101 et. seq.

f. The Property provides vital corridor wetlands and upland wildlife habitats that serve as a connection for wildlife movement and create a natural "green way."

g. The Property contains significant natural habitat in which wildlife, plants, or the ecosystems which support them thrive in a natural state.

h. The Property contains valued wetlands, as described in Wetland Protection, Part 303 of the Michigan Natural Resources and Environmental Code, MCL 324.30301 et. seq.

i. The Property provides important natural land within the Clinton River Watershed. Protection of the Property in its natural and open space condition helps to ensure the quality and quantity of water resources for the watershed.

6. The parties have completed a baseline natural resource inventory, which includes maps, a depiction of existing human-made modifications, prominent vegetation, identification of flora and fauna, land use history, distinct natural features, and photographs. The Parties, by signing this inventory, acknowledge that the inventory is an accurate representation of the Property at the time of this conveyance.

7. Any activity on, or use or the Property which is inconsistent with the Purposes of this Conservation and Access Easement or which is detrimental to the Conservation Values is expressly prohibited. By way of example, but not by way of limitation, the following activities and uses are explicitly prohibited:

a. Division. Any division or subdivision of the Property is prohibited except under those conditions specifically stated in a Development Agreement between the parties which is being signed and recorded at the same time as this Conservation and Access Easement.

b. Commercial Activities. Any commercial activity on the Property is prohibited. De minimis commercial recreational activity is, however, permitted.

c. Industrial Activities. Any industrial activity on the Property is prohibited.

d. Construction. The placement or construction of any human made modification such as, but not limited to, buildings, fences, roads, and parking lots is prohibited.

e. Cutting Vegetation. Any cutting of trees or vegetation, including pruning or trimming, is prohibited, except for the cutting or removal or removal of trees or vegetation that poses a threat to human life or property.

f. Land Surface Alteration. Any mining or alteration of the surface of the land is prohibited, including any substance that must be quarried or removed by methods that will consume or deplete the surface estate, including but not limited to the removal of topsoil, sand, gravel, rock and peat. In addition, exploring for, developing, and extracting oil, gas, hydrocarbons, or petroleum products are all prohibited activities.

g. Dumping. Waste and unsightly or offensive material is not allowed and may not be accumulated on the Property.

h. Water Courses. Natural water courses, lakes, wetlands, or other bodies of water may not be altered.

i. Off Road Recreational Vehicles. Motorized off-road vehicles such as, but not limited to, snowmobiles, dune buggies, all-terrain vehicles, and motorcycles may not be operated off of designated roads on the Property.

j. Signs and Billboards. Billboards are prohibited. Signs are prohibited, except the following signs may be displayed to state:

1. The name and address of the Property or the owner's name.

2. The area is protected by a conservation easement.

3. Prohibition of any unauthorized entry or use.

4. An advertisement for the sale or rent of the Property.

8. The parties agree that OWNERS retains all ownership rights that are not expressly restricted by this Conservation and Access Easement or set out in the Development Agreement between the parties which is being signed and recorded at the same time at this Conservation and Access Easement. This includes the right to sell, mortgage, bequeath, or donate the Property. Any conveyance will remain subject to the terms of the Conservation and Access Easement and the subsequent OWNERS will be bound by all obligations in this agreement.

9. The parties agree that TROY has the following rights to perpetually maintain the Conservation Values of the Property:

a. Right to Enter. TROY has the right to enter the Property at

reasonable times to monitor the Conservation and Access Easement Property. Furthermore, TROY has the right to enter the Property at reasonable times to enforce compliance with, or otherwise exercise its rights under this Conservation and Access Easement. TROY may not, however, unreasonably interfere with OWNERS' use and quiet enjoyment of the Property. TROY has no right to permit others to enter the Property. The general public is granted access to the trails and pedestrian interconnections only of the Property of the Owners under this Conservation and Access Easement.

b. Right to Preserve. TROY has the right to prevent any activity on or use of the Property that is inconsistent with the Purposes of this Conservation and Access Easement or detrimental to the Conservation Values of the Property.

c. Right to Require Restoration. TROY has the right to require OWNERS to restore areas or features of the Property that are damaged by any activity inconsistent with this Conservation and Access Easement.

d. Signs. TROY has the right to place signs on the Property that identify the land as protected by this Conservation and Access Easement. The number and location of any signs are subject to OWNERS' approval.

10. The parties agree that TROY shall have the rights to enforce the terms of this Conservation and Access Easement. A delay in enforcement shall not be construed as a waiver of TROY'S right to eventually enforce the terms of this Conservation and Access Easement.

11. The parties agree that TROY shall not bring an action against OWNERS for modifications to the Property resulting from causes beyond OWNERS' control, including, but not limited to, unauthorized actions by third parties, natural disasters such as unintentional fires, floods, storms, natural earth movement, or even an OWNERS' well-intentioned action in response to an emergency resulting in changes to the Property. OWNERS have no responsibility under this Conservation and Access Easement for such unintended modifications.

12. The parties agree that if OWNERS are in violation of this Conservation and Access Easement, or that a violation is threatened, TROY shall provide written notice to OWNERS. The

written notice will identify the violation and request corrective action to cure the violation and, where the Property has been injured, to restore the Property. However, if at any time TROY determines, in its sole discretion, that the violation constitutes immediate and irreparable harm, no written notice is required. TROY may then immediately pursue its remedies to prevent or limit harm to the Conservation Values of the Property.

13. The parties further agree that if TROY determines that this Conservation and Access Easement is, or is expected to be, violated, and TROY'S good-faith and reasonable efforts to notify one or both OWNERS are unsuccessful, TROY may pursue its lawful remedies to mitigate or prevent harm to the Conservation Values without prior notice and without awaiting OWNERS' opportunity to cure. OWNERS agree to reimburse all reasonable costs associated with this effort.

14. The parties further agree that if OWNERS, within 28 days after written notice, do not implement corrective measures requested by TROY, then TROY may bring an action in law or in equity to enforce the terms of the Conservation and Access Easement. In the case of immediate or irreparable harm, or if one or both OWNERS are unable to be notified, TROY may invoke these same remedies without notification and/or awaiting the expiration of the 28-day period. TROY is entitled to enjoin the violation through temporary or permanent injunctive relief and to seek specific performance, declaratory relief, restitution, reimbursement of expenses, and/or an order that compels OWNERS to restore the Property. If the court determines that one or both OWNERS have failed to comply with this Conservation and Access Easement, OWNERS shall also reimburse TROY for all reasonable litigation costs and reasonable attorney's fees, and all costs of corrective action or Property restoration incurred by TROY.

15. The parties agree that if litigation is initiated by TROY against OWNERS to enforce this Conservation and Access Easement, and if the court determines that the litigation was initiated without reasonable cause or in bad faith, then the court may require TROY to reimburse OWNERS' reasonable costs and reasonable attorney's fees in defending the action.

16. The parties agree that TROY'S Conservancy Remedies apply equally in the event of either actual or threatened violations of the terms of this Easement. OWNERS agree that TROY'S claim for money damages for any violation of the terms of this Easement are

inadequate. TROY shall also be entitled to affirmative and prohibitive injunctive relief and specific performance, both prohibitive and mandatory. TROY'S claim for injunctive relief or specific performance for a violation of this Conservation and Access Easement shall not require proof of actual damages to the Conservation Values.

17. The parties agree that the preceding remedies are cumulative. Any, or all, of the remedies may be invoked by TROY if there is an actual or threatened violation of this Conservation and Access Easement.

18. TROY is entitled to 60 Days written notice whenever its approval is required under this Conservation and Access Easement. This approval shall not extend to any activity contrary to this Conservation and Access Easement or impairing a Conservation Value. The Conservancy's approval shall continue for three years. If the approved activity is not completed within three years after the approval date, then OWNERS must re-submit the written application to the Conservancy.

19. This Conservation and Access Easement is created pursuant to the Conservation and Historic Preservation Easement, Sub part 11 of Part 21 of the Michigan Natural Resources and Environmental Protection Act (NREPA) - MCL 324.2140 et seq.

20. This Conservation and Access Easement is established for conservation purposes pursuant to the Internal Revenue Code, as amended at Title 26, U.S.C.A., Section 170(h)(1)-(6) and Sections 2031(c), 2055, and 2522, and under Treasury Regulations at Title 26 C.F.R. 1.170A-14 et seq, as amended.

21. In accepting this Conservation and Access Easement, TROY shall have no liability or other obligation for costs, liabilities, taxes, or insurance of any kind related to the Property. TROY'S rights do not include the right, in absence of a judicial decree, to enter the Property for the purpose of becoming an operator of the Property within the meaning of the Comprehensive Environmental Response, Compensation, and Liability Act. TROY, its directors, officers, employees, and agents have no liability arising from injury or death to any person or physical damage to any property on the Property. OWNERS agree to defend TROY and its directors, officers, employees and agents against such claims arising during the term of OWNERS' ownership of the Property.

22. OWNERS warrant that OWNERS have no knowledge of a release of hazardous substances or hazardous wastes on the Property. OWNERS agree to protect and defend TROY against any claims of hazardous materials contamination on the Property.

23. The parties agree that this Conservation and Access Easement may be extinguished only by an unexpected change in condition that causes it to be impossible to fulfill the Conservation and Access Easement's purposes. If subsequent circumstances render the purposes of this Conservation and Access Easement impossible to fulfill, then this Conservation Easement may be partially or entirely terminated only by judicial proceedings. The parties hereto will be entitled to pursue any claims or damages available to them under the law.

24. The parties agree that this Conservation and Access Easement shall be liberally construed in favor of maintaining the Conservation Values of the Property and in accordance with the Conservation and Historic Preservation Easement, Sub part 11 of Part 21 of the Michigan Natural Resources and Environmental Code MCL 324.2140 et seq.

25. The parties acknowledge that the terms and conditions herein apply Jointly and severally to the OWNERS, their successor OWNERS and parties in interest. TROY may take action to enforce this Conservation and Access Easement with one or both of the OWNERS and if one OWNER fails to fulfill its duties under this Conservation and Access Easement, the other OWNER shall assume full Responsibility for correction and compliance with this Conservation and Access Easement.

26. For purposes of this agreement, notices may be provided to any party by personal delivery or by mailing a written notice to the party (at the last known address of a party) by certified mail.

27. If any portion of this Conservation and Access Easement is determined to be invalid, the remaining provisions will remain in force.

28. This Conservation and Access Easement is binding upon, and inures to the benefit of, OWNERS' and TROY'S successor owners and parties in interest. All subsequent OWNERS of the Property are bound to all provisions of this Conservation and Access Easement to the same extent as OWNERS.

29. The parties agree that a party's future rights and obligations under this Conservation and Access Easement terminate upon transfer of that party's interest in the Property. Liability for acts or omissions occurring prior to transfer will survive the transfer.

30. This Conservation and Access Easement will be construed in accordance with Michigan Law.

31. This Conservation and Access Easement sets forth the entire agreement of the parties. It is intended to supersede all prior discussions or understandings.

WITNESSES:

(Print/type names under signatures)

Ron Pariseau

Patricia A. Thompson

PATRICIA A. THOMPSON

OWNERS:

ROBERTSON NORTHWYCK, L.L.C.,
A Michigan Limited Liability Company

By: Robertson Brothers Company,
A Michigan Corporation
Its: Managing Member

By: _____
James V. Clarke

Its: Vice President

STATE OF MICHIGAN)
)
COUNTY OF Oakland)

Acknowledged before me on this 28TH of May, of 2003, by

James V. Clarke, Vice President of Robertson Brothers Company, a Michigan Corporation and Managing Partner of Robertson Brothers Northwyck, L.L.C.

Notary Public _____

_____ County, Michigan
My commission expires:

JANET E. WHITE
NOTARY PUBLIC OAKLAND CO., MI
MY COMMISSION EXPIRES Oct 27, 2009

WITNESSES:

(Print/type names under signatures)

WOODSIDE BIBLE CHURCH,
A Michigan Ecclesiastical Corporation,

By: _____
KEVAN JOHNSTON
Its: TRUSTEE

RON PHILLIPS

PATRICIA A. THOMPSON

By: _____

Its: _____

STATE OF MICHIGAN)

)

COUNTY OF Oakland)

Acknowledged before me on this 28th of May, of 2003, by KEVAN JOHNSTON.

Notary Public _____

_____County, Michigan
My commission expires:

JANET E. WHITE
NOTARY PUBLIC OAKLAND CO., MI
MY COMMISSION EXPIRES Oct 27, 2008

WITNESSES:
(Print/type names under signatures)

CITY OF TROY

_____

_____
Matt Pryor, Mayor

_____

_____
Tonni Bartholomew, City Clerk

STATE OF MICHIGAN)

)

COUNTY OF)

Acknowledged before me on this _____ of _____ , of 2003, by Matt Pryor, Mayor of the City of Troy.

_____

Notary Public

_____County, Michigan
My commission expires:

Acknowledged before me on this _____ of _____ , of 2003, by Tonni Bartholomew, City Clerk, City of Troy.

_____

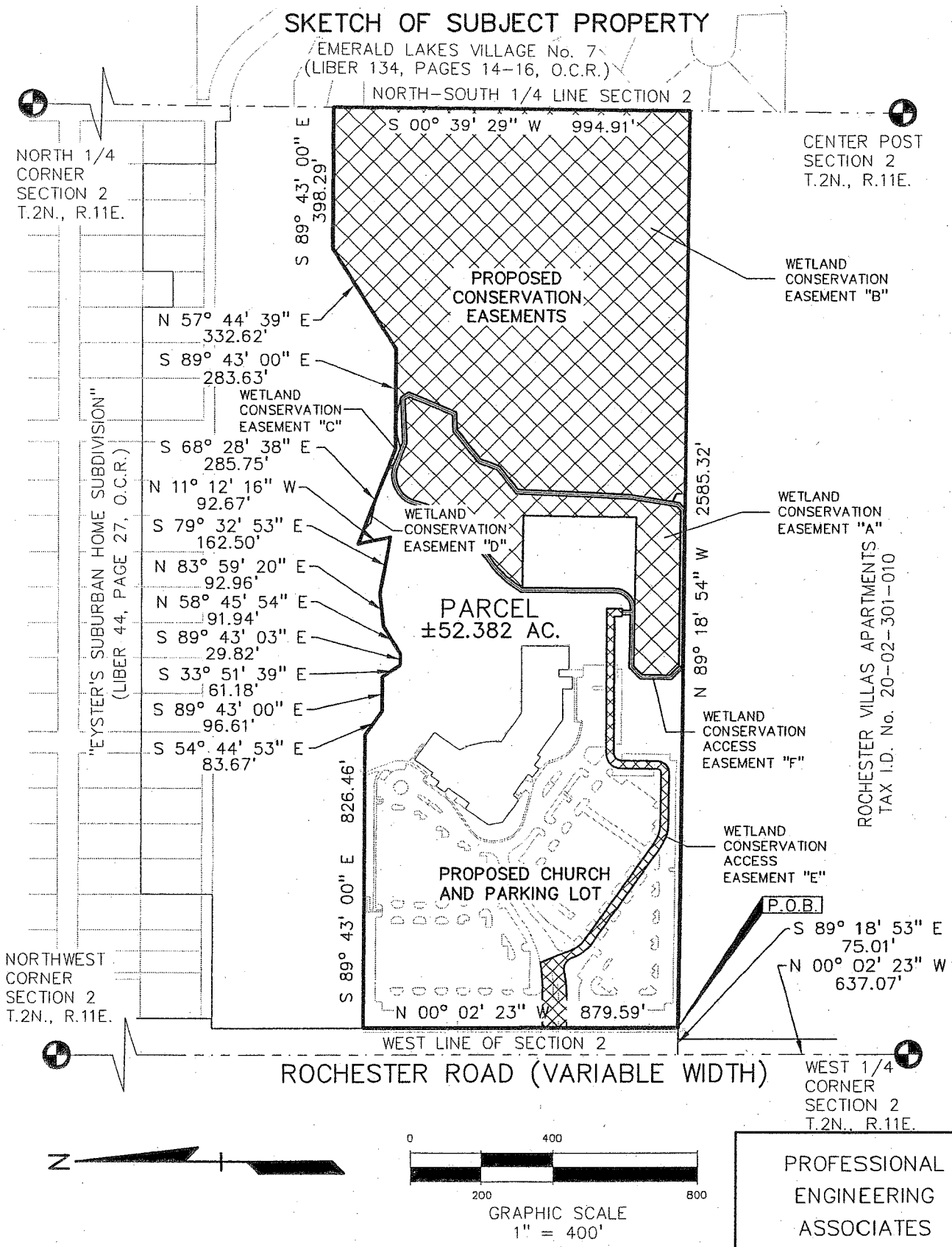
Notary Public
_____County, Michigan
My commission expires:

AFTER RECORDING SEND TO:
CITY OF TROY
500 W. Big Beaver Road
Troy, MI 48084

PREPARED BY:
Susan M. Lancaster (33168)
Assistant City Attorney for Troy
CITY OF TROY
500 W. Big Beaver Rd.
Troy, MI 48084

EXHIBIT "A"

SKETCH OF SUBJECT PROPERTY



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

CLIENT: FRANK REWOLD & SON, INC. 333 EAST SECOND STREET ROCHESTER, MICHIGAN, 48307	SCALE: 1"= 400'	JOB No: 2002.081
	DATE: 03-31-03	DWG. No: 2 of 2

P:\2002PROJ\2002081\SURVEY-DEPT\02081BND\DWG\DEQ-ESMT.DWG; JAB

EXHIBIT A

EXHIBIT "B"
LEGAL DESCRIPTION OF WETLAND CONSERVATION EASEMENTS "A" & "B"

WETLAND CONSERVATION EASEMENT "A":

An easement over part of the Northwest 1/4 of Section 2, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, which is more particularly described as:
Commencing at the West 1/4 Corner of said Section 2; thence N00°02'23"W, 637.07 feet along the West line of said Section 2 to the westerly extension of the southerly line of the subject parcel; thence along said southerly line of the subject parcel (and the westerly extension thereof) S89°18'54"E, 1095.58 feet; thence N00°41'06"E, 12.00 feet to the Point of Beginning; thence N44°18'53"W, 35.03 feet; thence N00°41'07"E, 75.93 feet; thence N45°53'03"E, 35.01 feet; thence S88°55'00"E, 419.10 feet; thence N00°41'42"E, 313.90 feet; thence N89°19'28"W, 202.29 feet; thence 134.63 feet along a non-tangent curve to the right, having a radius of 277.08 feet, a central angle of 27°50'21", and a chord bearing N44°13'00"E, 133.31 feet; thence 260.20 feet along a curve to the left, having a radius of 345.27 feet, a central angle of 43°10'41", and a chord which bears N36°32'51"E, 254.08 feet; thence 124.46 feet along a curve to the right, having a radius of 74.00 feet, a central angle of 96°21'46", and a chord which bears N63°08'23"E, 110.30 feet; thence S68°40'44"E, 69.74 feet; thence N87°36'22"E, 122.87 feet; thence S34°40'47"E, 13.39 feet; thence S23°02'04"W, 132.66 feet; thence S88°18'53"W, 46.03 feet; thence S51°14'09"W, 113.70 feet; thence S20°28'08"W, 55.15 feet; thence S52°08'27"W, 86.70 feet; thence S02°10'56"W, 205.46 feet; thence S03°08'03"W, 111.42 feet; thence S09°33'51"W, 132.99 feet; thence S50°07'29"W, 15.57 feet; thence N89°18'53"W, 437.91 feet to the Point of Beginning; containing 3.78 acres, more or less.

WETLAND CONSERVATION EASEMENT "B":

An easement over part of the Northwest 1/4 of Section 2, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, which is more particularly described as:
Commencing at the West 1/4 Corner of said Section 2; thence N00°02'23"W, 637.07 feet along the West line of said Section 2 to the westerly extension of the southerly line of the subject parcel; thence along said southerly line of the subject parcel (and the westerly extension thereof) S89°18'54"E, 1581.51 feet to the Point of Beginning; thence N00°41'06"E, 23.43 feet; thence N62°02'49"W, 24.83 feet; thence N09°33'51"E, 118.95 feet; thence N03°08'03"E, 112.20 feet; thence N02°10'56"E, 199.97 feet; thence N52°08'27"E, 84.51 feet; thence N20°28'08"E, 55.25 feet; thence N51°14'09"E, 106.37 feet; thence N88°18'53"E, 49.69 feet; thence N23°02'04"E, 146.96 feet; thence N34°40'47"W, 26.61 feet; thence N76°23'03"W, 60.88 feet to the northerly line of the subject parcel; thence along said northerly line S89°43'00"E, 196.89 feet; thence continuing along said northerly line N57°44'39"E, 332.62 feet; thence continuing along said northerly line S89°43'00"E, 398.29 feet to the easterly line of the subject parcel; thence along said easterly line S00°39'29"W, 994.91 feet to the southerly line of the subject parcel; thence along said southerly line N89°18'54"W, 1078.81 feet to the Point of Beginning; containing 21.00 acres, more or less.

CLIENT: FRANK REWOLD & SON, INC. 333 EAST SECOND STREET ROCHESTER, MICHIGAN, 48307	SCALE: None	JOB No: 2002.081	PROFESSIONAL ENGINEERING ASSOCIATES 2430 Rochester Ct. Suite 100 Troy, MI 48083-1872 (248) 689-9090
	DATE: 03-31-03	DWG. No: 1 of 2	

P:\2002PROJ\2002081\SURVEY-DEPT\02081BND\DWG\DEQ-ESMT.DWG; JAB

EXHIBIT "B"

LEGAL DESCRIPTION OF WETLAND CONSERVATION EASEMENTS "C" & "D"

WETLAND CONSERVATION AREA EASEMENT "C":

An easement over part of the Northwest 1/4 of Section 2, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, which is more particularly described as:
Commencing at the West 1/4 Corner of said Section 2; thence N00°02'23"W, 637.07 feet along the West line of said Section 2 to the westerly extension of the southerly line of the subject parcel; thence along said southerly line of the subject parcel (and the westerly extension thereof) S89°18'54"E, 2660.33 feet to the easterly line of the subject parcel; thence along said easterly line N00°39'29"E, 994.91 feet to the northerly line of said subject parcel; thence along said northerly line the following three courses, N89°43'00"W, 398.29 feet, and S57°44'39"W, 332.62 feet, and N89°43'00"W, 232.04 feet to the Point of Beginning; thence S74°46'18"W, 50.85 feet; thence N68°40'44"W, 45.81 feet; thence N51°01'00"W, 39.65 feet to a point on the northerly line of the subject parcel; thence along said northerly line S68°28'38"E, 76.29 feet; thence continuing along said northerly line S89°43'00"E, 51.59 feet to the Point of Beginning; containing 0.02 acres, or 1074 square feet, more or less.

WETLAND CONSERVATION AREA EASEMENT "D"

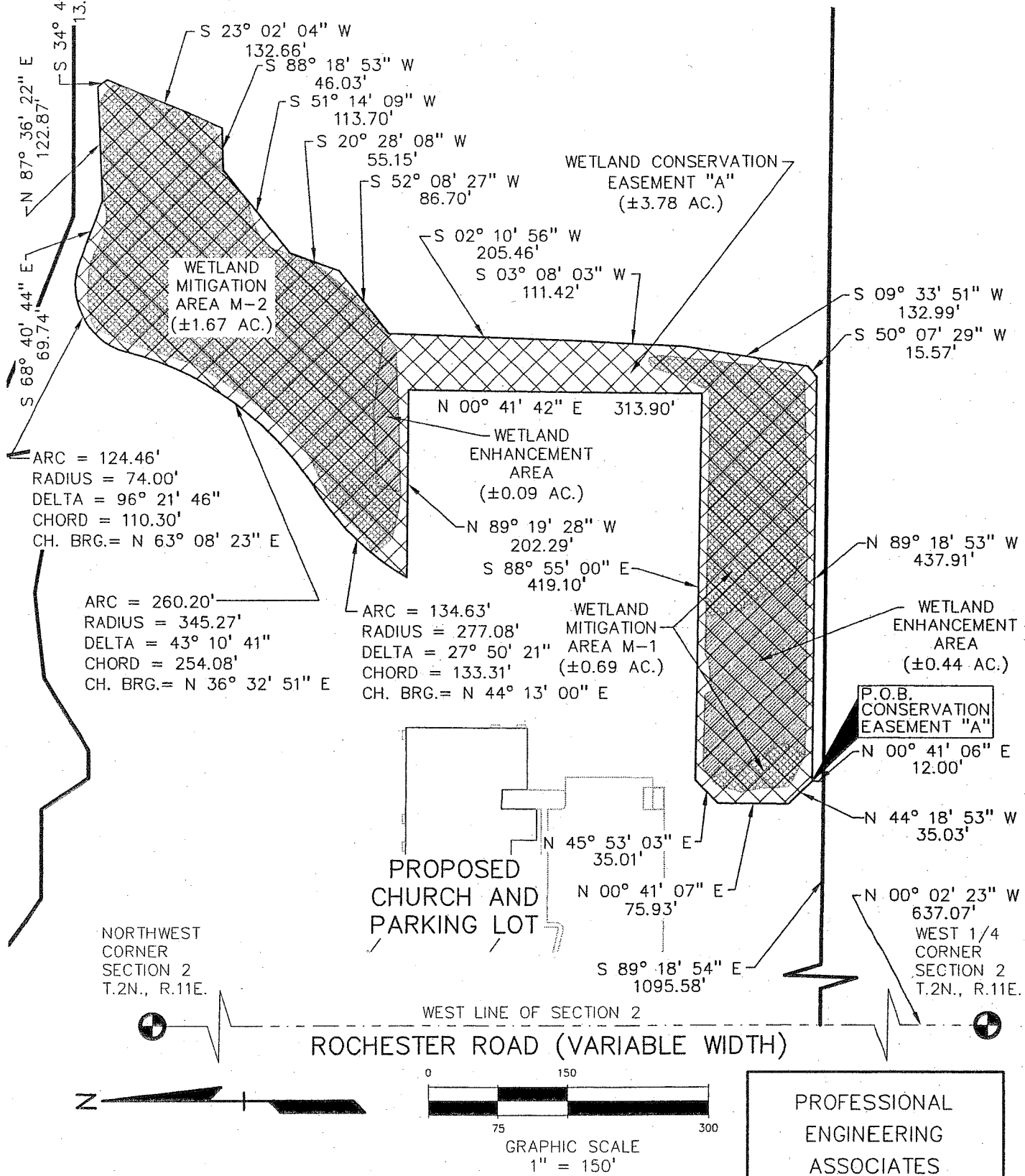
An easement over part of the Northwest 1/4 of Section 2, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, which is more particularly described as:
Commencing at the West 1/4 Corner of said Section 2; thence N00°02'23"W, 637.07 feet along the West line of said Section 2 to the westerly extension of the southerly line of the subject parcel; thence along said southerly line of the subject parcel (and the westerly extension thereof) S89°18'54"E, 2660.33 feet to the easterly line of the subject parcel; thence along said easterly line N00°39'29"E, 994.91 feet to the northerly line of said subject parcel; thence along said northerly line the following four courses, N89°43'00"W, 398.29 feet, and S57°44'39"W, 332.62 feet, and N89°43'00"W, 283.63 feet; thence N68°28'38"W, 127.24 feet to the Point of Beginning; thence N73°13'53"W, 49.77 feet; thence N78°38'00"W, 42.67 feet; thence N45°10'54"W, 29.45 feet to a point on the northerly line of the subject parcel; thence along said northerly line S68°28'38"E, 118.65 feet to the Point of Beginning; containing 0.01 acres, or 591 square feet, more or less.

CLIENT: FRANK REWOLD & SON, INC. 333 EAST SECOND STREET ROCHESTER, MICHIGAN, 48307	SCALE: None	JOB No: 2002.081	PROFESSIONAL ENGINEERING ASSOCIATES 2430 Rochester Ct. Suite 100 Troy, MI 48083-1872 (248) 689-9090
	DATE: 03-31-03	DWG. No: 2 of 2	

P:\2002PROJ\2002081\SURVEY-DEPT\02081BND\DWG\DEQ-ESMT.DWG; JAB

EXHIBIT C

EXHIBIT "C"
SKETCH OF WETLAND CONSERVATION EASEMENT "A"



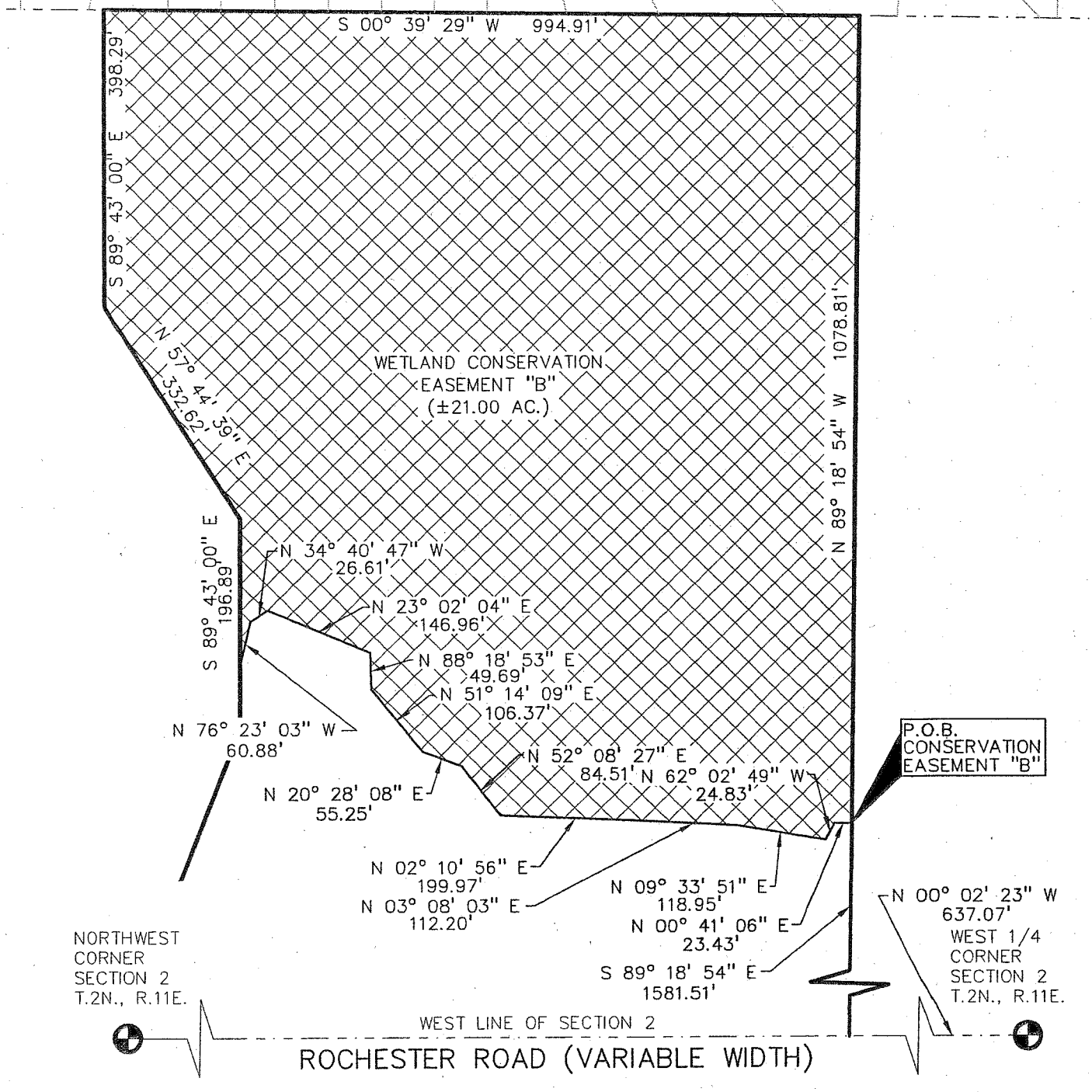
PROFESSIONAL ENGINEERING ASSOCIATES
2430 Rochester Ct. Suite 100
Troy, MI 48083-1872
(248) 689-9090

CLIENT: FRANK REWOLD & SON, INC. 333 EAST SECOND STREET ROCHESTER, MICHIGAN, 48307	SCALE: 1"= 150'	JOB No: 2002.081
	DATE: 03-31-03	DWG. No: 1 of 3

P:\2002PROJ\2002081\SURVEY-DEPT\02081BND\DWG\DEQ-ESMT.DWG; JAB

EXHIBIT D

EXHIBIT "C"
SKETCH OF WETLAND CONSERVATION EASEMENT "B"



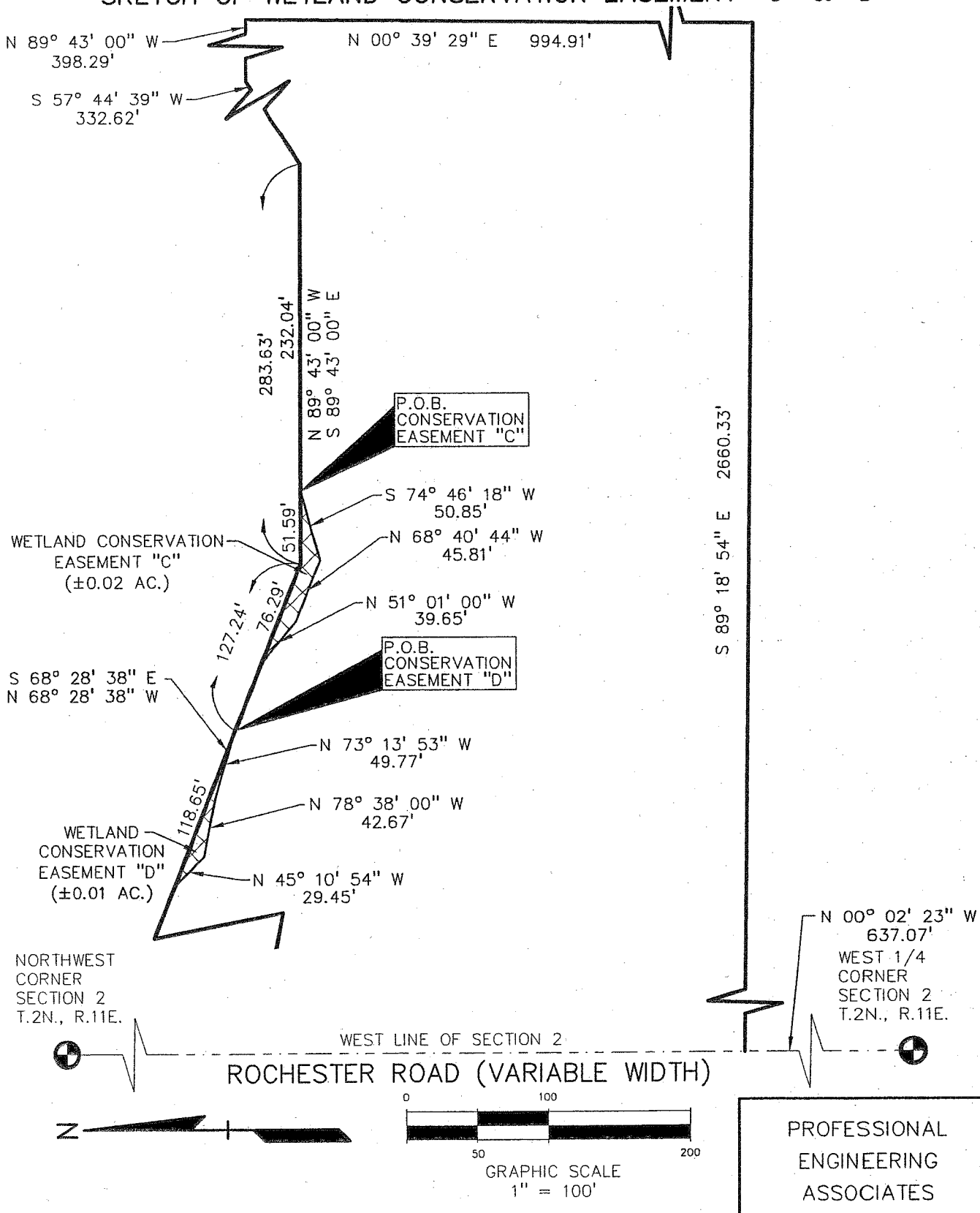
PROFESSIONAL ENGINEERING ASSOCIATES
2430 Rochester Ct. Suite 100
Troy, MI 48083-1872
(248) 689-9090

CLIENT: FRANK REWOLD & SON, INC. 333 EAST SECOND STREET ROCHESTER, MICHIGAN, 48307	SCALE: 1"= 200'	JOB No: 2002.081
	DATE: 03-31-03	DWG. No: 2 of 3

P:\2002PROJ\2002081\SURVEY-DEPT\02081BND\DWG\DEQ-ESMT.DWG; JAB

EXHIBIT E

EXHIBIT "C"
SKETCH OF WETLAND CONSERVATION EASEMENT "C" & "D"



PROFESSIONAL
ENGINEERING
ASSOCIATES

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

CLIENT: FRANK REWOLD & SON, INC. 333 EAST SECOND STREET ROCHESTER, MICHIGAN, 48307	SCALE: 1"= 100'	JOB No: 2002.081
	DATE: 03-31-03	DWG. No: 3 of 3

P:\2002PROJ\2002081\SURVEY-DEPT\02081BND\DWG\DEQ-ESMT.DWG; JAB

EXHIBIT E

EXHIBIT "D"
LEGAL DESCRIPTION OF WETLAND CONSERVATION ACCESS EASEMENTS "E" & "F"

WETLAND CONSERVATION ACCESS EASEMENT "E":

An easement over part of the Northwest 1/4 of Section 2, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, which is more particularly described as:
Commencing at the West 1/4 Corner of said Section 2; thence N00°02'23"W, 637.07 feet to a point on the westerly extension of the southerly line of the subject parcel; thence along said westerly extension S89°18'53"E, 75.01 feet to the southwest corner of the subject parcel; thence N00°02'23"W, 308.80 feet along the westerly line of the subject parcel to the Point of Beginning; thence continuing along said westerly line N00°02'23"W, 68.00 feet; thence East, 127.96 feet; thence 55.84 feet along a curve to the left, having a radius of 301.00 feet, a central angle of 10°37'48", and a chord which bears N84°41'06"E, 55.76 feet; thence S22°42'15"E, 92.68 feet; thence 49.59 feet along a curve to the left, having a radius of 89.00 feet, a central angle of 31°55'28", and a chord which bears S38°39'59"E, 48.95 feet; thence S54°44'53"E, 326.69 feet; thence 63.30 feet along a curve to the left, having a radius of 106.88 feet, a central angle of 33°56'06", and a chord which bears S71°42'56"E, 62.38 feet; thence S89°18'53"E, 143.35 feet; thence 17.28 feet along a curve to the left, having a radius of 11.00 feet, a central angle of 90°00'00", and a chord which bears N45°41'07"E, 15.56 feet; thence N00°41'07"E, 99.62 feet; thence 66.89 feet along a curve to the right, having a radius of 42.84 feet, a central angle of 89°27'35", and a chord which bears N45°24'55"E, 60.30 feet; thence S89°44'53"E, 410.41 feet; thence S00°15'07"W, 42.00 feet; thence N89°44'53"W, 11.00 feet to Point "A"; thence continuing from Point "A" N89°44'53"W, 11.00 feet; thence N00°15'07"E, 20.00 feet; thence N89°44'53"W, 388.00 feet; thence 32.81 feet along a curve to the left, having a radius of 21.17 feet, a central angle of 88°47'46", and a chord which bears S45°51'14"W, 29.63 feet; thence S00°41'07"W, 99.57 feet; thence 51.84 feet along a curve to the right, having a radius of 33.00 feet, a central angle of 90°00'00", and a chord which bears S45°41'07"W, 46.67 feet; thence N89°18'53"W, 143.29 feet; thence 76.99 feet along a curve to the right, having a radius of 125.36 feet, a central angle of 35°11'21", and a chord which bears N71°43'13"W, 75.79 feet; thence N54°44'54"W, 326.22 feet; thence 62.08 feet along a curve to the right, having a radius of 111.00 feet, a central angle of 32°02'39", and a chord which bears N38°43'35"W, 61.27 feet; thence N22°42'15"W, 10.98 feet; thence 43.40 feet along a curve to the left, having a radius of 31.00 feet, a central angle of 80°12'22", and a chord which bears N62°48'26"W, 39.94 feet; thence 67.37 feet along a curve to the right, having a radius of 299.00 feet, a central angle of 12°54'37", and a chord which bears S83°32'42"W, 67.23 feet; thence West, 92.35 feet to the Point of Beginning; containing 0.93 acres, more or less.

WETLAND CONSERVATION ACCESS EASEMENT "F":

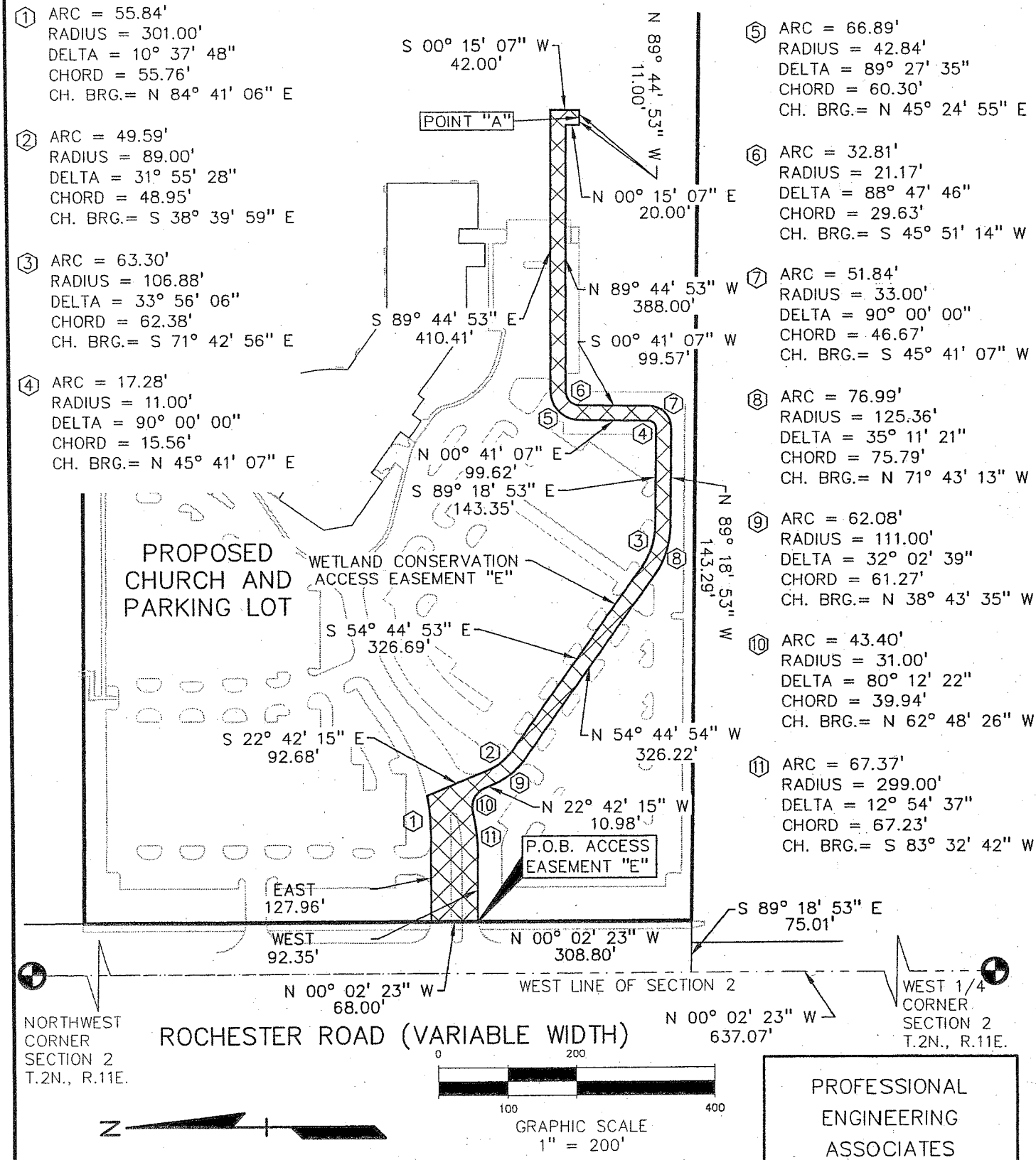
A 12' wide easement over part of the Northwest 1/4 of Section 2, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, whose centerline is more particularly described as:
Beginning at the aforementioned Point "A" (of the Wetland Conservation Access Easement "E"); thence S00°15'07"W, 29.17 feet to Point "B"; thence S88°55'00"E, 11.66 feet; thence 79.32 feet along a curve to the left, having a radius of 50.00 feet, a central angle of 90°53'18", and a chord which bears N45°38'21"E, 71.26 feet; thence N00°11'42"E, 257.22 feet; thence 139.17 feet along a non-tangent curve to the right, having a radius of 283.08 feet, a central angle of 28°10'03", and a chord which bears N44°03'09"E, 137.77 feet; thence 255.67 feet along a curve to the left, having a radius of 339.27 feet, a central angle of 43°10'41", and a chord which bears N36°32'51"E, 249.67 feet; thence 134.55 feet along a curve to the right, having a radius of 80.00 feet, a central angle of 96°21'46", and a chord which bears N63°08'23"E, 119.24 feet; thence S68°40'44"E, 68.48 feet; thence N87°36'22"E, 124.92 feet; thence S34°40'47"E, 20.00 feet; thence S23°02'04"W, 139.81 feet; thence S88°18'53"W, 47.86 feet; thence S51°14'09"W, 110.04 feet; thence S20°28'08"W, 55.20 feet; thence S52°08'27"W, 85.60 feet; thence S02°10'56"W, 202.72 feet; thence S03°08'03"W, 111.81 feet; thence S09°33'51"W, 135.54 feet; thence S50°07'29"W, 20.00 feet; thence N89°18'53"W, 442.61 feet; thence N44°18'53"W, 40.00 feet; thence N00°41'07"E, 80.91 feet; thence N45°53'03"E, 40.00 feet; thence S88°55'00"E, 153.49 feet to Point "B" and the Point of Ending.

CLIENT: FRANK REWOLD & SON, INC. 333 EAST SECOND STREET ROCHESTER, MICHIGAN, 48307	SCALE: None	JOB No: 2002.081	PROFESSIONAL ENGINEERING ASSOCIATES 2430 Rochester Ct. Suite 100 Troy, MI 48083-1872 (248) 689-9090
	DATE: 03-31-03	DWG. No: 1 of 3	

P:\2002PROJ\2002081\SURVEY-DEPT\02081BND\DWG\DEQ-ESMT.DWG; JAB

EXHIBIT C

EXHIBIT "D"
SKETCH OF WETLAND CONSERVATION ACCESS EASEMENT "E"



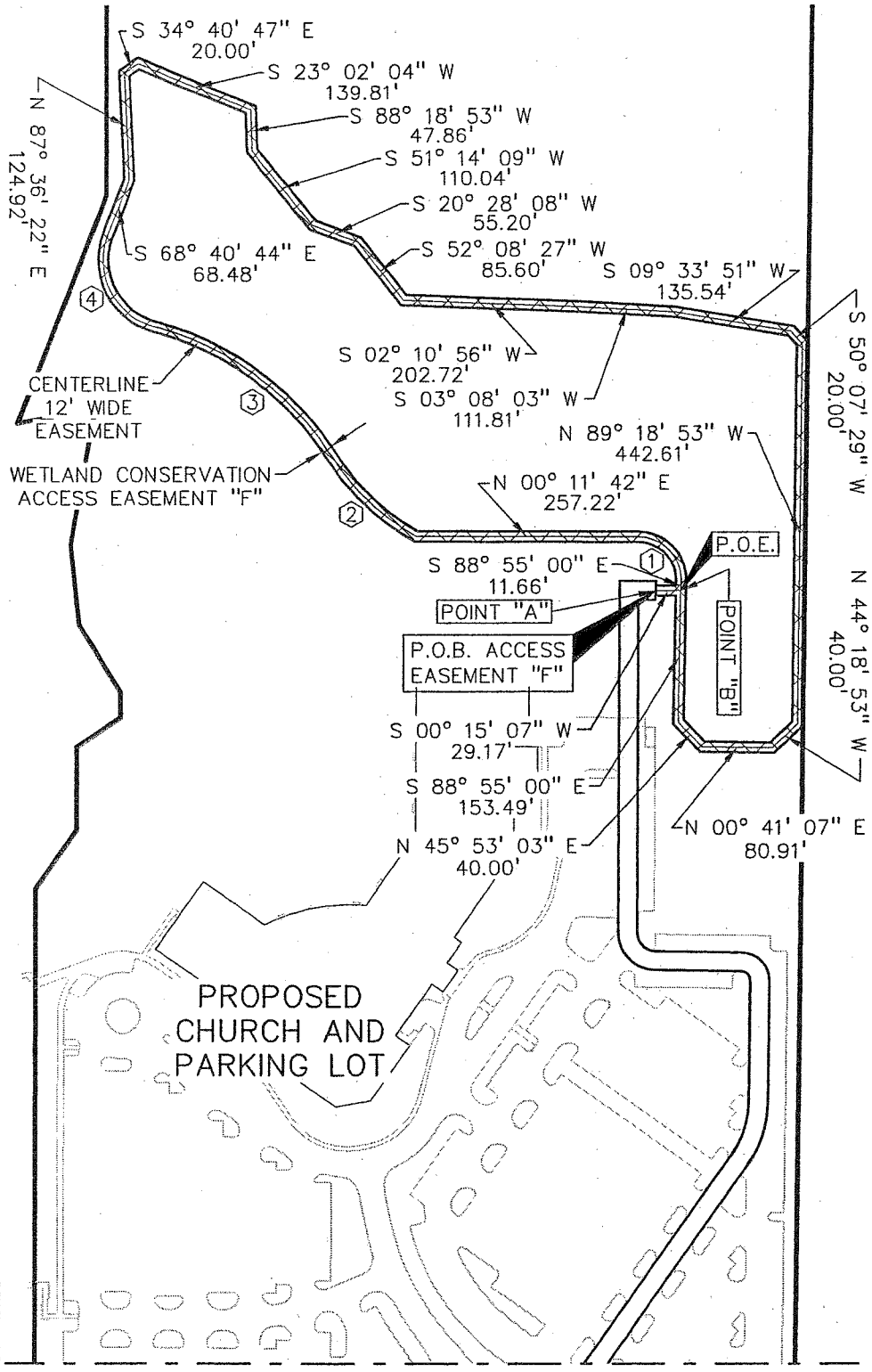
PROFESSIONAL ENGINEERING ASSOCIATES
2430 Rochester Ct. Suite 100
Troy, MI 48083-1872
(248) 689-9090

CLIENT: FRANK REWOLD & SON, INC. 333 EAST SECOND STREET ROCHESTER, MICHIGAN, 48307	SCALE: 1"= 200'	JOB No: 2002.081
	DATE: 03-31-03	DWG. No: 2 of 3

P:\2002PROJ\2002081\SURVEY-DEPT\02081BND\DWG\DEQ-ESMT.DWG; JAB

EXHIBIT H

EXHIBIT "D"
SKETCH OF WETLAND CONSERVATION ACCESS EASEMENT "F"



N

1. ARC = 79.32'
   RADIUS = 50.00'
   DELTA = 90° 53' 18"
   CHORD = 71.26'
   CH. BRG.= N 45° 38' 21" E
2. ARC = 139.17'
   RADIUS = 283.08'
   DELTA = 28° 10' 03"
   CHORD = 137.77'
   CH. BRG.= N 44° 03' 09" E
3. ARC = 255.67'
   RADIUS = 339.27'
   DELTA = 43° 10' 41"
   CHORD = 249.67'
   CH. BRG.= N 36° 32' 51" E
4. ARC = 134.55'
   RADIUS = 80.00'
   DELTA = 96° 21' 46"
   CHORD = 119.24'
   CH. BRG.= N 63° 08' 23" E

0 200 100 400
GRAPHIC SCALE
1" = 200'

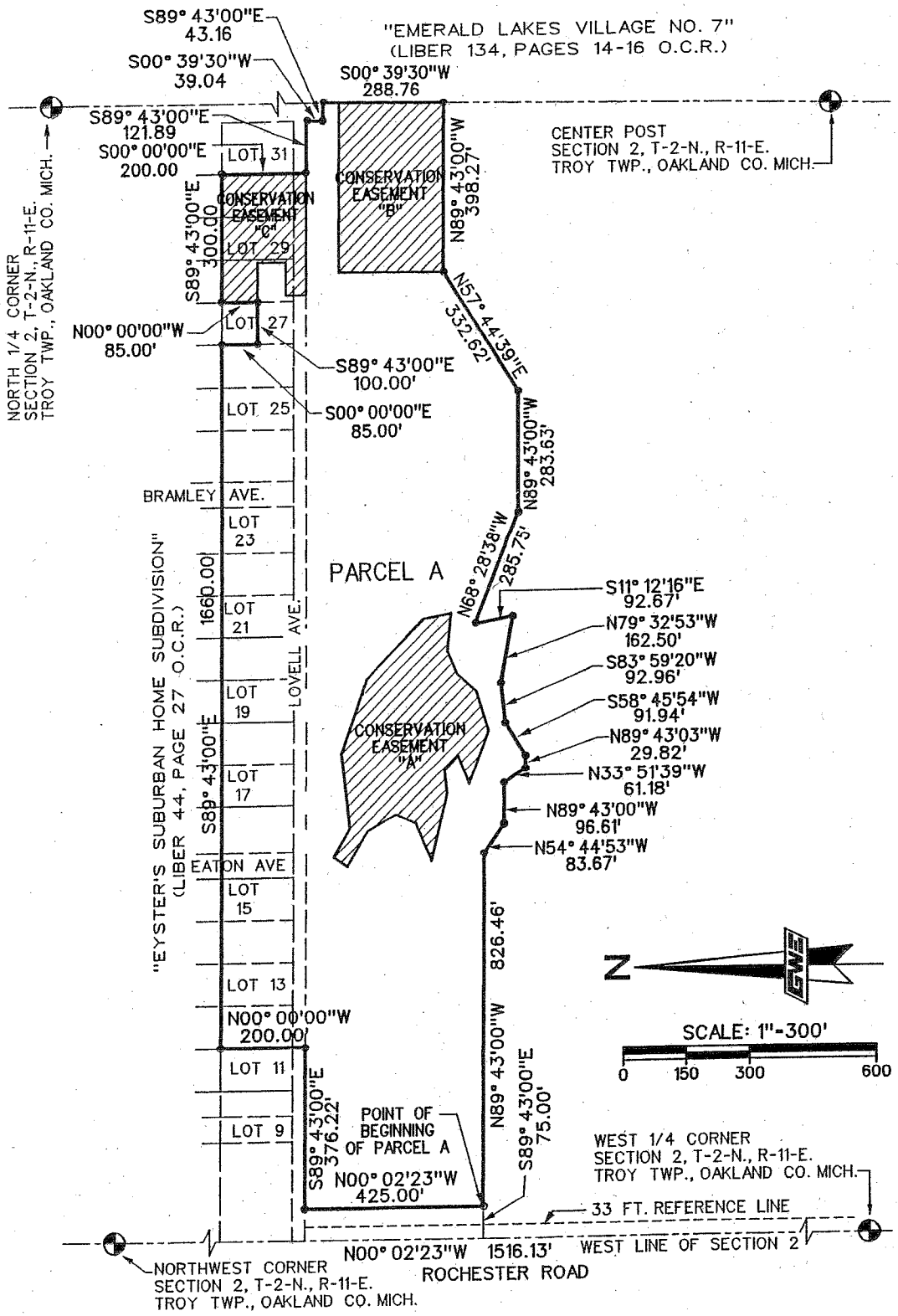
PROFESSIONAL
ENGINEERING
ASSOCIATES

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

CLIENT: FRANK REWOLD & SON, INC. 333 EAST SECOND STREET ROCHESTER, MICHIGAN, 48307	SCALE: 1"= 200'	JOB No: 2002.081
	DATE: 03-31-03	DWG. No: 3 of 3

P:\2002PROJ\2002081\SURVEY-DEPT\02081BND\DWG\DEQ-ESMT.DWG; JAB

EXHIBIT I



CONSERVATION EASEMENT

PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

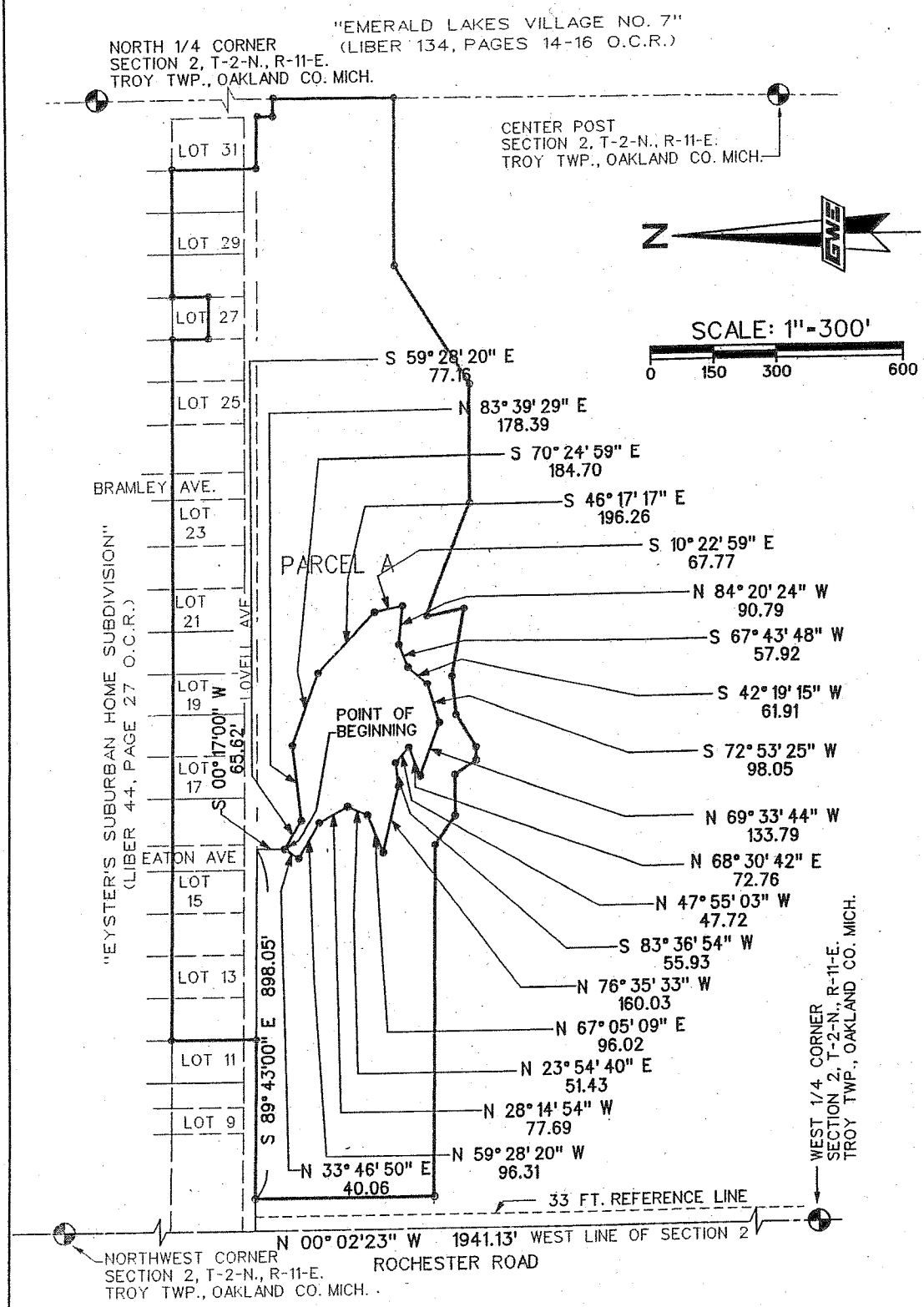
Giffels-Webster Engineers, Inc.
ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS
2871 BOND STREET, ROCHESTER HILLS, MI. 48309
(248) 852-3100

DATE: 3-25-03	CHECKED BY	DATE	SCALE: 1"=300'
DRAWN: LLH	JNR	3/25	SHEET: 1 OF 8
DESIGN:			
SECTION: 2	T-2-N., R-11-E.,		JOB No: 15786

I:/15786/conservation_esmt.dgn

Copyright © 2003 Giffels-Webster Engineers, Inc.
No reproduction shall be made without the prior written consent of Giffels-Webster Engineers, Inc.

EXHIBIT J



CONSERVATION EASEMENT "A"

PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

Giffels-Webster Engineers, Inc.
ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS
2871 BOND STREET, ROCHESTER HILLS, MI. 48309
(248) 852-3100

DATE: 3-25-03	CHECKED BY	DATE	SCALE: 1" = 300'
DRAWN: J.K.A.	J.N.R.	3/25	SHEET: 3 of 8
DESIGN:			
SECTION: 2	T-2-N, R-11-E		JOB No: 15786

L:\15786\survey\conservation_esmnt(A).dgn

Copyright © 2002 Giffels-Webster Engineers, Inc.
No reproduction shall be made without the prior written consent of Giffels-Webster Engineers, INC.

EXHIBIT K

CONSERVATION EASEMENT "A" DESCRIPTION

A PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 2; THENCE N 00° 02'23" W, 1941.13 FEET ALONG THE WEST LINE OF SAID SECTION 2 (ROCHESTER ROAD); THENCE S 89° 43'00" E, 898.05 FEET; THENCE S 00° 17'00" W, 65.62 FEET TO THE POINT OF BEGINNING; THENCE S 59° 28'20" E, 77.16 FEET; THENCE N 83° 39'29" E, 178.39'; THENCE S 70° 24'59" E, 184.70 FEET; THENCE S 46° 17'17" E, 196.26 FEET; THENCE S 10° 22'59" E, 67.77 FEET; THENCE N 84° 20'24" W, 90.79 FEET; THENCE S 67° 43'48" W, 57.92 FEET; THENCE S 42° 19'15" W, 61.91 FEET; THENCE S 72° 53'25" W, 98.05 FEET; THENCE N 69° 33'44" W, 133.79 FEET; THENCE N 68° 30'42" E, 72.76 FEET; THENCE N 47° 55'03" W, 47.72 FEET; THENCE S 83° 36'54" W, 55.93 FEET; THENCE N 76° 35'33" W, 160.03 FEET; THENCE N 67° 05'09" E, 96.02 FEET; THENCE N 23° 54'40" E, 51.43 FEET; THENCE N 28° 14'54" W, 77.69 FEET; THENCE N 59° 28'20" W, 96.31 FEET; THENCE N 33° 46'50" E, 40.06 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.77 ACRES.

CONSERVATION EASEMENT "A"

PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

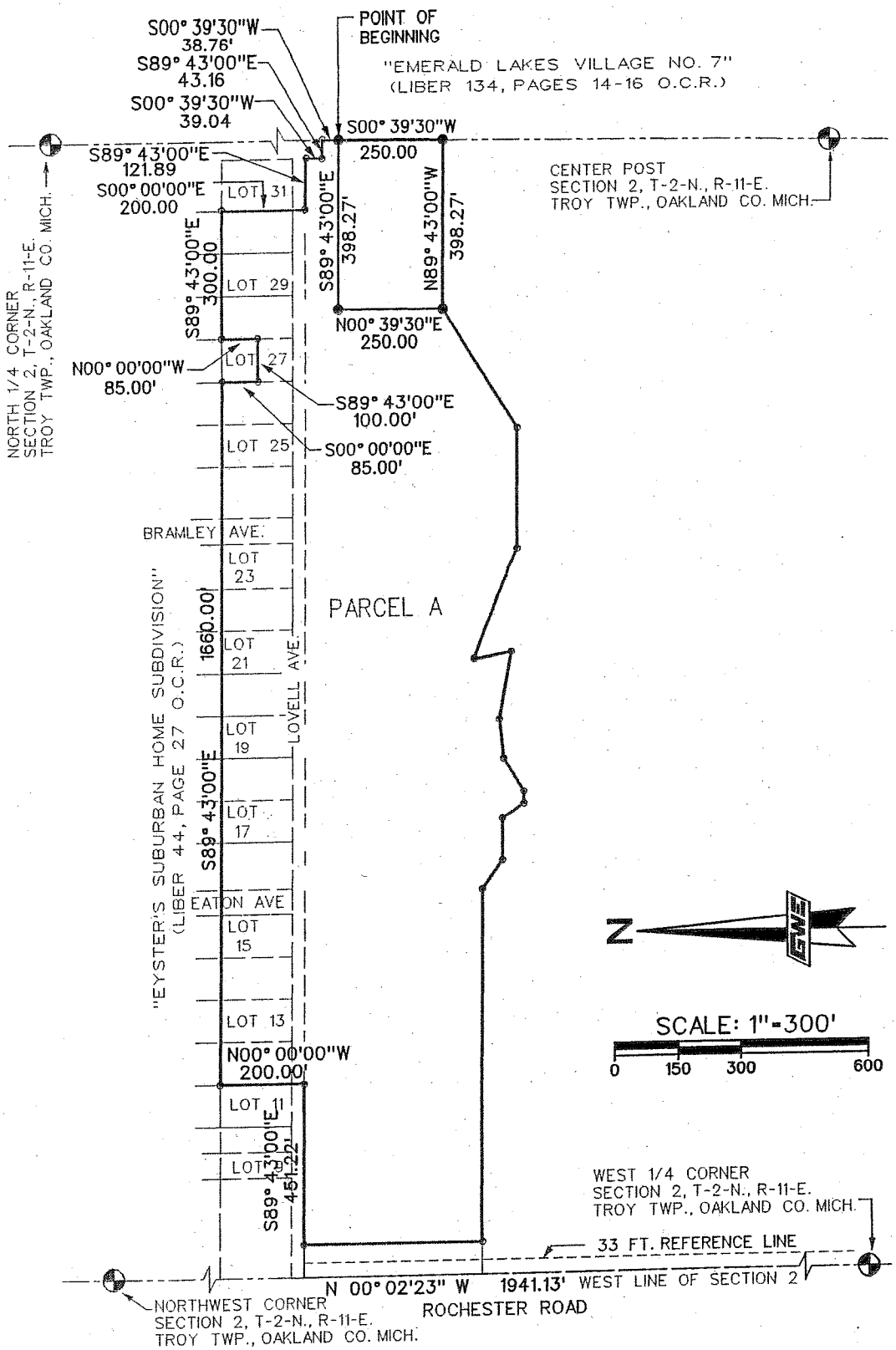
GWE
Giffels-Webster Engineers, Inc.
ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS
2871 BOND STREET, ROCHESTER HILLS, MI. 48309
(248) 852-3100

DATE: 3-25-03	CHECKED BY	DATE	SCALE:
DRAWN: J.K.A.	J.N.R.	3/25	SHEET: 4 of 8
DESIGN:			
SECTION: 2	T-2-N, R-11-E		JOB No: 15786

L:\15786\survey\conservation_esmnt(A).dgn

Copyright © 2002 Giffels-Webster Engineers, Inc.
No reproduction shall be made without the prior written consent of Giffels-Webster Engineers, Inc.

EXHIBIT L



CONSERVATION EASEMENT "B"

PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

Giffels-Webster Engineers, Inc.
ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS
2871 BOND STREET, ROCHESTER HILLS, MI. 48309
(248) 852-3100

DATE: 3-25-03	CHECKED BY	DATE	SCALE: 1" = 300'
DRAWN: L.L.H.	J.N.R.	3/25	SHEET: 5 of 8
DESIGN:			JOB No: 15786
SECTION: 2	T-2-N, R-11-E		

Copyright © 2002 Giffels-Webster Engineers, Inc.
No reproduction shall be made without the prior written consent of Giffels-Webster Engineers, Inc.

L:\15786\survey\conservation_esmnt(B).dgn

EXHIBIT M

CONSERVATION EASEMENT "B" DESCRIPTION

A PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 2; THENCE N 00° 02'23" W, 1941.13 FEET ALONG THE WEST LINE OF SAID SECTION 2 (ROCHESTER ROAD); THENCE S 89° 43'00" E, 451.22 FEET ALONG THE SOUTH LINE OF "EYSTER'S SUBURBAN HOME SUBDIVISION"; THENCE N.00° 00'00"W., 200.00 FEET; THENCE S.89° 43'00"E., 1660.00 FEET; THENCE S.00° 00'00"E., 85.00 FEET; THENCE S.89° 43'00"E., 100.00 FEET; THENCE N00° 00'00"W., 85.00 FEET; THENCE S. 89° 43'00"E., 300.00 FEET; THENCE S.00° 00'00"E., 200.00 FEET; THENCE S.89° 43'00"E., 121.89 FEET; THENCE S.00° 39'30"W., 39.04 FEET; THENCE S. 89° 43'00"E., 43.16 FEET TO A POINT ON THE WEST LINE OF "EMERALD LAKES VILLAGE NO. 7", AS RECORDED IN LIBER 134, PAGES 14 THROUGH 16 OF PLATS, OAKLAND COUNTY RECORDS, SAID POINT ALSO BEING A POINT ON THE NORTH-SOUTH 1/4 LINE OF SAID SECTION 2 AS OCCUPIED; THENCE S00° 39'30"W., 38.76 FEET ALONG SAID LINE TO THE POINT OF BEGINNING; THENCE S 00° 39'30" W, 250.00 FEET; THENCE N 89° 43'00" W, 398.27 FEET; THENCE N 00° 39'30" E, 250.00 FEET; THENCE S 89° 43'00" E, 398.27 FEET TO THE POINT OF BEGINNING AND CONTAINING 2.29 ACRES.

CONSERVATION EASEMENT "B"

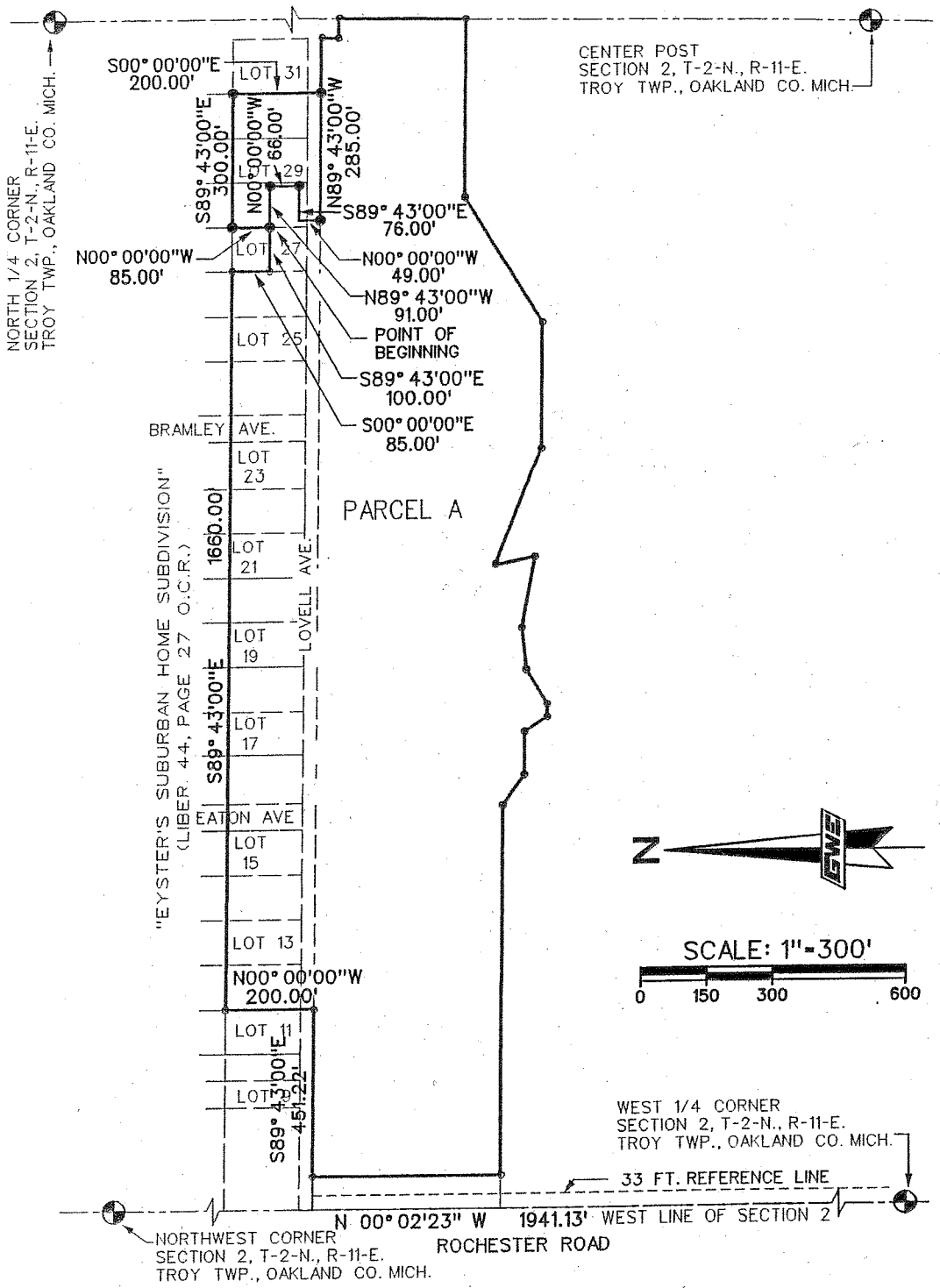
PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

GWE
Giffels-Webster Engineers, Inc.
ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS
2871 BOND STREET, ROCHESTER HILLS, MI. 48309
(248) 852-3100

DATE: 3-25-03	CHECKED BY	DATE	SCALE:
DRAWN: L.L.H.	J.N.R.	3/25	SHEET: 6 of 8
DESIGN:			JOB No: 15786
SECTION: 2	T-2-N, R-11-E		

L:\ 15786\ survey\conservation_esmnt(B).dgn

Copyright © 2002 Giffels-Webster Engineers, Inc.
No reproduction shall be made without the prior written consent of Giffels-Webster Engineers, Inc.



CONSERVATION EASEMENT "C"

PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

Giffels-Webster Engineers, Inc.
ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS
2871 BOND STREET, ROCHESTER HILLS, MI. 48309
(248) 852-3100

DATE: 3-25-03	CHECKED BY	DATE	SCALE: 1" = 300'
DRAWN: L.L.H.	J.N.R.	3/25	SHEET: 7 of 8
DESIGN:			
SECTION: 2	T-2-N, R-11-E		JOB No: 15786

Copyright © 2002 Giffels-Webster Engineers, Inc.
No reproduction shall be made without the prior written consent of Giffels-Webster Engineers, Inc.

L:\ 15786\ survey\conservation_esmnt(C).dgn

EXHIBIT O

CONSERVATION EASEMENT "C"
DESCRIPTION

A PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, INCLUDING ALL OF LOTS 29, 30 AND PART OF LOT 28 OF "EYSTER'S SUBURBAN HOME SUBDIVISION" AS RECORDED IN LIBER 44, PAGE 27, OF PLATS, OAKLAND COUNTY RECORDS; ALSO THE REVISIONARY INTEREST IN THAT PART OF LOVELL AVENUE (30 FEET WIDE) ALL LYING WITHIN THE BOUNDS OF THIS PARCEL, ALL BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 2; THENCE N 00° 02'23" W, 1941.13 FEET ALONG THE WEST LINE OF SAID SECTION 2 (ROCHESTER ROAD); THENCE S 89° 43'00" E, 451.22 FEET ALONG THE SOUTH LINE OF "EYSTER'S SUBURBAN HOME SUBDIVISION"; THENCE N 00° 00'00" W, 200.00 FEET; THENCE S 89° 43'00" E, 1660.00 FEET; THENCE S 00° 00'00" E, 85.00 FEET; THENCE S 89° 43'00" E, 100.00 FEET TO THE POINT OF BEGINNING; THENCE N 00° 00'00" W, 85.00 FEET; THENCE S 89° 43'00" E, 300.00 FEET; THENCE S 00° 00'00" E, 200.00 FEET; THENCE N 89° 43'00" W, 285.00 FEET; THENCE N 00° 00'00" W, 49.00 FEET; THENCE S 89° 43'00" E, 76.00 FEET; THENCE N 00° 00'00" W, 66.00 FEET; THENCE N 89° 43'00" W, 91.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.22 ACRES.

CONSERVATION EASEMENT "C"

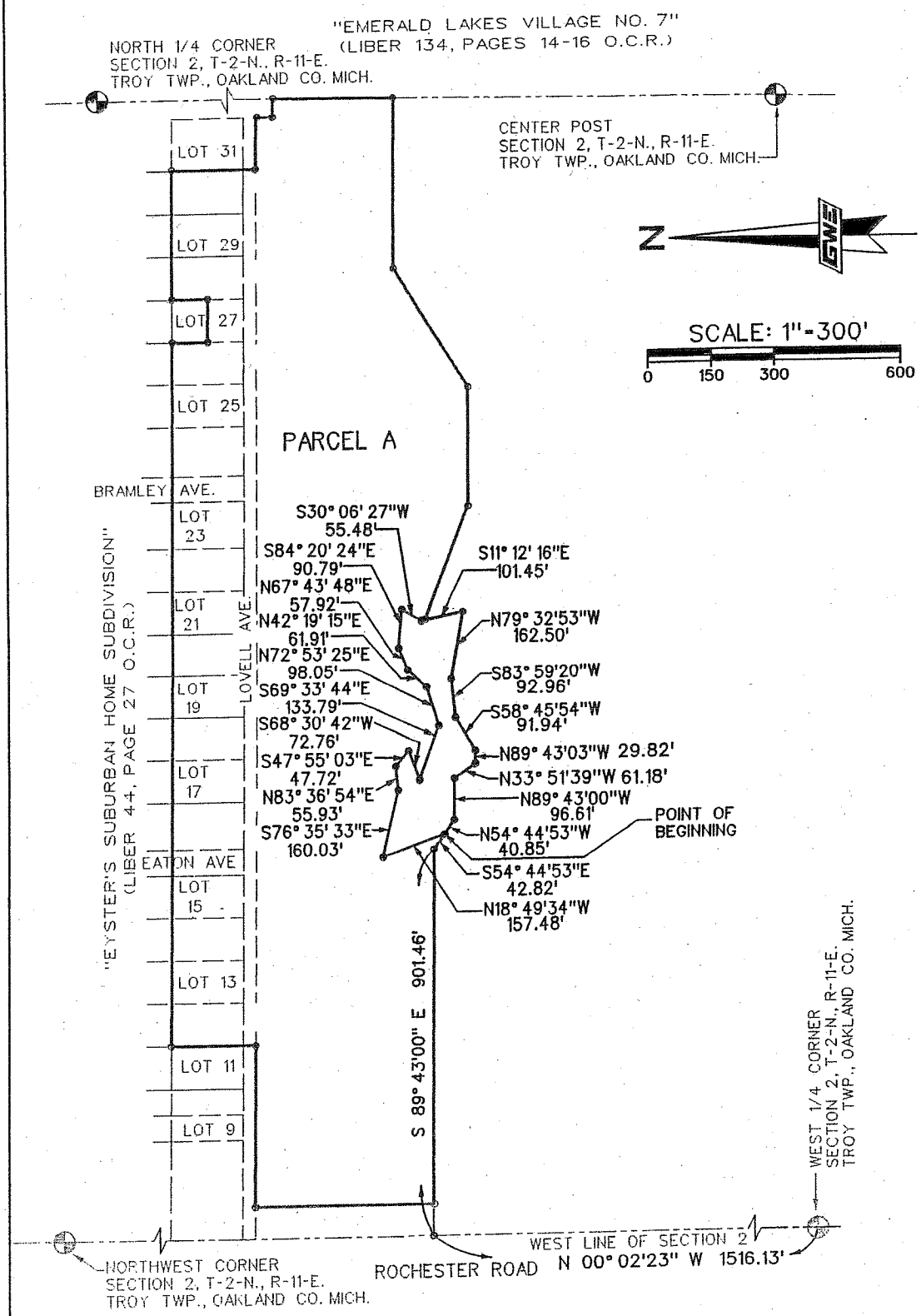
PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

Giffels-Webster Engineers, Inc.
ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS
2871 BOND STREET, ROCHESTER HILLS, MI. 48309
(248) 852-3100

DATE: 3-25-03	CHECKED BY	DATE	SCALE:
DRAWN: L.L.H.	J.N.R.	3/25	SHEET: 8 of 8
DESIGN:			
SECTION: 2	T-2-N, R-11-E		JOB No: 15786

L:\ 15786\ survey\conservation_esmnt(C).dgn

Copyright © 2002 Giffels-Webster Engineers, Inc.
No reproduction shall be made without the prior written consent of Giffels-Webster Engineers, Inc.



WETLAND MITIGATION EASEMENT "A"

PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

Giffels-Webster Engineers, Inc.
ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS
2871 BOND STREET, ROCHESTER HILLS, MI. 48309
(248) 852-3100

DATE: 3/25/03	CHECKED BY	DATE	SCALE: 1" = 300'
DRAWN: K.A.T.	J.N.R.	3/26	SHEET: 1 of 4
DESIGN:			
SECTION: 2	T-2-N, R-11-E		JOB No: 15786

L:\ 15786\ survey\wetland_mit_esmnt(A).dgn

Copyright © 2002 Giffels-Webster Engineers, Inc.
No reproduction shall be made without the prior written consent of Giffels-Webster Engineers, Inc.

EXHIBIT O

WETLAND MITIGATION EASEMENT "A" DESCRIPTION

A PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 2; THENCE N 00° 02'23" W, 1516.13 FEET ALONG THE WEST LINE OF SAID SECTION 2 (ROCHESTER ROAD); THENCE S 89° 43'00" E, 901.46 FEET; THENCE S 54° 44'53" E, 42.82 FEET TO THE POINT OF BEGINNING; THENCE N 18° 49'34" W, 157.48 FEET; THENCE S 76° 35'33" E, 160.03 FEET; THENCE N 83° 36'54" E, 55.93'; THENCE S 47° 55'03" E, 47.72 FEET; THENCE S 68° 30'42" W, 72.76 FEET; THENCE S 69° 33'44" E, 133.79 FEET; THENCE N 72° 53'25" E, 98.05 FEET; THENCE N 42° 19'15" E, 61.91 FEET; THENCE N 67° 43'48" E, 57.92 FEET; THENCE S 84° 20'24" E, 90.79 FEET; THENCE S 30° 06'27" W, 55.48 FEET; THENCE S 11° 12'16" E, 101.45 FEET; THENCE N 79° 32'53" W, 162.50 FEET; THENCE S 83° 59'20" W, 92.96 FEET; THENCE S 58° 45'54" W, 91.94 FEET; THENCE N 89° 43'03" W, 29.82 FEET; THENCE N 33° 51'39" W, 61.18 FEET; THENCE N 89° 43'00" W, 96.61 FEET; THENCE N 54° 44'53" W, 40.85 FEET TO THE POINT OF BEGINNING AND CONTAINING 1.42 ACRES.

WETLAND MITIGATION EASEMENT "A"

PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

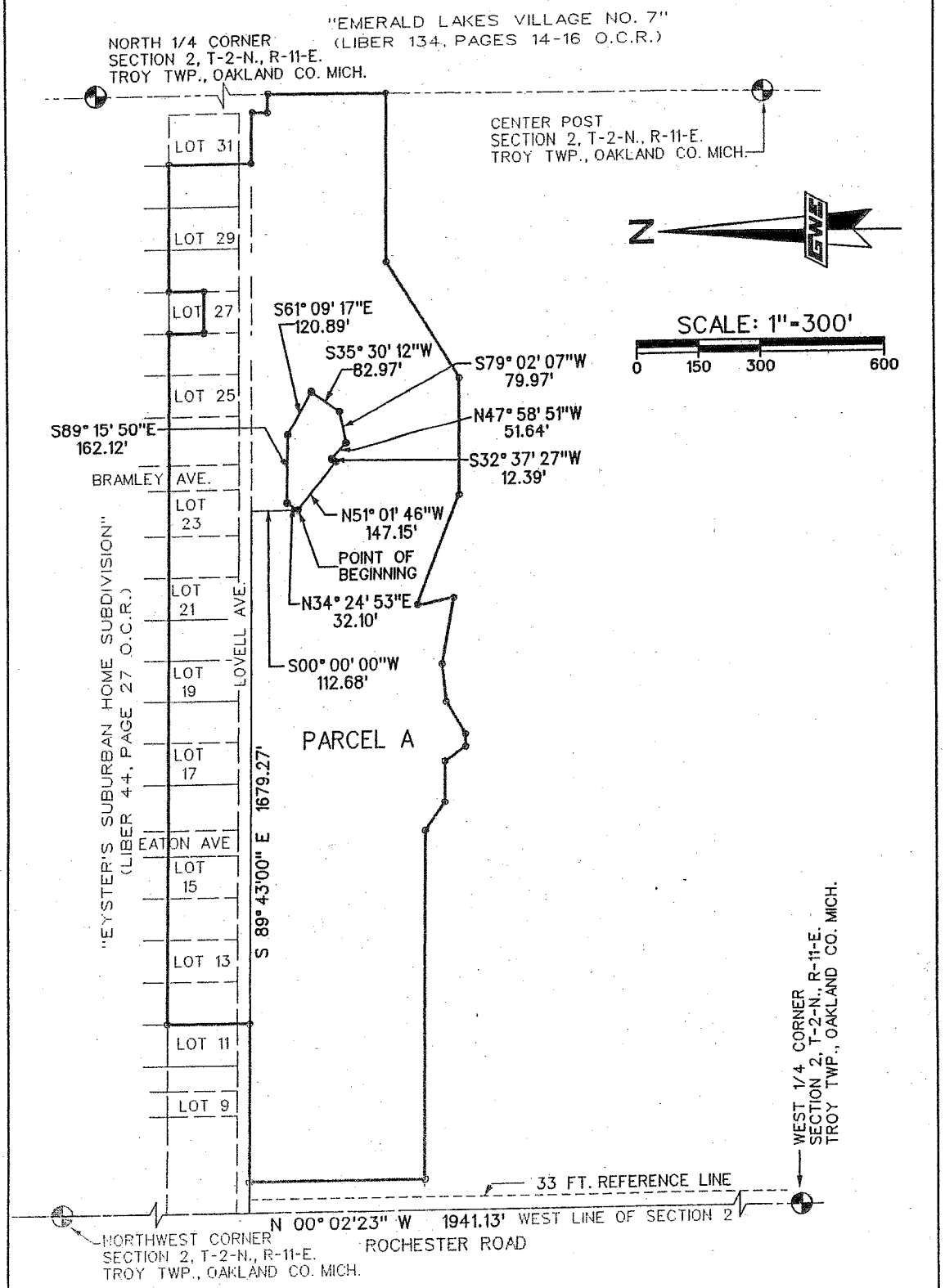
GWE
Giffels-Webster Engineers, Inc.
ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS
2871 BOND STREET, ROCHESTER HILLS, MI. 48309
(248) 852-3100

DATE: 3/25/03	CHECKED BY	DATE	SCALE:
DRAWN: K.A.T.	J.N.R.	3/26	SHEET: 2 of 4
DESIGN:			
SECTION: 2	T-2-N, R-11-E		JOB No: 15786

L:\ 15786\ survey\wetland_mit_esmnt(A).dgn

written consent of Giffels-Webster Engineers, Inc.

EXHIBIT R



WETLAND MITIGATION EASEMENT "B"

PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

Giffels-Webster Engineers, Inc. ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS 2871 BOND STREET, ROCHESTER HILLS, MI. 48309 (248) 852-3100	DATE: 3/25/03	CHECKED BY	DATE	SCALE: 1" = 300'
	DRAWN: K.A.T.	J.N.R.	3/26	SHEET: 3 of 4
	DESIGN:			
	SECTION: 2	T-2-N, R-11-E		JOB No: 15786

No reproduction shall be made without the prior written consent of Giffels-Webster Engineers, Inc.

EXHIBIT S

WETLAND MITIGATION EASEMENT "B"
DESCRIPTION

A PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 2; THENCE N 00° 02'23" W, 1941.13 FEET ALONG THE WEST LINE OF SAID SECTION 2 (ROCHESTER ROAD); THENCE S 89° 43'00" E, 1679.27 FEET; THENCE S 00° 00'00" W, 112.68 FEET TO THE POINT OF BEGINNING; THENCE N 34° 24'53" E, 32.10 FEET; THENCE S 89° 15'50" E, 162.12 FEET; THENCE S 61° 09'17" E, 120.89 FEET; THENCE S 35° 30'12" W, 82.97 FEET; THENCE S 79° 02'07" W, 79.97 FEET; THENCE N 47° 58'51" W, 51.64 FEET; THENCE S 32° 37'27" W, 12.39 FEET; THENCE N 51° 01'46" W, 147.15 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.58 ACRES.

WETLAND MITIGATION EASEMENT "B"

PART OF THE NORTHWEST 1/4 OF SECTION 2, T-2-N., R-11-E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

Giffels-Webster Engineers, Inc.
ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS
2871 BOND STREET, ROCHESTER HILLS, MI. 48309
(248) 852-3100

DATE: 3/25/03	CHECKED BY	DATE	SCALE:
DRAWN: K.A.T.	J.N.R.	3/26	SHEET: 4 of 4
DESIGN:			
SECTION: 2	T-2-N, R-11-E		JOB No: 15786

Copyright © 2002 Giffels-Webster Engineers, Inc.
No reproduction shall be made without the prior written consent of Giffels-Webster Engineers, Inc.

L:\ 15786\ survey\wetland_mit_esmnt(B).dgn

EXHIBIT T

Attachment 7

Hydrogeological Study

McDowell & Associates
Geotechnical, Environmental & Hydrogeological Services • Materials Testing & Inspection
21355 Hatcher Avenue • Ferndale, MI 48220
Phone: (248) 399-2066 • Fax: (248) 399-2157

May 23, 2003

Robertson Brothers
6405 Telegraph Road
Suite 200
Bloomfield Hills, MI 48301-3159

Job No. 00-597

Attention: Ron Phillips

Subject: Hydrogeological Study
Proposed Northwyck Development
Rochester Road and DeEtta Avenue
Troy, Michigan

Gentlemen:

Following your request, we have reviewed your site relative to potential effects of your proposed development on the man-made lakes to the east and south.

McDowell & Associates performed two Geotechnical Investigations on your site. Project No. 00-597 Report, dated February 6, 2001 included twelve (12) soil test borings scattered across the site. Project No. 01-533 Report, dated November 2, 2002 included six (6) soil borings specifically for the proposed Woodside Bible Church.

The soil conditions are predominantly clay typically with a few feet of surface granular soil to the northwest with this granular soil tending to increase in depth generally to the southeast. There is a wetland in the southwest portion of the site and the Gibson Drain crosses the southeast corner of the site.

Topography indicates surface water flowed into the wetland and then into the Gibson Drain. Our groundwater data indicated this same pattern.

It is understood the Gibson Drain is at about Elevation 680 and the deepest basement on site is proposed at about Elevation 690. It is understood that stormwater will go to retention then to the wetland which drains into the Gibson. The Gibson flows to the south and west.

The indications are that the development will have minimal effect on groundwater or surface water to the east or south. Thus, we see no evidence that the proposed development will have any significant effect on the existing lakes to the east and south.

Very truly yours,

McDOWELL & ASSOCIATES

Robert McDowell, P.E.

RM\def

Attachment 8

Preliminary PUD Approval Minutes, September 23, 2002

E-15 Abstention on Woodside Baptist Church PUD

Resolution #2002-09-533
Moved by Pallotta
Seconded by Howrylak

WHEREAS, On September 9, 2002, the Troy City Council held a hearing on the Preliminary Planned Unit Development Review – Woodside Bible Church (formerly Troy Baptist Church) Planned Unit Development (PUD), Located on the East Side of Rochester Road – North of Square Lake Road and South of South Boulevard – Section 2, and passed Resolution #2002-09-503, which was voted with the abstention of Councilwoman Broomfield; and

WHEREAS, After review of the Troy City Charter, Section 4.7 (C), it is conceivable that someone could declare the above referenced resolution was null and void, since it conflicted with the City Charter; and

WHEREAS, It is also conceivable that someone could make the accusation of misconduct in office, due to the abstention; and

WHEREAS, The Troy City Council desires to **CONFIRM** its earlier resolution to avoid any potential future challenges;

NOW, THEREFORE, IT IS RESOLVED, That the Troy City Council confirms Resolution #2002-09-503, which states:

> RESOLVED, That the Preliminary Plan for a Planned Unit Development, pursuant to Section 35.60.01, as requested by the Robertson Brothers Co. and Woodside Bible Church, for the Woodside Bible Church/Northwyck Planned Unit Development (FKA Troy Baptist PUD), located on the east side of Rochester Road and south of South Boulevard, located in Section 2, within the R-1D zoning district, being 89.83 acres in size, is hereby **APPROVED**;
>
> FURTHER RESOLVED, That the proposed PUD qualifies under the standards set forth in Section 35.30.00;
>
> FURTHER RESOLVED, That the proposed mix of uses, in particular the environmental assets of the site, are appropriate and in keeping with the intent of Section 35.10.00;
>
> FURTHER RESOLVED, That the overall residential density is consistent with the City's Future Land Use Plan;
>
> FURTHER RESOLVED, That the proposed Preliminary Plan demonstrates that the General Development Standards, set forth in Section 35.40.00, and the Standards for Approval, set forth in Section 35.70.00, have been met;
>
> BE IT FINALLY RESOLVED, That the recommendation is subject to the following conditions:

1. The Preliminary Plan consists of a transmittal letter dated August 26, 2002, accompanying a document dated July 12, 2002, the document containing narratives, reduced plans, and full size plans:

   L1 Overall Landscape Plan, 08/14/02
   L2 Village at Northwyck Landscape Plan, 07/12/02
   L3 Woods at Northwyck Landscape Plan, 07/12/02
   L4 Woods at Northwyck Clubhouse Landscape Plan, 07/12/02
   L5 Clubhouse Elevations Plan, 07/12/02
   L6 Typical Unit Landscape Plan, 07/12/02
   L7 Landscape Details Plan, 07/12/02
   L8 Entry Elevation Plan, 07/12/02
   L9 Cross-Sections Plan, 07/12/02
   L10 Tree Preservation Plan, 07/1202
   GWE 1 of 11 Preliminary Site Plan Cover, 07/12/02
   GWE 2 of 11 Land Use/General Development Map, 07/12/02
   GWE 3 of 11 Natural Features Plan, 07/12/02
   GWE 4 of 11 Tree Inventory Plan, 07/12/02
   GWE 5 of 11 Storm Drainage Plan, 07/12/02
   GWE 6 of 11 Utility Layout Plan, 07/12/02
   GWE 7 of 11 100 Scale Site Plan, 07/12/02
   GWE 8 of 11 50 Scale Site Plan, 07/12/02
   GWE 9 of 11 50 Scale Site Plan, 07/12/02
   GWE 10 of 11 50 Scale Site Plan, 07/12/02
   GWE 11 of 11 50 Scale Site Plan, 07/12/02.

2. The fence detail along the southern boundary shall be consistent with the northern boundary and scale back length to 50 feet to the east beyond the last unit of Rochester Villas.
3. That a note be provided on the plans stating the wooden fence along the northern property line will be adequately maintained in the future.
4. That fire hydrants shall be indicated on the Final Plans.

Yes: All-7

Attachment 9

PUD Final Plan

(3-ring binder)

May 22, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Steve Vandette, City Engineer
Mark Miller, Planning Director

SUBJECT: FINAL PRELIMINARY PLAT REVIEW – The Estates at Cambridge Subdivision, section 18 - R-1B.

RECOMMENDATION

City Council approved the Tentative Preliminary Plat on September 9, 2002 for The Estates at Cambridge Subdivision. The proposed Final Preliminary Plan is consistent with the Tentative Preliminary Plan. The Engineering Department granted approval of the engineering plans based upon the City's Development Standards; however, storm water detention has been required for a higher 25-year rain event and a lower discharge rate than the 10-year rain event required by the development standards. In addition the detention basin provides capacity for a 100-year flood event within the free board. Therefore, this development will not cause or exacerbate drainage problems on contiguous properties, due to surface run-off from the proposed development.

A condition of City Council approval was that City Management request a MDEQ Wetlands Permit Public Hearing. This public hearing was held on November 5, 2002, at the Troy Public Library. A copy of the MDEQ wetlands permit, which permits the placement of 512 cubic yards of clean fill within the wetland on the parcel, is attached.

The proprietor submitted to the City Clerk a letter of credit for the escrow deposits and cash fees for the public improvements. The subdivision agreement and exhibit B are attached to this report.

City Management recommends granting Final Approval to the Preliminary Plat of The Estates at Cambridge Subdivision (10 lots).

GENERAL INFORMATION

Name of Owner / Applicant:
D.A.J. Enterprises, L.L.C.

Location of subject property:
The property is located on the east side of Beach Street, north of Wattles in Section 18.

Size of subject parcel:
The parcel is 6.09 acres in area.

Description of proposed development, including number and density of units:
The applicant is proposing a 10-unit subdivision with a density of approximately 1.6 units per acre.

Current use of subject property:
A single family residence presently sits on the property.

Current use of adjacent parcels:
North: Single family residential.

South: Single family residential.

East: Single family residential.

West: Single family residential.

Current zoning classification:
The property is currently zoned R-1B One Family Residential.

Zoning classification of adjacent parcels:
North: R-1B One Family Residential.

South: R-1B One Family Residential.

East: R-1B One Family Residential

West: R-1A One Family Residential

Future Land Use Designation:
The property is designated on the Future Land Use Plan as Low Density Single Family Residential.

ANALYSIS

Compliance with area and bulk requirements:

Lot Area: The minimum lot area in the R-1B district is 15,000 square feet. The application meets this requirement.

Lot Width: The minimum lot width in the R-1D district is 100 feet. The application meets this requirement.

Height: The maximum height in the R-1D district is 2 ½ stories or 25 feet. The application will be required to meet this requirement.

Setbacks: Front: 40'
Sides: 10' (least one), 25' (total)
Rear: 45'.

Minimum Floor Area: 1,200 square feet.

Maximum Lot Coverage: 30%.

The applicant meets the area and bulk requirements of the R-1D District.

Off-street parking and loading requirements:
The applicant will be required to provide 2 off-street parking spaces per unit.

Environmental provisions, including Tree Preservation Plan:
The applicant submitted a Final Tree Preservation Plan, which was approved by the Parks and Recreation Department.

Stormwater detention:
The applicant is proposing to construct a detention pond in the northwest corner of the property. A retaining wall is required along the northern line to provide enough elevation for the detention pond. A 12-foot wide paved access drive is proposed to provide access to the detention pond.

Natural features and floodplains:
The Natural Features Map indicates there is significant woodland along the eastern third of the property. The site plan indicates that there are no floodplains located on the property.

The applicant has provided a Wetland Evaluation dated July 17, 2002, that indicates that the wetland is regulated by the MDEQ. The applicant has received a wetland permit to allow the placement of 512 cubic yards of clean fill within the wetland.

Subdivision Control Ordinance, Article IV Design Standards

Blocks:
Carrington Court provides access from Beach Road.

Lots:
Lots conform to the minimum requirements of the Zoning Ordinance.

Easements:
The applicant has provided a 30-foot wide drainage and landscape easement along Beach Road, a 12-foot wide drainage easement along the perimeter of the property, 10-foot and 20-foot wide public utility easements in the front of each lot, and a 15-foot wide non-accessible greenbelt easement along Beach Road.

Topographic Conditions:
There are no floodplains located on the property.

Streets:
Carrington Court is the only street proposed for the subdivision. This cul-de-sac is approximately 600 feet in length.

Sidewalks:
The applicant is proposing a 5-foot wide sidewalk on both sides of Carrington Court and a 5 foot wide sidewalk along the east side of Beach Road.

Walkways:
There is a 5-foot wide sidewalk proposed to connect with Prestwick Drive to the east, within a 12 foot wide public walkway.

Utilities:
The property is served by public water and sewer services.

cc: Applicant
Mark Stimac, Building and Zoning Director
Tim Richnak, Public Works Director
Planners
File/The Estates of Cambridge Subdivision

G:\SUBDIVISIONS & SITE CONDOS\Estates at Cambridge Sub Sec. 18\Estates at Cambridge Final Preliminary Plat.doc

PLATTED RESIDENTIAL DEVELOPMENT LEVELS OF APPROVAL

Tentative Preliminary Plat Approval

The following items are included in the **Tentative Approval** process:

- Existing Conditions
- Tree Preservation Plan
- Street layout
- Number of lots
- Building setbacks
- Lot dimensions
- Stub Street for possible future developments
- Locations of easements
- The Planning Department analyses the potential future development of the abutting property.
- The developer must provide locations of wetlands and natural features on the property and the method of preservation.
- An environmental impact statement is required if the development consists of 25 lots or more.
- A sign is placed on the property informing the public of the proposed development.
- A notice of the public meeting before Planning Commission is mailed to the abutting property owners.

Final Preliminary Plat Approval

The following items are included in the **Preliminary Plat- Final Approval** process:

- Determine that all city development standards are met and complied with.
- Capacity of sanitary and storm sewers
- Size and location of Water mains
- Size and location of Detention / Retention basins
- Grading and rear yard drainage
- Paving and widening lanes
- Financial guarantees
- Sidewalk and driveway approaches
- Approval from other government agencies involved with the development.
- Verification of wetlands and M.D.E.Q. permit if necessary.
- Agreements, covenants or other documents for the dedication of land for public use or property owners use.

Final Plat Approval

Final Approval checks for conformance with the approved Tentative and Final Preliminary Plats and that all property conveyances such as R.O.W, Easements, Open Space and Parks are in proper order.

COMPARISON BETWEEN SITE CONDOMINIUMS AND PLATS

The site condominium is a form of development that closely resembles the more traditional form of land subdivision known as a "subdivision" or a "plat". Although both types of development have the same basic characteristics, site condominiums are a newer form of development and are not, therefore, as familiar to homebuyers and neighbors as the more customary plats. An important concept related to any type of condominium development is that condominiums are a form of OWNERSHIP, not a type of physical development.

The following summary is intended to compare and contrast the two types of development.

1. **Comparisons between site condominiums and plats.**

   a. **Statutory Basis** – Site condominium subdivisions first became possible under the Michigan Condominium Act, which was adopted by the Michigan Legislature in 1978. Plats are created under the Michigan Land Division Act, formerly the Michigan Subdivision Control Act of 1967.

   b. **Nature and Extent of Property Ownership** – An individual homesite building in a platted subdivision is called a "lot". In a site condominium, each separate building site or homesite is referred to by the Condominium Act as a "unit". Each unit is surrounded by "limited common area", which is defined as common elements reserved in the master deed for the exclusive use of less than all of the co-owners". The remaining area in the site condominium is "general common area", defined as the common elements reserved in the master deed for the use of all of the co-owners. The nature and extent of ownership of a platted lot and a condominium unit, with the associated limited common area, are essentially equivalent from both a practical and legal standpoint.

   c. **Compliance with Zoning Ordinance** – Both site condominiums and subdivisions are required to comply with the minimum requirements of the City of Troy Zoning Ordinance for area and bulk, including minimum lot size, lot width, setbacks and building height. Essentially, site condominiums and subdivisions in Troy must "look" similar.

   d. **Creation/Legal Document** – A site condominium is established by recording in the records of the county in which the land is located a master deed, bylaws and condominium subdivision plan ("plan"). A platted subdivision is created by the recording of a subdivision plat ("plat"), usually coupled with a declaration of easements, covenants, conditions and restrictions The plan depicts the condominium units and limited and general common areas, while the plat defines the lots. Both have

substantially the same geometrical appearance and characteristics. The master deed and bylaws on the one hand and the declaration on the other have essentially the same functions with respect to the site condominium or platted subdivision, namely, establishment of: (i) building and use restrictions; (ii) rights of homeowners to use common areas; (iii) financial obligations of owners; and, (iv) procedures for operation of the subdivision.

e. **Home Maintenance and Real Estate Taxes** – Each unit and lot, as respectively depicted on a condominium plan or subdivision plat, together with any home located thereon, are required to be individually maintained by the owner. Likewise, separate real estate taxes are assessed on each condominium unit or platted lot and paid individually by each homeowner.

f. **Roads and Utilities** – In most plats, roads are dedicated to the public and maintained by the county road commission or the municipality in which the subdivision is located. Site condominium roads can be either public or private. Sanitary sewer and water supply are public in both. Storm water detention can vary between public and private dedication in both platted and condominium subdivisions.

g. **Common Areas** – In a site condominium, general common areas, such as open space, entrance areas and storm drainage system, are owned by condominium unit owners in common as an incident of ownership of each unit. In a platted subdivision, legal title to common areas is owned by a homeowners association. In both forms of development, a homeowners association administers the common areas for the benefit of all homeowners equally.

h. **Homeowners Association** – It is important in both types of development to incorporate a homeowners association compromised of all lot owners or unit owners, as the case may be, to maintain common areas, enforce restrictions and regulations, collect assessments and otherwise administer the common affairs of the development. Because the Condominium Act confers special enforcement powers upon homeowner associations, which are not characteristic of platted subdivision associations, it is generally thought that the condominium form is superior from the standpoint of enforcing rules and regulations of the private community.

i. **Financial Obligations of Homeowners** – In both types of development, the homeowners association is given the power to assess property owners to pay for maintenance of all common areas and other expenses of administration. Failure to pay give rise to a lien on the defaulting owner's homesite thus providing financial security that the common areas will be properly maintained for the benefit of all homeowners.

j. **Public Relations** – The same types of public health, safety and welfare regulations apply to both forms of development. Procedurally, the methods of applying for and obtaining plat or condominium plan approval are similar at the municipal level.

k. **Unique Characteristics of Condominium Unit Purchase** – The Condominium Act provides special benefits for site condominium unit purchasers: (i) a 9-day period after signing a purchase agreement within which a purchaser may withdraw without penalty; and (ii) a requirement that all condominium documents, supplemented by an explanatory disclosure statement, be furnished to all purchasers at the time of entry into a purchase agreement. There are no similar benefits to purchasers provided under the Land Division Act.

l. **Local and State Review** – Both development types require City Council approval, following a recommendation by the Planning Commission. Unlike subdivisions, site condominiums do not require the review and approval of the Michigan Department of Consumer and Industry Services. For this reason it can sometimes take a substantially shorter period of time to obtain necessary public approvals of site condominiums than platted subdivisions.

2. Reason for choosing one form versus another.

Developers and municipalities often prefer the site condominium approach because of better control of market timing. It should be emphasized that the site condominium choice never sacrifices any public protections that would otherwise be present in the case of a platted subdivision under similar circumstances.

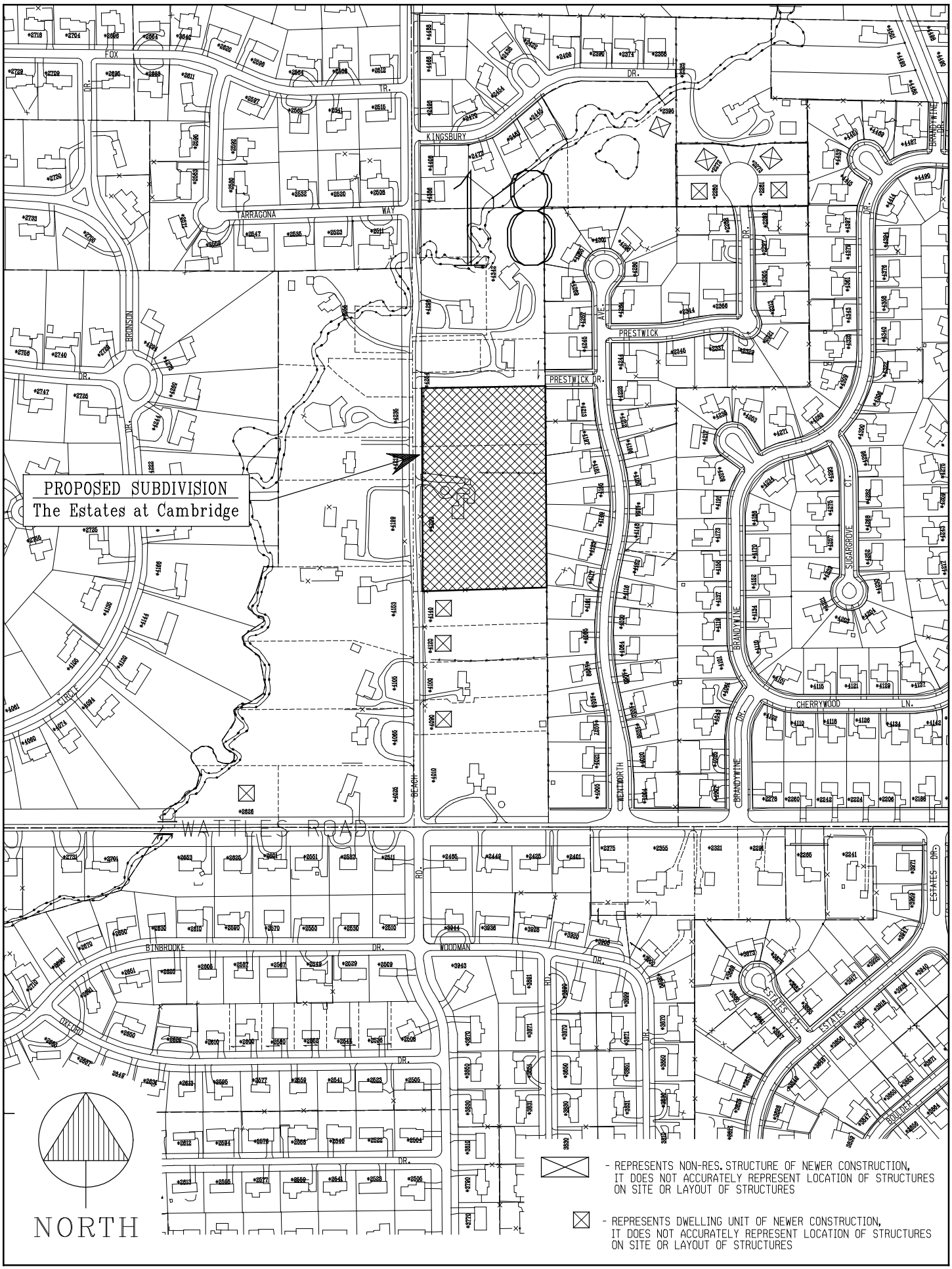
3. Conclusion.

The platted subdivision approach and the newer site condominium technique are two different statutory methods of reaching essentially the same practical and legal result of subdividing real estate into separate residential building sites. Both methods are required to meet substantially the same public health, safety and welfare requirements. The site condominium is sometimes chosen over the platted subdivisions because of perceived benefits to purchasers, homeowners, and developers.

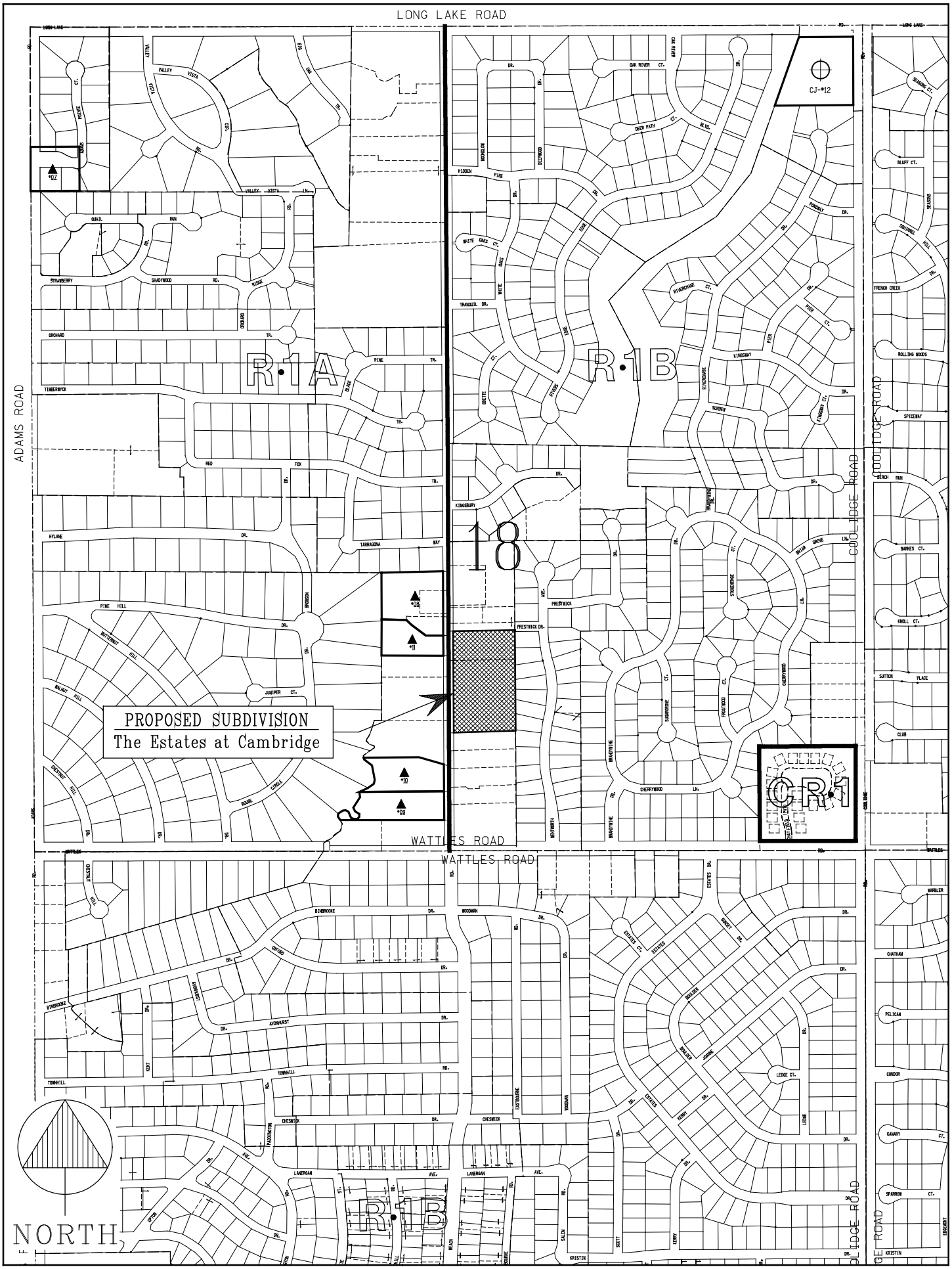
CITY OF TROY

N

PREPARED BY CITY OF TROY PLANNING DEPT.



ESTATES AT CAMBRIDGE SUB. / SEC. 18 / 07-18-02


LONG LAKE ROAD
ADAMS ROAD
COOLIDGE ROAD
WATTLES ROAD
R-1A
R-1B
18
CR-1
CJ-#12
PROPOSED SUBDIVISION
The Estates at Cambridge
NORTH

REC'D
MAY 13 2003
PLANNING DEPT.

SUBDIVISION AGREEMENT

THIS AGREEMENT is entered into and executed this_____day of _____, 19___, between the **CITY OF TROY**, a Michigan municipal corporation, party of the first part, hereinafter referred to as "City", and DAJ ENTERPRISES, L.L.C.

party of the second part, hereinafter referred to as the "Owner".

WITNESSETH:

WHEREAS the Owner is the owner of certain real property described as follows: (See attached Exhibit "A")

and

WHEREAS the Owner desires to plat same into a SINGLE FAMILY subdivision and to erect HOMES thereon, for which development there is required the installation of certain necessary public improvements, hereinafter described and specified, and

WHEREAS the Owner desires to install at his own expense all of the necessary improvements, and

WHEREAS the City has expended and will be required to expend time and effort in reviewing the various plans, specifications and other documents, and in the field inspection involved in the development process.

NOW, THEREFORE, in consideration of the mutual convenants hereinafter contained, it is hereby mutually agreed by these parties as follows:

I

The Owner agrees that he has submitted a proposed plat of the SINGLE FAMILY subdivision embracing the above described property, and that he will as a condition precedent to

the terms and conditions of this Agreement promptly proceed with all the necessary steps to accomplish the recording of the said proposed plat; further, that as a part of said platting procedure, he has filed with the City Clerk cash deposits, escrow deposits, certified check, or irrevocable bank letter of credit to guarantee the installation of the public improvements in said proposed subdivision as required by the City and outlined in the "Detailed Summary of Required Deposits", attached to this Agreement as Exhibit "B".

II

The Owner represents and agrees that he has familiarized himself with the Subdivision Regulations as contained in Chapter 41 of the Troy City Code, the Engineering Design Standards and Landscape Design Standards, and with all other policies of the City Council which relate to the installation of subdivision improvements.

III

The Owner agrees that he will at his own expense furnish and install all of the public improvements specified in the attached Exhibit "B", in accordance with the plans and specifications furnished by the Owner to the City and approved by the City of Troy, the Michigan Department of Natural Resources, the Michigan Department of Health, and all other governmental agencies which may have jurisdiction, and in accordance with any and all other applicable laws and regulations of the City of Troy, County of Oakland, and State of Michigan. Said improvements shall be installed within a period of two years from the date of Final Approval of the Preliminary Plat of THE ESTATES AT CAMBRIDGE Subdivision by the City Council.

IV

The Owner further represents that the estimated costs set opposite the various public improvements in the attached Exhibit "B" are to the best of his information, knowledge, and belief the correct estimated costs for each of such public improvements.

V

The Owner agrees to pay all engineering, inspection, and other administrative costs of the City occasioned by the assignment of City Engineers, Inspectors, and other personnel to the construction work to be performed pursuant to this Agreement, provided however, that such costs shall be limited to either the flat rate or percentage customarily applied by the City to such matters as a firm City policy in existence at the inception of this Agreement, plus direct costs clearly chargeable to the construction work contemplated hereunder.

VI

Before proceeding with any of the work contemplated herein, the Owner will provide liability, property damage, and workmen's compensation insurance in amounts at least equal to that required by City specifications or standards in existence at the inception of this Agreement, naming the City as "Additionally Insured"', protecting the City against any and all claims for damages to persons or property resulting from the installation of any of the public improvements herein contemplated, and true and accurate copies of said insurance policies will be filed with the City Manager. Higher levels of insurance coverage may be required by the City Manager when he determines that unique features of the particular improvement project, such as exceptional difficulty or hazards involved in construction, warrant such additional coverage. Any contractor or subcontractor employed by the Owner must be acceptable to the City, and before any contractor or subcontractor shall commence work on any of the improvements contemplated herein, such contractor or subcontractor must be approved by the City Manager.

VII

The Owner agrees that contracts covering the installation of all required subdivision improvements, with the exception of paving, shall be let within ninety (90) days from the date of Final Approval of the Preliminary Plat of THE ESTATES AT CAMBRIDGE Subdivision by the City

Council. Failure to comply with this provision shall suspend the approval of improvement construction plans by the City, and the Owners right to proceed with the processing of THE ESTATES AT CAMBRIDGE Subdivision, until such time as a new "Detailed Summary of Required Deposits" is prepared, indicating any revisions in the estimated costs of required subdivision improvements, and reflecting any change in the Engineering Design Standards, since the inception of this Agreement. This revised information shall then become Exhibit "B", superseding that initially attached to this Agreement. The deposits or guarantees referred to in Paragraph I shall then be revised to cover the costs indicated in Exhibit "B" as revised.

VIII

The Owner agrees that he will maintain all streets located within the subdivision in which the improvements are to be installed in a reasonably safe and passable condition during the course of the work contemplated. The Owner further agrees and understands that no Building Permits, except those for builders "models" (the maximum number of which is established by City Building Department Policy in effect at the inception of this Agreement), shall be issued or sought for issuance until the street improvements called for by this Agreement have been completed and accepted by the City; further, all improvements constructed by the Owner in public right-of-ways or streets or alleys shall become the property of the City of Troy immediately upon the acceptance of said improvements by the City; further, this contract shall not be deemed to have been fully consummated and completed, until such time as the City has formally accepted the improvements to be made. ""Acceptance" of subdivision improvements by the City shall be in accordance with established City administrative procedures in effect at the inception of this Agreement.

IX

The parties hereto understand and agree that all of the improvements herein referred to are at the expense of the Owner, and that there shall be no liability or obligation on the part of

the City to create any special assessment districts or to process any special assessments in reimbursement of the Owner.

X

The terms of this Agreement shall be coterminous with that of the Final Approval of the Preliminary Plat THE ESTATES AT CAMBRIDGE Subdivision by the City Council, that being two (2) years from the date of said approval. A certified copy of the City Council Resolution granting such approval, and thus indicating the subject time period, is attached to this Agreement as Exhibit "C".

At the end of this time period, the subject Final Preliminary Plat Approval the approval of subdivision improvement construction plans, and this Agreement shall be terminated. Any extension of this time period, as in the case of the Final Preliminary Plat Approval, shall require the approval of the City Council. Prior to consideration, by the City Council, of any extension, revised estimates of costs of any required subdivision improvements not as yet completed shall be prepared, Exhibit "B" shall be revised accordingly, and revised deposits or guarantees shall be submitted by the Owner to the City.

XI

The Provisions and conditions of this Agreement constitute a covenant running with the land and shall be binding upon the heirs, successors, and assigns of the parties hereto, for the term of the Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate on the day, month, and year first above appearing. By the execution of this Agreement, the City is authorized to record same in the office of the Oakland County Clerk and Register of Deeds.

WITNESSES

_____

_____

Marylann Hays
MARYLANN HAYS

_____

_____

_____

APPROVED:

Steven J. Vandette
City Engineer

_____
City Manager

_____
City Attorney

CITY OF TROY

By: _____
Mayor

By: _____
City Clerk

By: _____
Owner

By: _____

By: _____

By: _____

Detailed Summary of Required Escrow Deposits or Performance Bond, Cash Fees & Deposits
The Estates at Cambridge - Project No. 02.933.3
10 Units - Section No. 18

ESCROW DEPOSITS or PERFORMANCE BOND:

Sanitary Sewers	$38,272
Water Mains	$34,900
Storm Sewers	$40,140
Rear Yard Drains	$23,535
Pavement - ASPHALT or CONCRETE	$49,480
Grading	$20,000
Detention Basin	$5,000
Soil Erosion Control Measures	$2,390
Monuments and Lot Corner Irons	$575
Temporary Access Road	$2,330
Improvement of Park or Open Space	$0
Deceleration and/or Passing Lane - MAJOR ROAD	$0
Major Road Improvements (other than decel or passing lanes)	$3,982
Sidewalks - ON SITE	$5,700
Sidewalks - OFF SITE	$9,060
Street Light	$0
Deposit for the Repair of Damage to Existing Public Streets Used for Access	$6,000
Miscellaneous	$0
Miscellaneous	$0
Miscellaneous	$0
Miscellaneous	$0
Miscellaneous	$0
TOTAL ESCROW DEPOSITS or PERFORMANCE BOND (REFUNDABLE):	**$241,364**

(Circle One)

CASH FEES (NON-REFUNDABLE):

Water Main Testing and Chlorination	$650
Street Name and Traffic Signs	$629
Maintenance of Detention Basin	$3,053
Soil Erosion and Sedimentation Control Permits	$603
Testing Services	$3,620
Engineering Review and Inspection	$13,251
TOTAL CASH FEES (NON-REFUNDABLE):	**$21,806**

Detailed Summary of Required Escrow Deposits or Performance Bond, Cash Fees & Deposits
The Estates at Cambridge - Project No. 02.933.3
10 Units - Section No. 18

CASH DEPOSITS (REFUNDABLE):

Sidewalk Closures	$972
Walkway and Split Rail Fence	$0
Wetland Mitigation	$0
Deposit for Maintenance & Cleaning of Ex. Public Streets Used for Access	$2,000
Landscape Deposit	$12,735
Punchlist & Restoration Deposit	$34,683
TOTAL CASH DEPOSITS (REFUNDABLE):	**$50,390**

Stormwater detention for this development will be provided by a new detention basin within the development

cc: Gary Shripka, Assistant City Manager/Services
John Lamerato, Assistant City Manager/Finance and Administration
Tonni Bartholomew, City Clerk
Carol Anderson, Director of Parks & Recreation
Mark Miller, Planning Director
Nino Licari, City Assessor
James Nash, Financial Services Director
Tim Richnak, Director of Public Works
William Jawlik, Inspector Supervisor
Engineer: Fenn & Associate, Inc.
Developer: DAJ Enterprises, L.L.C.

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
PERMIT

D A J Enterprises LLC
Attention: Mr. Joseph Cracchiollo
4881 Riverchase Drive
Troy, MI 48098

Permit No.	02-63-0334-P
Issued	January 21, 2003
Extended	
Revised	
Expires	December 31, 2004

Under the provisions of the Natural Resources and Environmental Protection Act 451, PA 1994, as amended and specifically:

- ☐ **Part 301 Inland Lakes and Streams**
- ☐ **Part 325 Great Lakes Submerged Lands**
- ☒ **Part 303 Wetland Protection**
- ☐ **Part 31 Floodplain/Water Resources Protection**
- ☐ **Part 315 Dam Safety**
- ☐ **Part 323 Shorelands Protection and Management**
- ☐ **Part 353 Sand Dune Protection and Management**

Permission is hereby granted, based on permittee assurance of adherence to State requirements and permit conditions to:

Permitted Activity: Place 512 cubic yards of clean fill within 0.24 acres of wetland for the purpose of constructing a road (Carrington Court) and residential lots 4, 5 and 6 for The Estates at Cambridge. Construct a 8-inch diameter sanitary sewer line and a 15-inch storm sewer pipe in wetland.

RECEIVED
JAN 27 2003
ENGINEERING

Water Course Affected: wetland
Property Location: Oakland **County,** City of Troy, **Section** 18
The Estates of Cambridge **Subdivision, Lots** 4,5,6 **Town/Range** 2N, 11E **Property Tax No.** 20-18-402-012 & 013

Authority granted by this permit is subject to the following limitations:

A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
B. The permittee in exercising the authority granted by this permit shall not cause unlawful pollution as defined by Part 31, Floodplain/Water Resources Protection of the Natural Resources and Environmental Protection Act 451, PA 1994, as amended.
C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
D. All work shall be completed in accordance with the plans and the specifications submitted with the application and/or plans and specifications attached hereto.
E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved herein.
F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with Act 53 of the Public Act of 1974 and comply with each of the requirements of that act.
G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits or complying with other state statutes.
H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
I. Permittee shall notify the Department of Environmental Quality within one week after the completion of the activity authorized by this permit, by completing and forwarding the attached, preaddressed post card to the office addressed thereon.
J. This permit shall not be assigned or transferred without the written approval of the Department of Environmental Quality.
K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific State Act, Federal Act and/or Rule under which this permit is granted.
L. Work to be done under authority of this permit is further subject to the following special instructions and specifications:

Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation, Natural Resources and Environmental Protection Act (1994, PA 451 as amended) or the need to acquire applicable permits from the City of Troy or the County Drain Commissioner.

Permittee is cautioned against commencing work in unacquired right of ways or easements. This permit does not convey any interest in property or property rights in either real state or material. Permittee is responsible for acquiring all necessary easements or right of ways before commencing any work.

In issuing this permit, the Department of Environmental Quality has relied on the information and data which the permittee has provided in connection with the permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete, or inaccurate, the Department may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.

Permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.

The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representatives of the permittee, undertaken in connection with this permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.

This permit may be transferred or assigned to a party other than the original permittee with written approval of the Department. The proposed transferee must request transfer of the permit and agree to all conditions of the permit in writing. The original permittee must also submit written notification to the Department requesting that the permit be transferred to the proposed transferee. Correspondence relating to the transfer must be submitted to the office from which the permit was issued.

This permit does not preclude the need for approvals or permits from other federal, state, county or municipal authorities as may be required by law.

This permit is limited to authorizing the construction as specified above and carries with it no assurances or implications that any associated wetland area can be developed or serviced by the structures authorized by this permit.

The authority to conduct the activity as authorized by this permit is granted solely under provisions of the governing act as identified above. This permit does not convey, provide or otherwise imply approval of any other governing act, ordinance or regulation, nor does it waive the permittee's obligation to acquire any local, county or federal approval or authorizations necessary to conduct the activity.

Fill shall consist of clean inert material that will not cause siltation nor contain soluble chemicals, organic matter, pollutants or contaminants. All fill shall be CONTAINED in such a manner so as not to erode into any surface water or wetland. All raw areas associated with the permitted activity shall be STABILIZED with sod and/or seed, and mulch, riprapped, or other technically effective method as necessary to prevent erosion.

Permittee is responsible for controlling all authorized fill material including soils graded on site and shall prevent same from entering any surface water or wetland except as otherwise specified by this permit. NO fill shall be allowed to escape from the area(s) specified to receive fill either by willful intent, neglect or faulty maintenance of erosion controls. Fill this permit has authorized which leaves the specified fill area constitutes a violation of this permit.

All work shall be completed in accordance with the approved plans, drawn by Fenn & Associates, Inc., dated 8/30/2002 and 07/11/2002 (last revised 08/28/2002), and the specific terms and conditions of this permit.

Any modification or revision to the authorized plans must be approved IN WRITING by the Department of Environmental Quality prior to construction.

Should this permit result in an unreasonable encroachment, interference with adjacent riparians or the public trust, permittee agrees, in exercising the authority granted herein, to make adjustments in the project as ordered by the Department of Environmental Quality.

Steven E. Chester, Director
Department of Environmental Quality

By _____
David R. Dortman
District Representative
Geological and Land Management Division

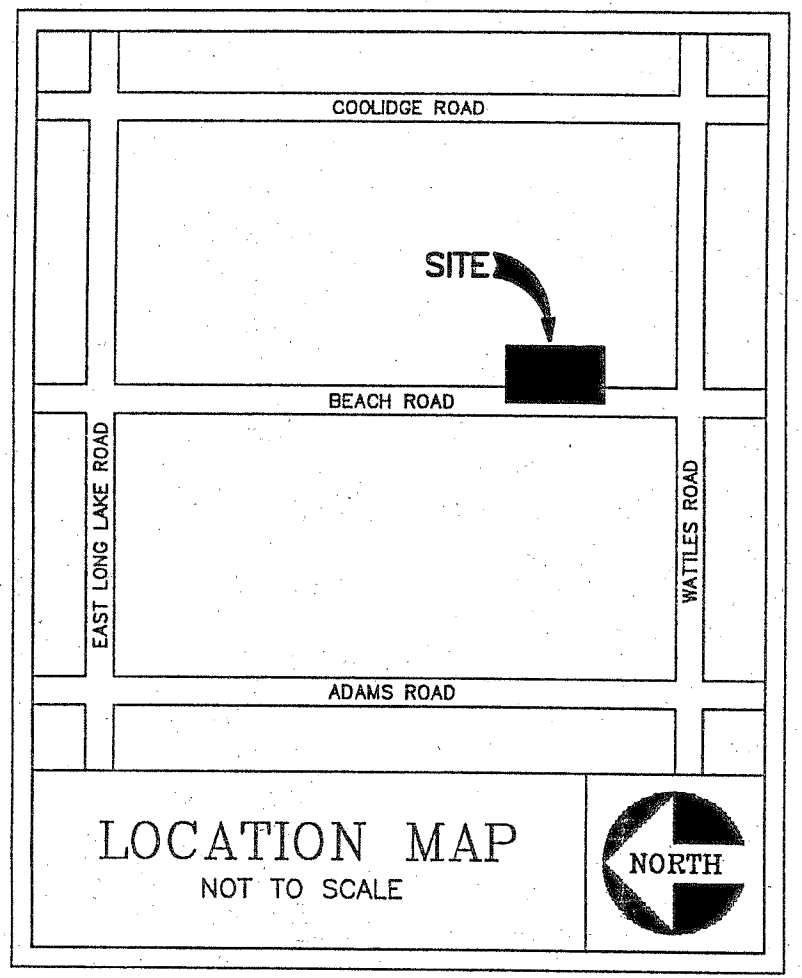
Attachment
cc: Mr. Steven Vandette, City of Troy Engineer
Mr. Jeffery King, King and MacGregor Environmental, Inc.
Mr. Roger Clark, GLMD

DEQ

FILE # 02-63-0334-P

APPROVED PLANS

1 OF 5



REGULATED WETLAND IMPACT

Area in Fill: 10,606.2 sq ft, 0.24 Acres

Fill volume: 13,842.20 cubic ft, 512.67 cubic yards

Note: All cut and fill values determined by: SurvCADD Digital Terrain Modeling

RECEIVED

SEP 17 2002

ENVIRONMENTAL QUALITY
LAND & WATER MGMT - PCU

REVISED: 09/11/02 PER K.M.E.

PROPERTY DESCRIPTION:

Part of the Southeast Quarter of Section 18, T.2N., R11E., City of Troy, Oakland County, Michigan being described as:

Beginning on the North and South Quarter line of Section 18, also being the centerline of Beach Road N.00°00'03"E. 762.98 feet from the South Quarter corner of Section 18; thence continuing N.00°00'03"E. 631.98 feet along the North and South Quarter line of Section 18 and the centerline of Beach Road; thence S.89°57'58"E. 419.81 feet to the West line of "Greentrees East Subdivision No. 2" as recorded in liber 130 of Plats, pages 33 and 34, Oakland County records; thence S.00°00'00"E. 632.43 feet along the West line of "Greentrees East Subdivision No.2"; thence N.89°54'17"W. 419.82 feet to the point of beginning. Containing 6.09 acres, more or less.

Subject to the rights of the public in Beach Road and to any and all easements of record.

THE ESTATES AT CAMBRIDGE

SOUTHEAST QUARTER SECTION 18, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN

WETLAND IMPACT PLAN

Fenn & Associates Inc.
42802 Mound Road
Sterling Heights, Michigan 48314
PHONE: (586) 254-9577
FAX: (586) 254-9020

DRAWN BY: J. D. Klinkenberger

SCALE: N/A		DRAWING NUMBER: 02-00016
DATE: 08/30/02	CHECKED BY: J.S.R., P.E.	SHEET 1 OF 4

PROPERTY DESCRIPTION:

Part of the Southeast Quarter of Section 18, T.2N., R11E., City of Troy, Oakland County, Michigan being described as:

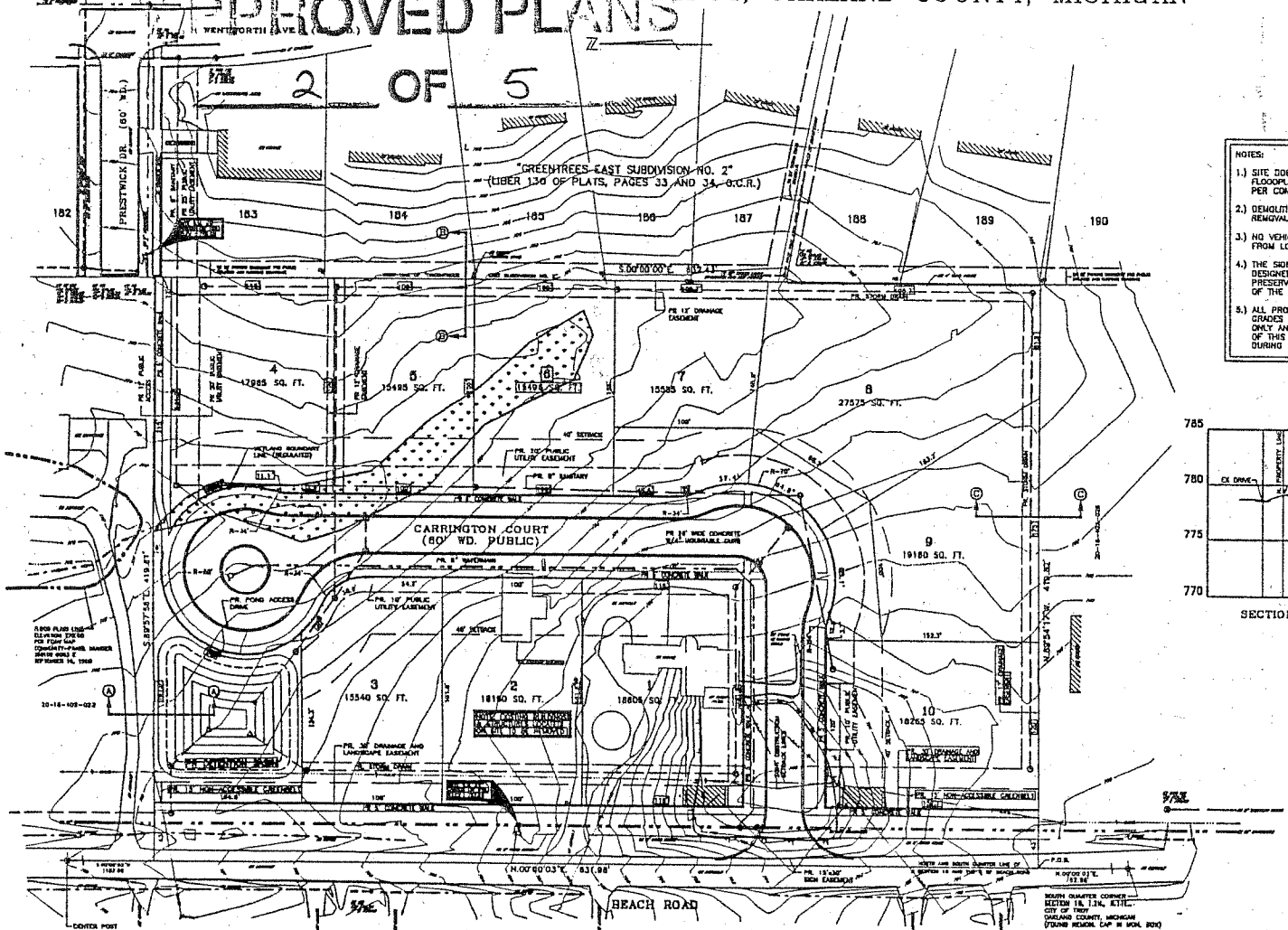
Beginning at the North and South Quarter line of Section 18, the same being the centerline of Beach Road N 02°00'01"E, 782.98 feet from the South Quarter corner of Section 18; thence continuing N.02°00'01"E, 131.95 feet along the North and South Quarter of Section 18 and the centerline of Beach Road; thence S.88°57'58"E, 119.81 feet along the West line of "Greentrees East Subdivision No. 2" as recorded in Liber 130 of Plats, pages 33 and 34, Oakland County records; thence S.02°00'01"E, 832.43 feet along the West line of "Greentrees East Subdivision No 2"; thence N.89°34'17"E, 419.82 feet to the point of beginning. Containing 4.06 acres, more or less.

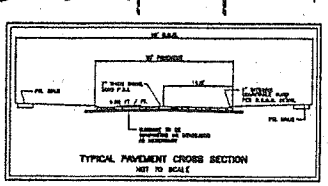
Subject to the rights of the public in Beach Road and Priestwick Drive of record.

DEQ
#-02 63 0534-P

TENTATIVE PRELIMINARY PLAT
THE ESTATES AT CAMBRIDGE
PART OF THE SOUTHEAST QUARTER OF SECTION 18, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN

APPROVED PLANS
2 OF 5





DETENTION CALCULATIONS – 10 YEAR STORM PER OAKLAND COUNTY STANDARDS

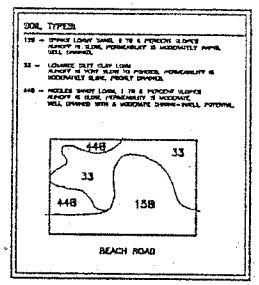
ALLOWABLE DISCHARGE	C1 =	0.30 CFS/ACRE
TIME INTVL	t =	20 MINUTES
AREA	A =	5.47 ACRES
RUNOFF COEFF	C =	0.35
ALLOWABLE DISCHARGE	Q1 =	0.3 CFS
INTENSITY OF RAIN FALL	i =	3.886666 INCHES
TOTAL ALLOWABLE DISCHARGE	QA = C1 x A =	1.06 CFS
ALLOWABLE OUTFLOW	Q0 = QA/A x C1 =	0.828 CFS
PEAK STORAGE TIME	t=-Ln(SQR(Q0&2.3/Q0)) =	77.16451 MINUTES
MAX. STORAGE VOLUME/ACRE	V0=(10800 x T/(T + 23))-(Q0 x 60 x T) =	8001.838 CU.FT./ACRE
TOTAL STORAGE REQUIRED	V=V0 x A x C =	10908.27 CU.FT.
STORAGE HOURS PROVIDED	H =	6 FEET
TOP AREA OF BASIN	AREA OF CONTOUR 780.00 A1 =	5606 SQ.FT.
BOTTOM AREA OF BASIN	AREA OF CONTOUR 776.50 A2 =	429 SQ.FT.
TOTAL STORAGE VOLUME PROVIDED	V=((A1 + A2 + SQR(A1 x A2))* H/3 =	14770.16 CU.FT.
AREA OF ORIFICE	A0=C1 = A/(0.62 x SQR(2 x 32.2 x H)) =	0.0463133 SQ.FT.
DIAMETER OF OUTLET	D = 2 x SQR(144 x A0/PI) =	4.191608 INCHES

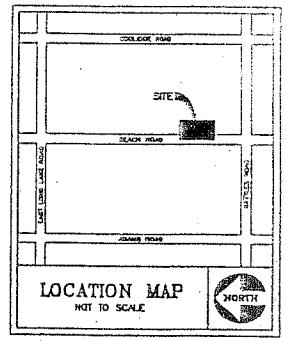
BENCHMARK DATA (U.S.G.S. DATUM)

FIRM B.M. #148 – THE LETTERS "TC" IN TENNESSEE OR HYDRANT LOCATED AT THE SOUTHWEST CORNER OF INTERSECTION OF WATTLES ROAD AND BEACH ROAD. ELEVATION 789.48

SITE B.M. #1 – ARROW ON HYDRANT WITHIN BEACH ROAD R.O.W. LOCATED 280'± SOUTH AND 8'± WEST OF NORTHWEST PROPERTY CORNER. ELEVATION 781.95

SITE B.M. #2 – ARROW ON HYDRANT WITHIN PRIESTWICK DRIVE R.O.W. LOCATED 8'± NORTH AND 18'± EAST OF NORTHEAST PROPERTY CORNER. ELEVATION 786.26





NOTES:

1.) SITE DOES NOT FALL WITHIN 100-YEAR FLOODPLAIN AS OF SEPTEMBER 18, 1986 PER COMMUNITY-PANEL NO. 260180 0003 E

2.) DEMOLITION PERMIT REQUIRED FOR THE REMOVAL OF ALL BUILDINGS.

3.) NO VEHICULAR ACCESS TO BEACH ROAD FROM LOTS 1, 2, 3 AND 10.

4.) THE SIDEWALK ALONG BEACH ROAD SHALL BE DESIGNED WITH PROPER CONSIDERATION OF PRESERVING THE NATURAL CHARACTERISTICS OF THE BEACH ROAD PARKWAY.

5.) ALL PROPOSED PUBLIC UTILITIES AND SECTION GRADES SHOWN ON THESE PLANS ARE SCHEMATIC ONLY AND ARE INTENDED TO SHOW THE FEASIBILITY OF THIS PROJECT AND ARE SUBJECT TO CHANGE DURING ENGINEERING PHASE.

SITE DATA

RESIDENTIAL SINGLE FAMILY
ZONED R-1B (NEW SCHOOL)

SETBACK
FRONT ..... 40'
REAR ..... 40'
SIDEYARD MIN. ..... 10'
TOTAL ..... 25'

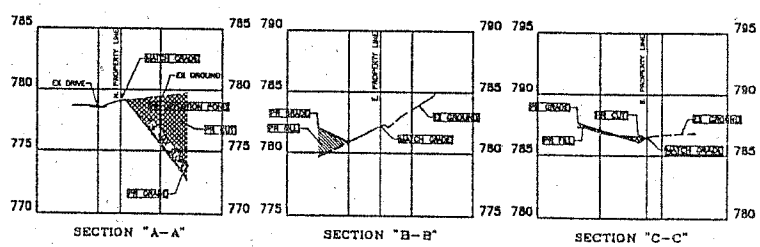
MIN LOT AREA ..... 15,000 SQ. FT.
MIN LOT FRONTAGE ..... 100 FT.
MIN FLOOR AREA ..... 1,400 SQ. FT.
MAX LOT COVERAGE 30%

TOTAL ACREAGE 5.06
GROSS ACREAGE ..... 5.47 (LESS R.O.W.)
TOTAL LOTS 10

SANITARY SEWER
WILL NO BE PROVIDED BY AN EXISTING 8" SANITARY SEWER LINE LOCATED ON WEST SIDE OF WATTLES AVE.

WATER MAIN
WILL TO BE PROVIDED BY AN EXISTING 12" WATERMAIN LOCATED ON EAST SIDE OF BEACH ROAD.

STORM SEWER
STORM DRAINAGE SHALL BE TO THE PROPOSED DETENTION LOCATED AT THE NORTHWEST OF THIS PROJECT WITH RESTRICTED FLOW DISCHARGED INTO THE ROUGE RIVER.



SECTION PROFILES
HORZ. SCALE 1"=40' VERT. SCALE 1"=8'

LEGEND
PR. 8" SANITARY
PR. STORM DRAIN
PR. 4" WATERMAIN
DENOTES WETLAND AREA AS MAPPED BY:
King & MacGregor Environmental Inc.
DATED 04/16/02

RECEIVED
SEP 17 2002
ENVIRONMENTAL QUALITY
LAND & WATER MGMT - PCU

NOTE:
UTILITY INFORMATION, AS SHOWN, INDICATES APPROXIMATE LOCATIONS AND TYPES OF FACILITIES ONLY, AS DISCLOSED TO THIS FIRM BY THE VARIOUS UTILITY COMPANY'S RECORDS. NO GUARANTEE IS GIVEN OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY.

CALL MISS DIG

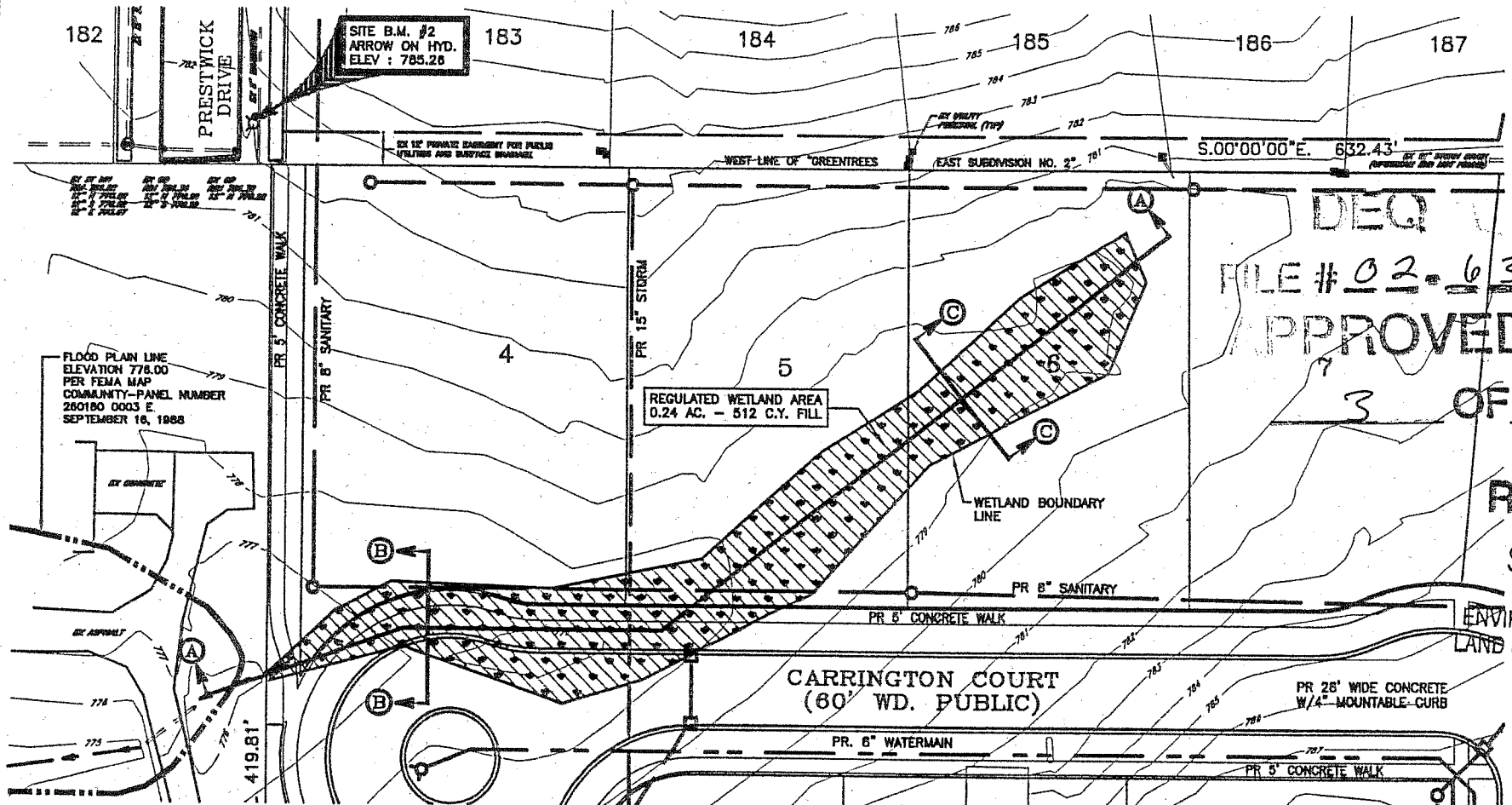
3 WORKING DAYS (EXCLUDING SAT., SUN. AND HOLIDAYS)
BEFORE YOU DIG! CALL MISS DIG
1-800-482-7171
(TOLL FREE)

DAI ENTERPRISES, L.L.C.
4681 RIVERCHASE DRIVE
TROY, MI 48098
TELEPHONE: (248) 641-8500

THE ESTATES AT CAMBRIDGE
SOUTHEAST QUARTER SECTION 18, T.2N., R.11E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN
TENTATIVE PRELIMINARY PLAT

REVISIONS
1/04/02 WETLANDS MAPPED PER CITY
05/06/02 PER CLIENT
05/08/02 PER CITY

Brown & Associates Inc.
SCALE 1"=40'
DATE 2/11/02
FIELD BY: S.H., D.R., S.A.
CHECKED BY: M.E.
DRAWING NUMBER 01-00018



DEQ
FILE # 02-63-0334-P
APPROVED PLANS
3 OF 5

RECEIVED
SEP 17 2002
ENVIRONMENTAL QUALITY
LAND & WATER MGMT - PCU

REVISED: 08/11/02 PER K.M.E.

DENOTES WETLAND AREA AS MAPPED BY:

King & MacGregor Environmental Inc.
5860 N. Canton Center Rd, Ste. 367
Canton, Michigan 48187
Phone: (734) 354-0594

DATE: 04/16/02

DENOTES REGULATED WETLAND IMPACTED BY DEVELOPMENT

600

DENOTES EXISTING GRADE CONTOUR

THE ESTATES AT CAMBRIDGE

SOUTHEAST QUARTER SECTION 18, T.2N., R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN

WETLAND IMPACT PLAN

Fenn & Associates Inc.
42802 Mound Road
Sterling Heights, Michigan 48314
PHONE: (586) 254-9577
FAX: (586) 254-9020

DRAWN BY: J. D. Klinkenberger

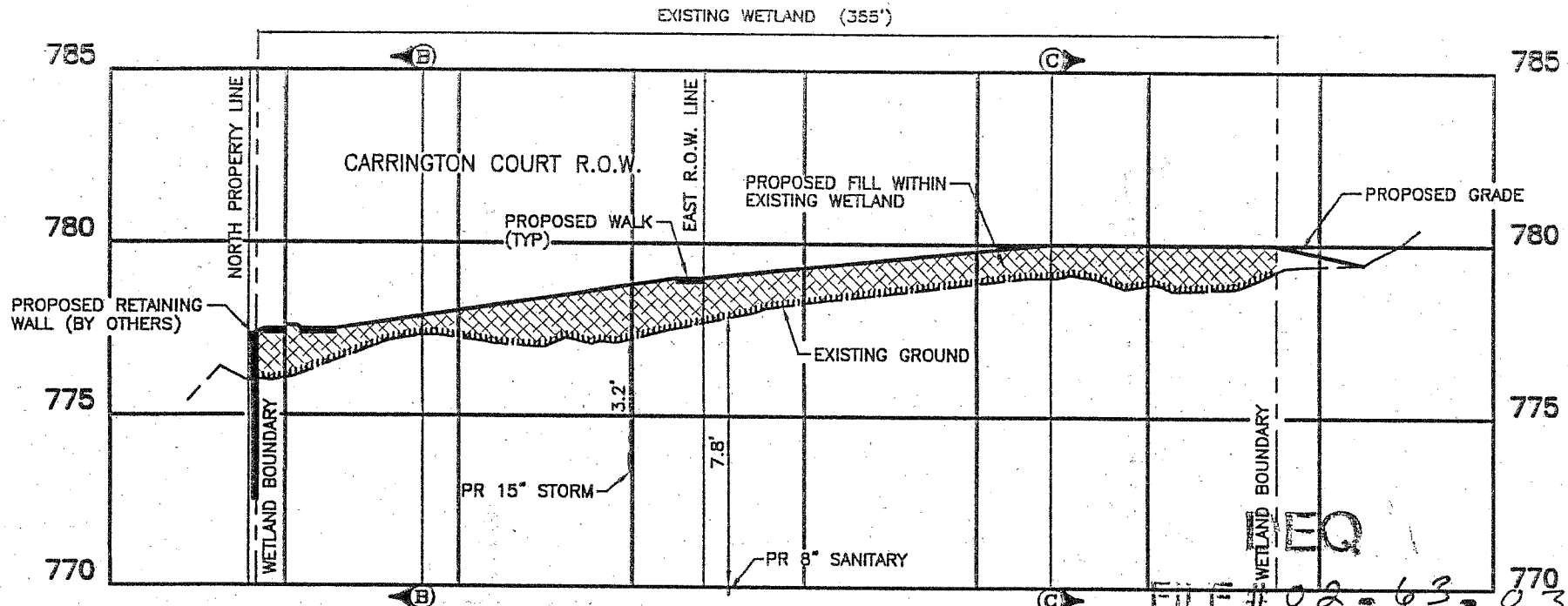
SCALE: 1"=60'

DATE: 08/30/02

CHECKED BY: J.S.R., P.E.

DRAWING NUMBER: 02-00016

SHEET 2 OF 4



SECTION "A–A"

EQ
FILE # 02-63-0334-P
APPROVED PLANS
4 OF 5

RECEIVED
SEP 17 2002
ENVIRONMENTAL QUALITY
LAND & WATER MGMT - PCU

SECTION PROFILE

HORZ. SCALE: 1"=60' VERT. SCALE: 1"=5'

REVISED: 09/11/02 PER K.M.E.

WETLAND CROSSING QUANTITY ESTIMATE

NO.	ITEM	QUANTITY
	STORM	
1.	15" C-76, CL-IV	39 L.F.
	SANITARY	
1.	8" ABS-TRUSS	155 L.F.

THE ESTATES AT CAMBRIDGE

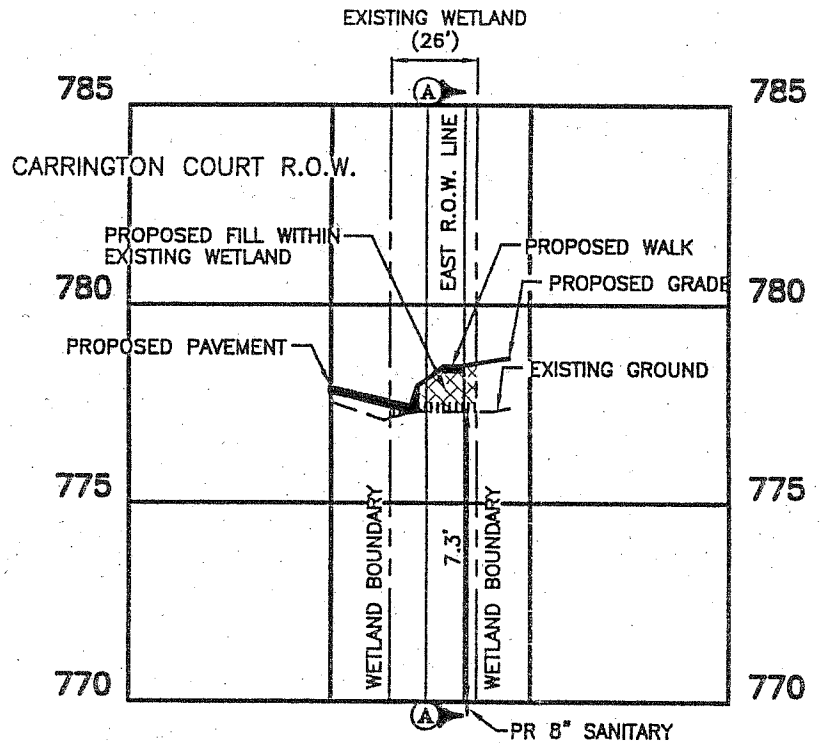
SOUTHEAST QUARTER SECTION 18, T.2N., R.11E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

WETLAND IMPACT PLAN

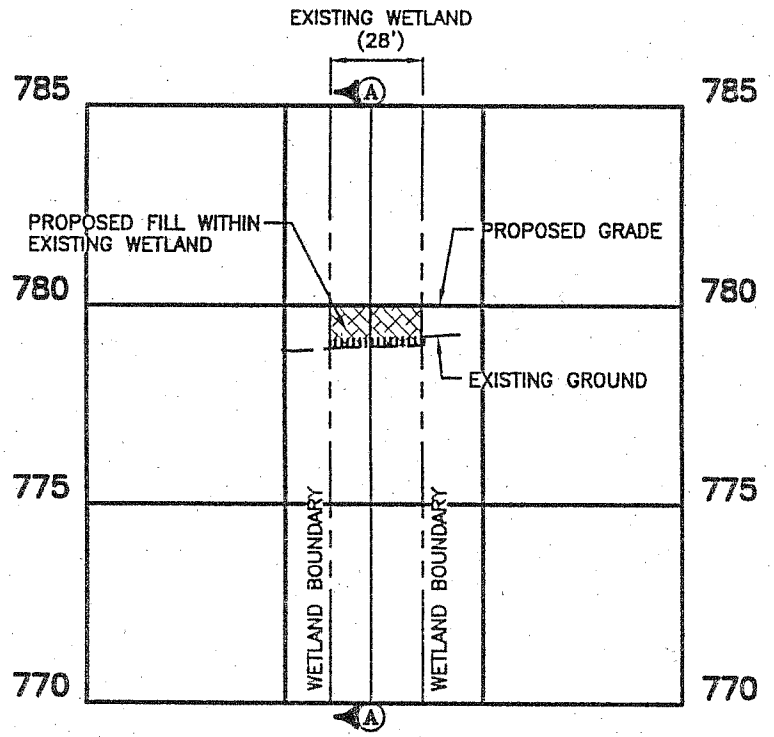
Fenn & Associates Inc.
42802 Mound Road
Sterling Heights, Michigan 48314
PHONE: (586) 254-9577
FAX: (586) 254-9020

DRAWN BY: J.D. Klinkenberger

SCALE: AS SHOWN
DATE: 08/30/02
CHECKED BY: J.S.R., P.E.
DRAWING NUMBER: 02-00016
SHEET 3 OF 4



SECTION "B–B"



SECTION "C–C"

SECTION PROFILES

HORZ. SCALE: 1"=60' VERT. SCALE: 1"=5'

REVISED: 09/11/02 PER K.M.E.

DEQ
FILE # 02-63-0334-P
APPROVED PLANS
5 OF 5

RECEIVED
SEP 17 2002
ENVIRONMENTAL QUALITY
LAND & WATER MGMT - PCU

THE ESTATES AT CAMBRIDGE

SOUTHEAST QUARTER SECTION 18, T.2N., R.11E.,
CITY OF TROY, OAKLAND COUNTY, MICHIGAN

WETLAND IMPACT PLAN

Fenn & Associates Inc.
42802 Mound Road
Sterling Heights, Michigan 48314
PHONE: (586) 254-9577
FAX: (586) 254-9020

DRAWN BY: J. D. Klinkenberger

SCALE: AS SHOWN		DRAWING NUMBER: 02-00016 SHEET 4 OF 5
DATE: 08/30/02	CHECKED BY: J.S.R., P.E.	

PROPOSED SUBDIVISION
ESTATES AT CAMBRIDGE
E SIDE BEACH, N OF WATTLES
SEC. 18

DATE: May 23, 2003

TO: The Honorable Mayor and City Council

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

SUBJECT: Request for Temporary Sales/Office Trailer,
Northwyck Condominiums

I have received a request from Douglas T. Smith of Robertson Brothers for the placement of a temporary office trailer on the site of the Northwyck Condominium development located on the east side of Rochester Road south of South Boulevard. The trailer is intended to be used for a sales office until their model is completed. Their request anticipates the need for the trailer for six months to a year.

Section 6.41 (3) of Chapter 47 of the Troy City Code allows the City Council to approve the placement of mobile offices, for use as a sales office, in residential developments for an initial period not to exceed 12 months. Based upon this provision, the petitioner is requesting this item be placed on Council's agenda for consideration.

I have attached a copy of his letter and information showing the proposed location of the trailer for your information.

RECEIVED
MAY 21 2003
BUILDING DEPARTMENT

Robertson Brothers
Community Builders

6905 Telegraph Road
Suite 200
Bloomfield Hills
Michigan 48301

248.644.3460
248.644.1442 fax
www.robertson-brothers.com

May 21, 2003

Mark Stimac
City of Troy
Chief Building Official
500 West Big Beaver
Troy, MI 48084-5254

Re: temporary sales trailer/construction trailer

Dear Mark:

Pursuant to our discussion with you, attached is the proposed plan for the trailer to be placed on the Northwyck property. We would like to have the plan approved simultaneous to the approval of the final site plan June 2nd, 2003.

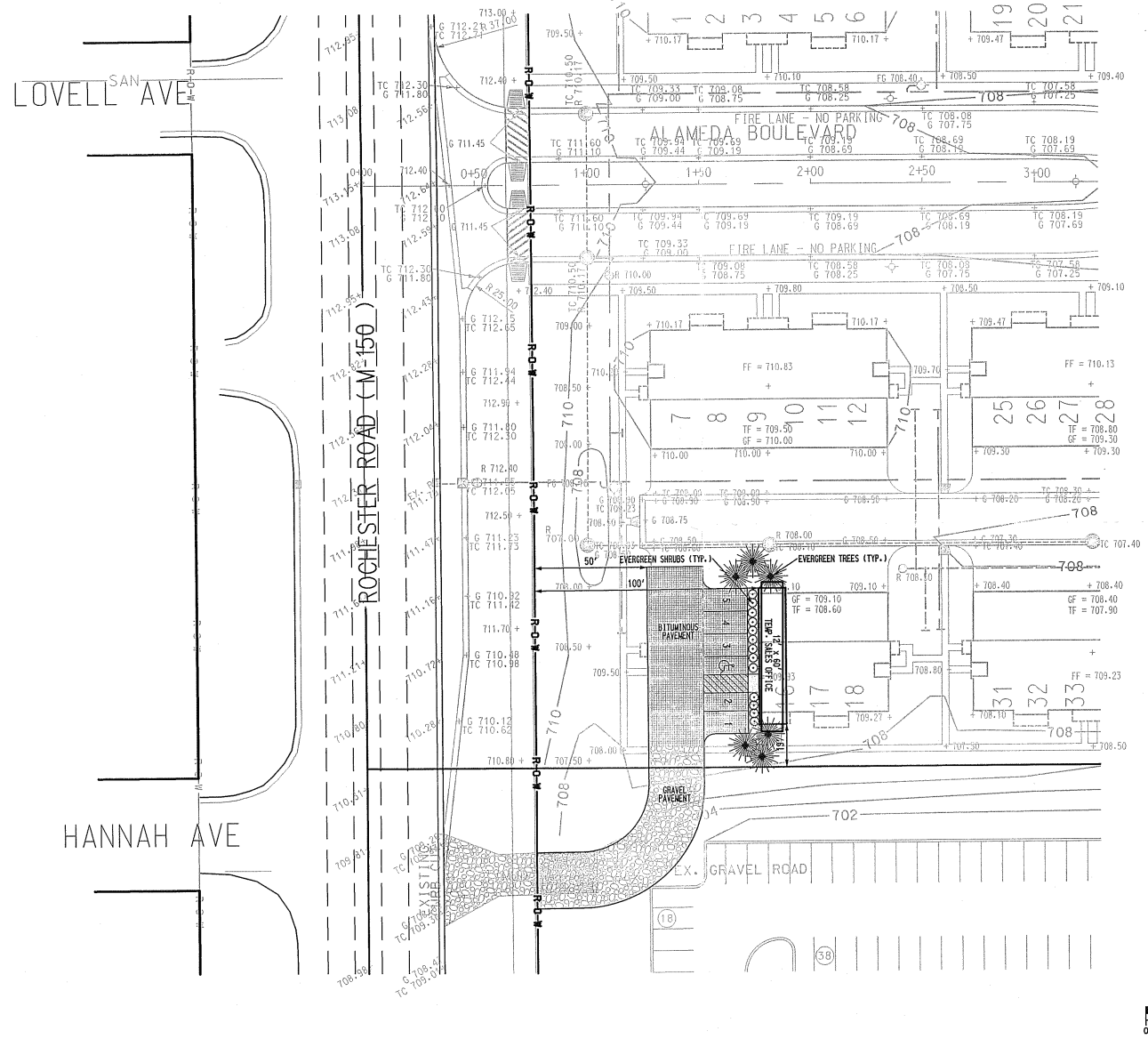
The purpose of the trailer is to allow Robertson to open for sales in July while we are completing our land development and the Townes and Villas model buildings. We anticipate completion of these buildings and a transition from the trailer into the model buildings to occur prior to year end. Upon transition into the models the trailer would be utilized as the construction office for the duration of the project. As located, the trailer offers us reasonable proximity to Rochester Road important to successfully marketing the site and ease of access to an existing curb cut on Rochester Road which will serve as the construction access for the entire PUD.

The trailer elevation will be substantially the same as depicted on the attachments to the plan. A ramp is included for handicap access. The trailer will be equipped with a restroom from which waste will be removed regularly. The parking area will be paved for convenience, while the access road will be stoned.

If you have any questions or concerns, please contact me at your convenience. Thank you for your time and consideration.

Sincerely,

Douglas T. Smith
Land Acquisition Director



RECEIVED
MAY 21 2003
BUILDING DEPARTMENT

DATE:	ISSUE:
5/20/03	SUBMIT FOR PLOT PLAN APPROVAL

72 HOURS (3 WORKING DAYS) BEFORE YOU DIG CALL MISS DIG 800-482-7171 (TOLL FREE)

PRINCIPAL:	MS
PROJ. MNGR:	MP
DESIGN:	JKA
DRAWN:	JKA
IND. REVIEW:	
SECTION:	2
T- 2 -N.,R- 11 -E.	

PROPRIETOR:
ROBERTSON BROTHERS
6905 TELEGRAPH ROAD, SUITE 200
BLOOMFIELD HILLS, MICH. 48301
248-644-3460

Giffels-Webster Engineers, Inc.
ENGINEERS LAND SURVEYORS PLANNERS LANDSCAPE ARCHITECTS
2871 BOND STREET ROCHESTER HILLS, MI 48309
(248) 852-3100

Terms and Conditions for Electronic Data:
The Recipient agrees that the electronic data or information furnished by G.W. hereunder is to be used only for the project for which it was furnished by G.W. The Recipient agrees not to reuse or alter or allow others to reuse or alter the data or information furnished by G.W. for any other purpose. The Recipient agrees not to sell, market, license, or otherwise distribute the data or information furnished by G.W. to any other party. The Recipient agrees that any reuse, alteration or sale will be at the Recipient's sole risk and without liability or legal exposure to G.W. The Recipient agrees to indemnify and hold harmless G.W. from any and all claims, losses, and costs, including but not limited to litigation costs and attorney's fees, arising out of or resulting from any such reuse, alteration or sale of the data or information furnished by G.W. If there is inconsistency or ambiguity between the electronic data or information furnished by G.W. and the hard copy of the same data or information, the hard copy shall be deemed to be the correct version of the data or information. The Recipient agrees that G.W. makes no warranties, express or implied, that the electronic data or information furnished by G.W. is accurate, complete, or suitable for any purpose other than that for which it was prepared. The Recipient agrees that G.W. shall not be responsible for any modifications to the electronic data or information furnished by G.W. made by others. The Recipient agrees that G.W. shall not be responsible for any damages suffered by the Recipient or any others who may obtain the electronic data or information furnished by G.W. from the Recipient. The Recipient agrees that G.W. makes no warranties, express or implied, that the electronic data or information furnished by G.W. will be compatible with software, hardware, or any other equipment owned or operated by the Recipient. The Recipient agrees that G.W. shall not be responsible for any damages suffered by the Recipient as a result of using the electronic data or information furnished by G.W. on any other equipment. The Recipient agrees that G.W. makes no warranties, express or implied, that the electronic data or information furnished by G.W. will be free of viruses or other harmful computer code. The Recipient agrees that G.W. shall not be responsible for any damages suffered by the Recipient as a result of any viruses or other harmful computer code contained in the electronic data or information furnished by G.W. The Recipient agrees that G.W. shall not be responsible for any damages suffered by the Recipient as a result of using the electronic data or information furnished by G.W. on any other equipment. The Recipient agrees that G.W. makes no warranties, express or implied, that the electronic data or information furnished by G.W. will be free of viruses or other harmful computer code. The Recipient agrees that G.W. shall not be responsible for any damages suffered by the Recipient as a result of any viruses or other harmful computer code contained in the electronic data or information furnished by G.W. The Recipient agrees that G.W. shall not be responsible for any damages suffered by the Recipient as a result of using the electronic data or information furnished by G.W. on any other equipment. The Recipient agrees that G.W. makes no warranties, express or implied, that the electronic data or information furnished by G.W. will be free of viruses or other harmful computer code. The Recipient agrees that G.W. shall not be responsible for any damages suffered by the Recipient as a result of any viruses or other harmful computer code contained in the electronic data or information furnished by G.W. The Recipient agrees that G.W. shall not be responsible for any damages suffered by the Recipient as a result of using the electronic data or information furnished by G.W. on any other equipment. The Recipient agrees that G.W. makes no warranties, express or implied, that the electronic data or information furnished by G.W. will be free of viruses or other harmful computer code. The Recipient agrees that G.W. shall not be responsible for any damages suffered by the Recipient as a result of any viruses or other harmful computer code contained in the electronic data or information furnished by G.W. The Recipient agrees that G.W. shall not be responsible for any damages suffered by the Recipient as a result of using the electronic data or information furnished by G.W. on any other equipment.

SHEET TITLE:
TEMPORARY SALES TRAILER PLOT PLAN
NORTHWYCK CONDOMINIUM
TROY, OAKLAND COUNTY, MICHIGAN

DATE:	5/20/03
SCALE:	1 = 30'
SHEET:	1 OF 1
JOB:	15786.25

Copyright © 2003 Giffels-Webster Engineers, Inc.
No reproduction shall be made without the prior written consent of Giffels-Webster Engineers, Inc.

gw 05/20/2003 04:09:59 PM

PARKING
ONLY

May 21, 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
Patricia A. Petitto, Senior Right of Way Representative

SUBJECT: Vacation of Part of Crestfield Street – Section 15 – Crestfield Subdivision and Acceptance of Warranty Deed for Wattles Road Right-of-Way Sidwell #88-20-15-355-066

On April 22, 1996 City Council authorized the vacation of the platted but unopened Crestfield Street right-of-way in the area between Livernois Road and the platted but unopened Hanover Street right-of-way within the Crestfield Subdivision, in order to enable the redevelopment of a portion of the Crestfield Subdivision, on the north side of Wattles Road, east of Livernois. This vacation was subject to a series of conditions, which had to be met before the vacation process could be completed

On September 23, 1996 City Council took final action to complete this vacation in the area that comprised the major portion of the redevelopment area and it was noted that final action would be taken on the remaining vacation at the east and west ends of Crestfield when other benefiting owners met all of the conditions as outlined in City Council Resolution #96-368. On May 13, 2002 City Council took final action to complete the vacation of the north 25 feet of the east end of Crestfield Street abutting Lots 26-30.

Attached is a Warranty Deed from Wattles Investment Company Limited, the owners of the property at the northeast corner of Wattles and Livernois. This deed is relates to the vacation of the west end of Crestfield Street and is the final action required to complete all of the conditions of City Council Resolution #96-368.

Management recommends that City Council accept the attached Warranty Deed for Wattles Road right-of-way. Management also recommends the final vacation of the 50 foot wide Crestfield Street right-of-way in the area between Livernois Road (beginning at a point 60 feet east of the west line of Section 15) and up to and including the west ½ of the previously vacated alleys adjacent to Lots 5 and 124, with easements for public utilities being retained over the full area being vacated.

Resolution #96-368
Moved by Pallotta
Seconded by Allemon

WHEREAS, proposals have been received for the vacation of the present platted but unopened Crestfield Street right-of-way in the area between Livernois Road and the platted but unopened Hanover Street right-of-way within the Crestfield Subdivision (Liber 34, Page 38 of Oakland County Plats), in order to enable the proposed development or re-development of a portion of the Crestfield Subdivision, on the north side of Wattles Road east of Livernois; and

WHEREAS, the vacation of this street right-of-way shall be subject to a series of conditions which must be met before the vacation process can be completed by the City Council; and

WHEREAS, the properties benefiting from the proposed street vacations comprise all of the parcels abutting the Crestfield Street right-of-way in the area between Livernois Road and the Hanover Street right-of-way;

NOW, THEREFORE, BE IT RESOLVED, that the City Council will take final action on the proposals to vacate the present 50 foot wide Crestfield Street right-of-way in the area between Livernois Road (beginning at a point 60 feet east of the west line of Section 15) and the Hanover Street right-of-way, with the exception of the east 10 feet of said Crestfield Street right-of-way, once the following conveyances are completed and actions are taken:

1. The dedication of the cul-de-sac street right-of-way, and the assurance of construction of street facilities in accordance with a residential development plan for the adjacent portion of the Crestfield Subdivision, as approved by the City Council;

2. The dedication of 7 feet of additional right-of-way for Wattles Road, extending east from the Livernois Road right-of-way to the east line of Lot 143 of Crestfield Subdivision, and across the frontage of Lots 150-153 of Crestfield Subdivision (properties owned by the petitioners);

3. The dedication of 10 feet of additional right-of-way for Hanover Street across the frontage owned by the petitioner (presently including Lot 99 of Crestfield Subdivision); and

4. The dedication of a 10-foot wide public walkway right-of-way extending from the west end of the proposed cul-de-sac street to Wattles Road (generally along the east edge of Lots 122 and 135 of Crestfield Subdivision); and

5. Confirmation from the City Right Of Way Division that all available actions have been taken to secure and/or confirm the conveyance of Livernois Road right-of-way extending east 60 feet from the west line of Section 15, across the frontage of those property owners benefiting from this vacation, and thus extending from Wattles Road to Leetonia Street;

6. The retention and/or conveyance of any easements as may be determined to be necessary by the City Engineer, and by utility companies serving this area.

Yeas: All-7

C/C
4-22-96

WARRANTY DEED

Sidwell #88-20-15-355-066
Project #95.201.1
Parcel # 11-E
Resolution #2001-01-007

The Grantor(s),Wattles Investment Company Limited, a Michigan Co-Partnership whose address is 4000 Livernois, Troy, MI 48098, convey(s) and warrant(s) to The City of Troy, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver, Troy, Michigan 48084, the following described premises situated in the City of Troy, County of Oakland and State of Michigan:

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

For the sum of One Dollar ($ 1.00)

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

Dated this 16th **day of** May **, 2003.**

Signed in presence of:

Nancy C. Gelle

Deanna Swanson

Wattles Investment Company Limited

Thomas J. Cavanaugh Co-Partner

Edward M Forton

Edward M. Forton Co-Partner

Michael A. Larco Co-Partner

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 16th **day of** MAY **, 2003 by Thomas J. Cavanaugh, Edward M. Forton, & Michael A Larco, Co-Partners of Wattles Investment Company Limited, a Michigan Co-Partnership.**

Nancy C. Gelle

NANCY C. GELLE
NOTARY PUBLIC OAKLAND CO., MI
MY COMMISSION EXPIRES May 1, 2007

Notary Public, OAKLAND **County,** MICHIGAN

My commission expires: 5-01-03

County Treasurer's Certificate	City Treasurer's Certificate

Exhibit "A"

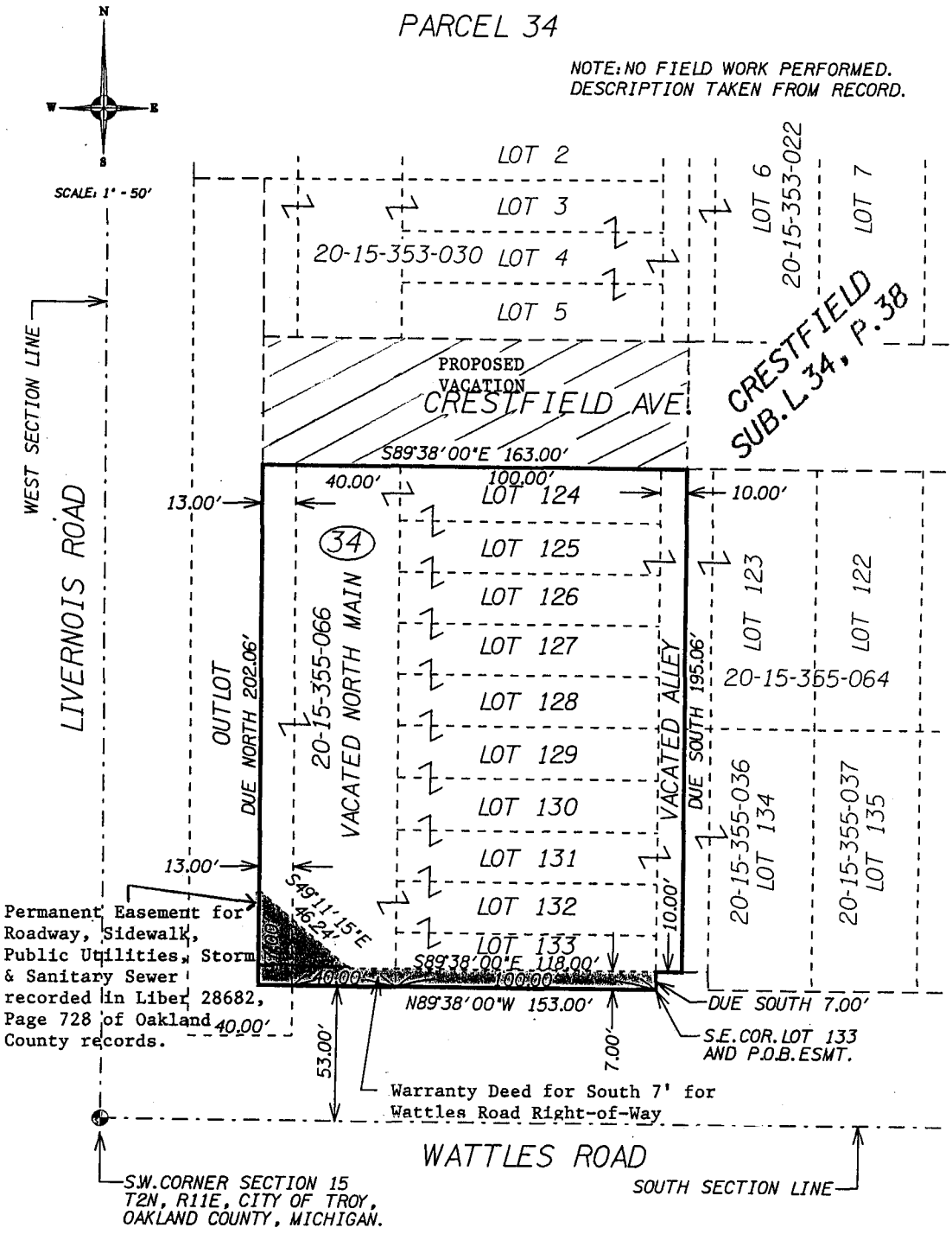
Section 15, Description of 7-foot wide fee parcel
Parcel: 88-20-15-355-066
Owner: Wattles Investment Co.
Address: 4000 Livernois

The South 7.00 feet of the following described parcel.

Lots 124 through 133, both inclusive, and one-half of vacated alley excepting the South 7.00 feet thereof and the South 202.06 feet of vacated North Main Street and the Easterly 13.00 feet of the South 202.06 feet of the out-lot, said part of the out-lot being more particularly described as the East 13.00 feet of the West 73.00 feet of the South 255.06 feet of the Southwest ¼ of the Southwest ¼ of Section 15, T2N, R11E, City of Troy, except the South 53.00 feet thereof, abutting Livernois Road, Crestfield Subdivision, according to the plat thereof as recorded in Liber 34, Page 38, of Plats, Oakland County, Michigan Records. Containing 1,071 Square Feet or 0.025 Acres more or less.

Subject to reservations, restriction, and easements of record, if any.

SKETCH OF EASEMENT



20-15-355-066
WATTLES INVESTMENT CO. LIMITED
TOTAL AREA = 32,845 S.F.
ROADWAY, SIDEWALK, PUBLIC UTILITIES
STORM AND SANITARY SEWER EASEMENT = 1,596 S.F.

ROADWAY, SIDEWALK,
PUBLIC UTILITIES, STORM
AND SANITARY SEWER EASEMENT

ROBERT J. FRISCH, P.S. NO. 39077	JOB NO. 19990354 DATE 10-30-00	HUBBELL, ROTH & CLARK, INC. CONSULTING ENGINEERS 555 HULET DRIVE P.O. BOX 824 BLOOMFIELD HILLS, MICH. 48303-0824	SHEET NO. 1 OF

DESIGN FILE = f:\1999\199903\19990354\cadd\field\19935ms35.dgn
USER NAME = drobert
QUEUE = \\THOTSWPC\cadd\SUBUTIL\PL = f:\standards\data\drcolor2.tbl
PEN TBL = f:\standards\plotting\plbtck.pb
TIME = 31-OCT-2000 14:10

May 27, 2003

F-08

TO: The Honorable Mayor and City Council

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

SUBJECT: Sole Source – M26 Advanced Taser Less than Lethal Electrical Impulse Devices

RECOMMENDATION

City Management requests approval to purchase twenty-five (25) M-26 Advanced Tasers, less than lethal subject control devices as described on Appendix I, from Michigan Tasers Distributing. The estimated total cost for the M-26 Advanced Tasers and accessories is $20,322.00, freight included. Michigan Taser is the sole provider in Michigan for this equipment.

BACKGROUND

Description: The M-26 Taser will greatly assist the Troy Police Department in controlling resistive subjects they encounter in the field. This device operates by discharging an electrical impulse into the suspect immediately ending the resistive behavior.

Utilization: The M-26 Taser has a proven successful history in numerous states other than Michigan, who recently passed Public Act 709, Bill #6028, permitting its use by Michigan law enforcement officers. By utilizing these devices, the Police Department will not only be able to provide a tool that will allow officers to successfully control resistive subjects without the risk of "hands on" techniques that could result in a high possibility of injury to both the suspect and the officers, but significantly reduce potential liability for the City.

BUDGET

The Police Department Training Section – Ammunition Account# 322.7740.012, has been designated for the funding of this purchase.

Prepared by: Michael Bjork, Police Sergeant

MICHIGAN TASER DISTRIBUTING

401 S. Jackson St.
Jackson, MI 49201
(877) 778-2737

May 15, 2003

QUOTE: TROY POLICE DEPARTMENT

Qty.	Model	Description	Rate	Total
25	44005	M26 Advanced Air Taser Yellow	$399.95 ea.	$9,998.75
25	44860	Secondary Cartridge Clip	$19.95 ea.	$498.75
15	34228	15 Ft. Training Air Cartridge	$475.16 ea.	$7,127.40
2	44228	21 Ft. Police Air Cartridge	$531.16 ea.	$1,062.32
25	44700	8 Pk. Rechargeable Batteries	$24.95 ea.	$623.75
10	44710	Battery Recharger	$65.95 ea	$659.50
1	44500	Dataport Download Software	$149.95	$149.95
			Sub-Total	**$20,120.42**
		1% Shipping and Handling		$201.20
			Quote Total:	**$20,321.62**

Law Enforcement Sales: Karl Ankron

Acceptance of Proposal -

The above prices, specifications and terms are satisfactory and are hereby accepted.
Payment will be made in net 10-day terms.
All Sales are Final.
Normal delivery is four to six weeks'.
Shipping charges are 1% of quote total.

Date of Acceptance: _____ Signature: _____

TASER INTERNATIONAL®
7860 E. McClain Drive, Suite 2 * Scottsdale, Arizona * 85260 * 480-991-0797 * Fax 480-991-0791 *
www.TASER.com

Date: May 15, 2003

Troy Police Department
500 W. Big Beaver Rd.
Troy, MI. 48084

Dear Sgt. Bjork:

This letter is to confirm TASER® International, Inc. is the sole source manufacturer of the less lethal ADVANCED TASER M26 Model 44000, AIR TASER Model 34000, Model 34001, Model 34100, Model 34120 and custom attachable laser sight, Model 34700.

TASER International is also the sole source manufacturer of the patented, 15-foot Air Cartridges, Model 34200, 34202, 34228 and the patented, 21-foot Air Cartridges, Model 44200, 44202, and 44228. The Air Cartridges are required for the unit to function in the remote TASER mode.

Below are just some of the unique features the ADVANCED TASER has that are not found with other TASERs:

* The ADVANCED TASER is the only less-lethal weapon that can stop an aggressive, focused, combat trained attacker.

* The ADVANCED TASER directly stimulates motor nerve and muscle tissue, causing incapacitation regardless of mental focus, training, size, or drug induced dementia.

* The ADVANCED TASER comes with an on-board memory chip to download 585 past firings based on the time and date the unit was fired to protect officers from unfounded charges of misuse of force.

* The ADVANCED TASER has over 99.9% field effectiveness rating.

* The M26 is available with an option to remotely fire the Air Cartridge from underneath a rifle, robot, tactical mirror on a pole, camera, etc.

* The ADVANCED TASER uses the exact same hand motions and muscle memory as standard 9 mm semi-automatic pistols, drastically reducing the amount of time required to train. User training and Instructor training materials are all on CDrom for ease of reproduction for training.

* Propulsion System for air cartridge is compressed nitrogen (1800 lbs/in^2).

Also, unique is the fact that we here at TASER International, Inc automatically add your agency as an additionally insured party to our $5,000,000 per occurance product liability insurance

when you purchase the M26 ADVANCED TASER.

The Sole Authorized Police Distributor for TASER International Products in Michigan is:

Michigan TASER Distributing
401 South Jackson Street
Jackson, MI 49201
Phone: 517-788-6500
Fax: 517-783-5884
Contact: Jeff Kirkpatrick

Please note the ADVANCED TASER®, AIR TASER® and TASER® are registered trademarks. TASER-Wave™ is a trademark of TASER International Inc. Patent: U.S. 5,078,117 and others pending in the U.S. and Worldwide. Copyright 1999 TASER International, Incorporated.

Please contact me at 480-905-2006 with any questions.

Sincerely,

Stephen D. Tuttle
Director of Government & Law Enforcement Affairs

May 22, 2003

TO: The Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Steven Vandette, City Engineer
Mark Miller, Planning Director
Douglas Smith, Real Estate and Development Director

RE: Final Vacation of a Portion of Hartland Street(Platted Meadowcrest St.)
East of Daley Street, North of Big Beaver Road – Section 23

At a regular meeting of Troy City Council held on Monday, September 23, 2002, Resolution #2002-09-524 (copy attached) was passed authorizing vacation of a portion of Hartland Street (platted Meadowcrest St.) once two requirements are met:

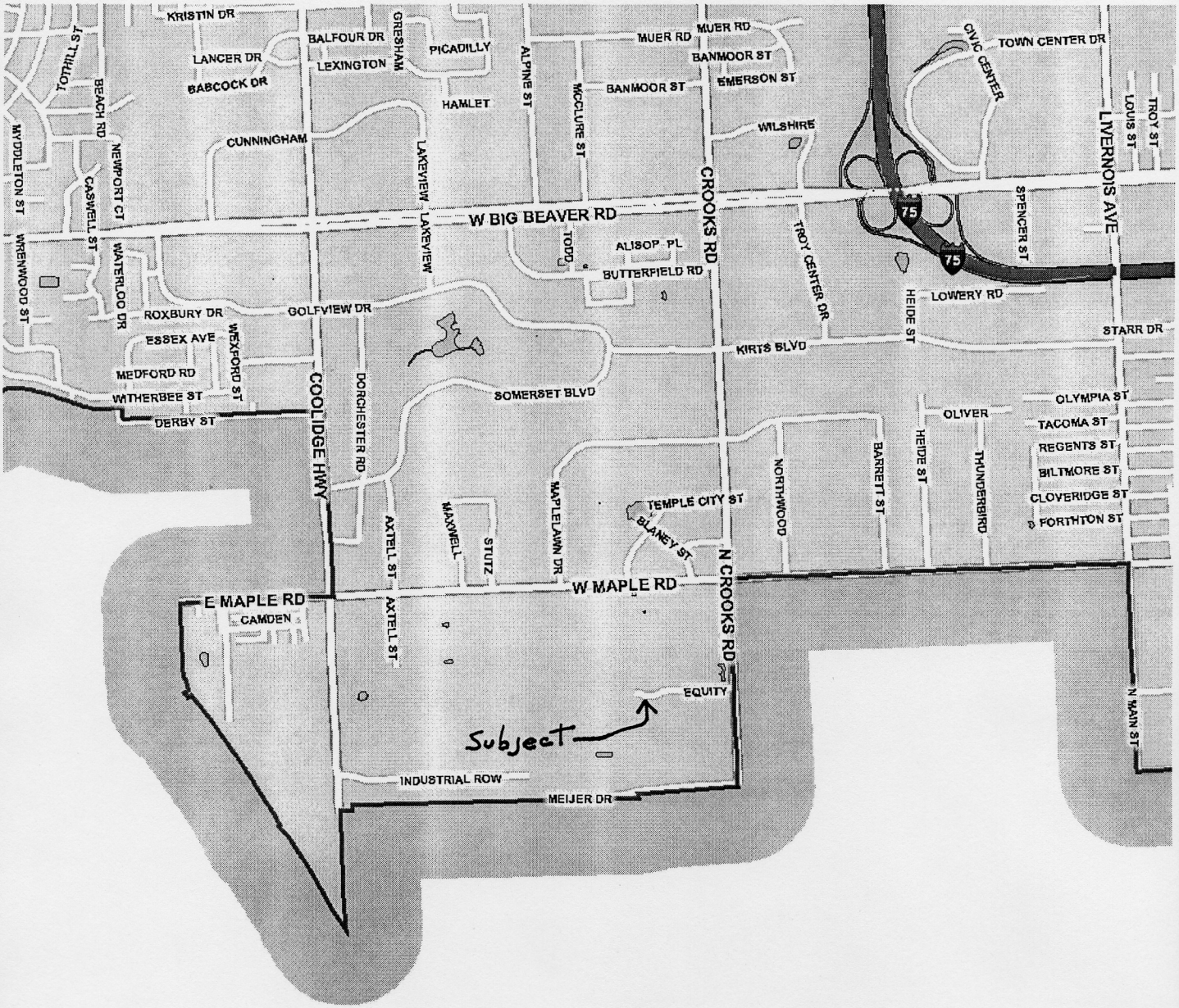
1. Determination by the City Engineer of the nature and extent of easements to be retained over the subject street right-of-way, based in part on input or responses from applicable utility companies, for West Oaks Subdivision No. 1 and 2.
2. Dedication of the relocated Hartland Street within the proposed West Oaks Subdivision No. 1 and 2.

On February 3, 2003, City Council approved the Final Plat for the proposed West Oak Subdivision 1 and 2. (Resolution #2003-02-049 attached). This plat includes the dedication of the relocated Hartland Street (platted Meadowcrest St.) and dedicates easements for the purpose of storm/drain sewers, sanitary sewers and public utilities.

City Management recommends that final vacation be granted for that portion of Hartland Street (platted Meadowcrest St.), East of Daley Street and North of Big Beaver, located in Section 23.

City of Troy

Geographical Information Systems



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

NORTH

PERMANENT EASEMENT

Sidwell #88-20-32-226-032
Res. #
Heller Machine Tools Limited Partnership, a Delaware Limited Partnership, Grantor, whose address is ~~950 Morse Avenue, Elk Grove, Illinois 60007~~, for and in consideration of the sum of: One Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace Water Main, said easement for land situated in the City of Troy, Oakland County, Michigan, described as:
1225 EQUITY DRIVE, TROY, MI 48084 MM
SEE EXHIBIT "A" ATTACHED AND BY REFERENCE MADE A PART HEREOF

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

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

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

IN WITNESS WHEREOF, the undersigned hereunto affixed 1 signature(s) this 25th day of April A.D. 2002

In presence of:
WITNESS

Not Required
*

Not required
*

Heller Machine Tools Limited Partnership,
a Delaware Limited Partnership
By:
By: Manfred Maier (L.S.)
MANFRED MAIER

STATE OF Michigan
COUNTY OF Oakland

The foregoing instrument was acknowledged before me this 25th day of April, 2002 by Manfred Maier of Heller Machine Tools Limited Partnership

URSULA NIKOLAI
Notary Public, Oakland County, MI
My Commission Expires May 22, 2003

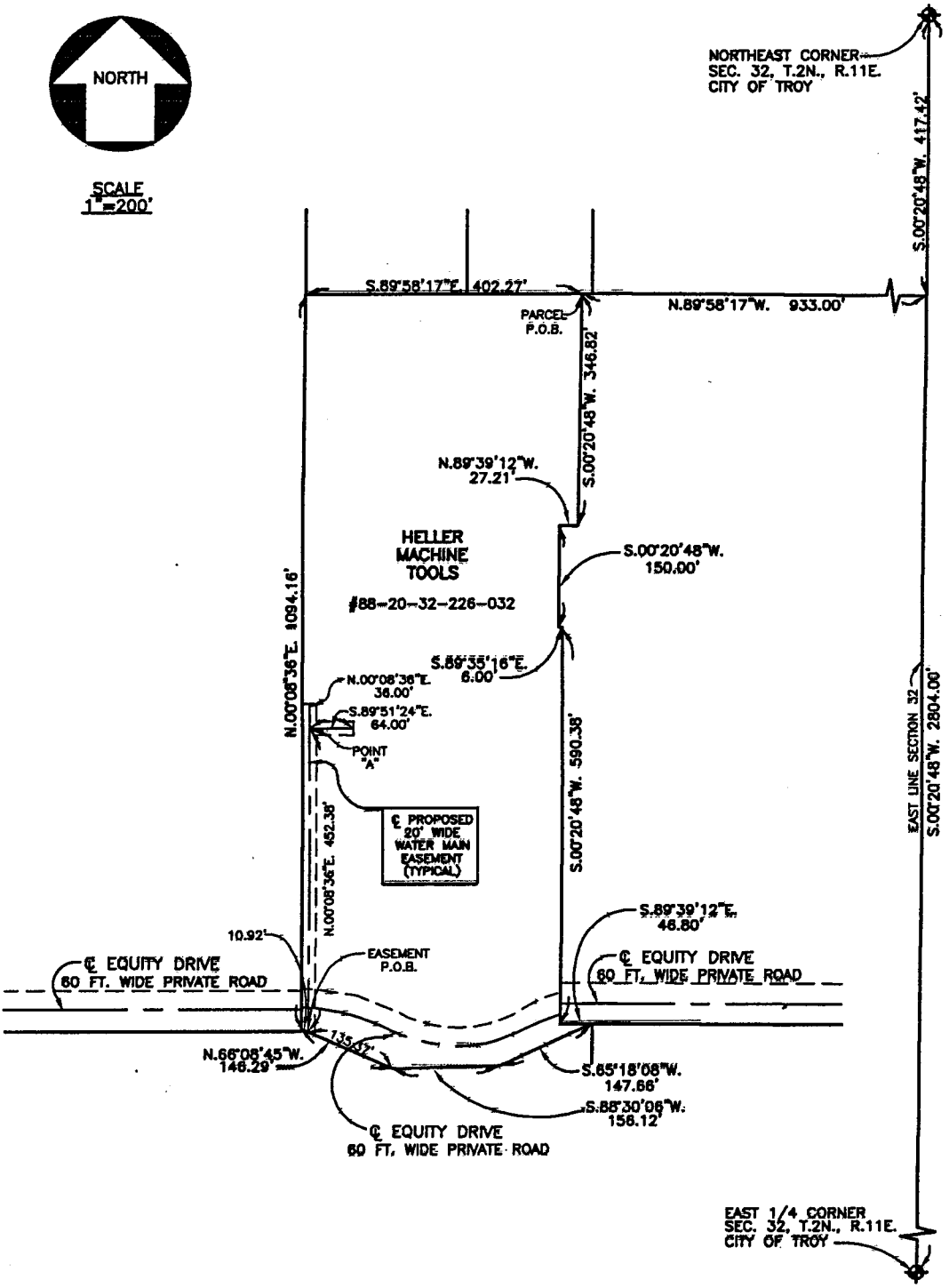
Ursula Nikolai
* Ursula Nikolai
Notary Public, Oakland County, Michigan
My Commission Expires May 22, 2003

Prepared by:
Dennis C. Stephens
500 West Big Beaver
Troy, Michigan 48084

Return to:
City Clerk, City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

**TYPE OR PRINT NAMES IN BLACK INK UNDER SIGNATURES*

PROPOSED WATER MAIN EASEMENT SKETCH



PREPARED FOR:

CAMPBELL/MANIX, INC.
21520 BRIDGE STREET
SOUTHFIELD, MICHIGAN 48034
PHONE: 248/354-5100

JOB NO. 0155	PROPOSED EASEMENT SKETCH
SCALE 1"=200'	
DATE 3/26/02	
REVISION	
SHEET 1 OF 2	

ENVIRONMENTAL ENGINEERS, INC.
18620 WEST TEN MILE ROAD
SOUTHFIELD, MICHIGAN 48075
PHONE: 248/424-9510

PROPOSED WATER MAIN EASEMENT SKETCH

PROPERTY DESCRIPTION

PART OF THE NORTHEAST 1/4 OF SECTION 32, T.2N.,R.11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 32; THENCE S.00°20'48"W., 417.42 FEET ALONG THE EAST LINE OF SAID SECTION 32; THENCE N.89°58'17"W., 933.00 FEET TO THE POINT OF BEGINNING; THENCE S.00°20'48"W., 346.82 FEET; THENCE N.89°39'12"W., 27.21 FEET; THENCE S.00°20'48"W., 150.00 FEET; THENCE S.89°35'16"E., 6.00 FEET; THENCE S.00°20'48"W., 590.38 FEET; THENCE S.89°39'12"E., 46.80 FEET; THENCE S.65°18'08"W., 147.66 FEET; THENCE S.88°30'06"W., 156.12 FEET; THENCE N.66°08'45"W., 146.29 FEET; THENCE N.00°08'36"E., 1,094.16 FEET; THENCE S.89°58'17"E., 402.27 FEET TO THE POINT OF BEGINNING. CONTAINING 437,676 SQUARE FEET OR 10.047 ACRES AND BEING SUBJECTTO EASEMENTS AND RESTRICTIONS OF RECORD.

PROPOSED PUBLIC WATER MAIN EASEMENT DESCRIPTION

A 20 FOOT WIDE EASEMENT FOR PUBLIC WATER MAIN WHOSE CENTERLINE IS DESCRIBED AS FOLLOWS: PART OF THE NORTHEAST 1/4 OF SECTION 32, T.2N., R.11E. CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING MORE PARTICULARLY DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 32; THENCE S.00°20'48"W. 417.42 FEET ALONG THE EAST LINE OF SAID SECTION 32; THENCE N.89°58'17"W. 933.00 FEET; THENCE S.00°20'48"W. 346.82 FEET; THENCE N.89°39'12"W. 27.21 FEET; THENCE S.00°20'48"W. 150.00 FEET; THENCE S.89°35'16"E. 6.00 FEET; THENCE S.00°20'48"W. 590.38 FEET; THENCE S.89°39'12"E. 46.80 FEET; THENCE S.65°18'08"W. 147.66 FEET; THENCE S.88°30'06"W. 156.12 FEET; THENCE N.66°08'45"W. 135.37 FEET TO THE POINT OF BEGINNING; THENCE N.00°08'36"E. 452.38 FEET TO A POINT "A" THENCE CONTINUING N.00°08'36"E. 36.00 FEET TO THE POINT OF ENDING. ALSO BEGINNING AT A POINT "A" AS DESCRIBED ABOVE; THENCE S.89°51'24"E. 64.00 FEET TO THE POINT OF ENDING.

PREPARED FOR:

CAMPBELL/MANIX, INC.
21520 BRIDGE STREET
SOUTHFIELD, MICHIGAN 48034
PHONE: 248/354-5100

JOB NO. 0155	PROPOSED EASEMENT SKETCH
SCALE 1"=200'	ENVIRONMENTAL ENGINEERS, INC. 18620 WEST TEN MILE ROAD SOUTHFIELD, MICHIGAN 48075 PHONE: 248/424-9510
DATE 3/26/02	
REVISION	
SHEET 2 OF 2	

May 22, 2003

TO: The Honorable Mayor and City Council

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

SUBJECT: Upgrade – Mug Shot Computer Hardware and Conversion Services

RECOMMENDATION

City management requests approval to purchase a mug shot and employee database system from DataWorks Plus, Inc. to complete the final two (2) stages of upgrading the system at an estimated total cost of $12,950.00.

ADDITIONAL INFORMATION

1. Purchase of the conversion services for the mug shot and employee databases will include all utility costs. The installation will be done onsite at a cost of $6,100.00.

2. Purchase of a Xerox Color Wax Printer and a Sony Photographic Quality Color Printer for reformatting printed images and the multi-task printers including shipping will be $6,850.00.

BACKGROUND INFORMATION

The mug shot system was implemented in 1995. Over the years, the system has grown into a regional database and now contains approximately 316,632 arrest records. Stored locally on the Police Department server are 27,223 arrest records. In an effort to keep pace with technology and produce quality lineups and various photographs, the Department needs to upgrade the system.

BUDGET

The funds are allocated in the capital funds and police operating budget Account numbers #401315.7978.010 and #334.7740.010. The funds were allocated from the Local Law Enforcement Grant accepted per Resolution #2003-01-001.

Prepared by: Wendell Moore, Research/Technology Administrator

Cc: Gary Mayer, Captain Support Services Division

APPENDIX A

DataWorks Plus, Inc.

Conversion Services:

Mug shot and employee databases, all utilities

Account number: 401315.7978.010 Total: $6,100

Computer and Hardware Services for Mug Shot and Employee Database:

Xerox Color Wax printer (8 ½" x 11")
Sony 4" x 5" photographic quality color printer
Reformat 7 exports as listed below:

Xerox: 8 ½" x 11"	Sony 4" x 5"
Lineup	Single Image, Select View
Single Image, Select View	Single Image with Data
Single Image with Data	Front and Side View
Front and Side View	

Shipping is included in pricing

Account number: 334.7740.010 Total: $6,850

Estimated Grand Total: $12,950

City of Troy

5/28/03

TO: Mayor and Members of Council

FROM: John Szerlag, City Manager
Lori Grigg Bluhm, City Attorney LGB
Gary Shripka, Assistant City Manager for Services
Mark Miller, Planning Director
Susan M. Lancaster, Assistant City Attorney SML

RE: Durant Development Corporation v. Neumann, et. al.

Durant Development Company filed a Complaint against the City of Troy and all neighboring property owners within 300 feet. The lawsuit seeks vacation of the floodplain determination and also the wetland determination for Outlot A of the plat for Shady Creek Estates South Subdivision. Previously, the City of Troy was involved in the complaint to vacate a drainage easement, which was finalized as of March 4, 2003.

The City filed an answer to the Complaint and the State of Michigan has authorized the entry of the proposed attached Consent Judgment. The Consent Judgment terminates the reservation of Outlot A for wetland purposes and relocates the floodplain contour lines depicted on Outlot A in an amended plat, which will be consistent with a letter from the Federal Emergency Management Agency (FEMA). The Consent Judgment also identifies the former Outlot A with lot numbers, and requires that all easements be preserved. These provisions are consistent with documentation presented to the City of Troy. The Michigan Department of Environmental Quality (MDEQ) issued a letter on December 19, 2001, indicating that regulated wetlands no longer existed in Outlot A (wetlands are only in the Shady Creek North Development). In addition, FEMA issued a Letter of Map Revision (LORM) on September 14, 2000, narrowing the floodplain area along the Houghton Drain.

Steven J. Wallace, Esq., the attorney for Durant Development Company, has indicated that all property owners within 300 feet of Outlot A have been served with the Complaint and that no property owners have appear or filed an Answer to the

Complaint. Therefore, Default Judgments have been entered against all other defendants. Further, he has received no telephone calls or correspondence from any of the neighbors. A copy of an informational letter sent by Mr. Wallace setting out his actions regarding the neighboring property owners is attached for your review.

We are requesting that City Council pass a resolution allowing the Assistant City Attorney to sign the Consent Judgment on behalf of the City of Troy.

TROY LAW DEPARTMENT

MAY 23 1 58 PM '03

WALLACE & WALLACE
Attorneys at Law
360 J & S OFFICE CENTER
7071 ORCHARD LAKE ROAD
WEST BLOOMFIELD, MI 48322-3684

TEL (248) 932-5644
FAX (248) 932-2647
e-mail: WALLACELAWYERS@AOL.COM

MARSHALL WALLACE P-21933
STEVEN J. WALLACE P-32925

May 22, 2003

Via Facsimile & First Class Mail

City of Troy
City Attorney's Office
500 West Big Beaver Road
Troy, MI 48084

Attn: Susan Lancaster
Assistant City Attorney

Re: Durant Development v Neumann, et al

Dear Ms Lancaster:

In response to your inquiry regarding the comments, if any, of the neighbors in Shady Creek Estates to my client's effort to vacate the wetlands designation and relocate the floodplain within Outlot A of Shady Creek Estates, as is being sought in the above referenced lawsuit, please be advised that all of the property owners in the subdivision and those within 300 feet of the subject property were served with the Summons and Complaint and no one saw fit to file an Answer or otherwise communicate any objections. In addition, the property owners were recently served with a copy of the Default which I entered and no one has filed a Motion to set aside the default.

If I can be of further assistance or if you have any other questions, please give me a call.

Sincerely,

STEVEN J. WALLACE

SW/vk

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

DURANT DEVELOPMENT CORPORATION,

Plaintiff

-vs-

AL and JUDY NEUMANN, et al,

Defendants.

CONSENT JUDGMENT

/

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

BARBARA A. SCHMIDT (P40530)
Mich. Dept. of Attorney General
Attorney for Mich. Dept. of CIS
P.O. Box 30217
Lansing, MI 48909
(517) 373-7540

AHMAD M. ROBY (P58665)
Attorney for John P. McCulloch
Oakland County Drain Comm.
1200 N. Telegraph Road
Pontiac, MI 48341
(248) 858-8640

SUSAN M. LANCASTER (P33168)
Attorney for City of Troy
500 W. Big Beaver Road
Troy, MI 48084
(248) 524-3320

GEORGE HATHAWAY (P31448)
Attorney for DTE Energy
2000 Second Ave.
Room 688 WCB
Detroit, MI 48226
(313) 235-8958

ALBERT CALILLE (P26819)
Attorney for SBC Ameritech
444 Michigan Ave.
Suite 1750
Detroit, MI 4822
(313) 223-0964

/

CONSENT JUDGMENT TO REVISE OUTLOT 'A' IN SHADY CREEK ESTATES

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

On: _____

Present: Honorable Richard D. Kuhn
Circuit Court Judge

WHEREAS, this matter having come to be heard upon the complaint of Plaintiff Durant Development Corporation to revise Outlot A in Shady Creek Estates; and Plaintiff having represented to this Court that all parties required by MCL 560.224a(1) to be joined have been so joined, and that those parties have either stipulated to this Judgment, consented to the Alteration of Outlot A, been given notice of the proceedings leading to this Judgment, or been defaulted;

NOW, THEREFORE, IT IS ORDERED AND ADJUDGED:

1. That the reservation of Outlot A to be used for wetland purposes is hereby terminated.

2. That the floodplain contour lines depicted on Outlot A shall be relocated and depicted in the amended plat consistent with the September 14, 2000 letter from the Federal Emergency Management Agency, a copy of which is attached hereto.

3. That Outlot A shall be identified with the first available consecutive lot number in Shady Creek Estates on an amended plat. The new lot shall be subject to all applicable provisions of the restrictive deed covenants recorded in Liber 11168, Pages 400-410, Oakland County Records, and shall meet all applicable local governmental agency requirements for a building site.

4. That title to the new lot established in Paragraph 3 (old Outlot A) shall remain vested with Plaintiff Durant Development Corporation.

5. That all lawfully existing easements located within Outlot A are hereby preserved unless otherwise vacated by this Judgment and that the amended plat of Outlot A must show all lawfully existing easements.

6. That Plaintiff must record this Judgment in the Office of the Register of Deeds for the County of Oakland, State of Michigan, within 30 days of entry of this Judgment, as required by MCL 560.228.

7. That Plaintiff must prepare and file, within 90 days of the entry of this Judgment by this Court, an amended plat for Outlot A in a recordable form as required by the Land Division Act for a final plat, for the review and approval of the Michigan Department of Consumer and Industry Services, Office of Land Survey and Remonumentation, in accordance with MCL 560.229 of the Land Division Act and this Judgment.

8. That the amended plat, when filed with the Michigan Department of Consumer and Industry Services, Office of Land Survey and Remonumentation, shall be accompanied by a letter from the City of Troy confirming its approval of said amended plat. If changes are made to the amended plat after filing with the Michigan Department of Consumer and Industry Services, Office of Land Survey and Remonumentation, a new letter of approval from the City of Troy shall be obtained by Plaintiff and submitted to the Michigan Department of Consumer and Industry Services, Office of Land Survey and Remonumentation.

9. That this Judgment is of no force or effect until the amended plat required by this Judgment is approved by all necessary governmental agencies and recorded with the Oakland County Register of Deeds.

10. That this Court shall retain jurisdiction over this matter until final approval of the proposed amended plat has been granted by the Michigan Department of Consumer and Industry Services, Office of Land Survey and Remonumentation.

11. That this resolves the last pending claim in this matter and closes this case.

_____

Honorable Richard D. Kuhn
Circuit Court Judge

Approved for Entry:

Steven J. Wallace (P32925)
Attorney for Plaintiff

Barbara A. Schmidt (P40530)
Mich. Dept. of Attorney General
Attorney for Mich. Dept. CIS

Ahmad M. Roby (P58665)
Attorney for John P. McCulloch,
Oakland County Drain Comm.

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

George Hathaway (P31448)
Attorney for DTE Energy

Albert Calille (P26819)
Attorney for SBC Ameritech

Conjudg

TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: May 29, 2003
SUBJECT: Proposed Acknowledgement and Lease- Sylvan Glen Tower

T-Mobile has approached our office, requesting the opportunity to co-locate on the communication tower located at Sylvan Glen Golf Course. The tower has the capacity for four providers plus the City's antennae. There are three other providers who have previously co-located on the tower- AT & T, Nextel, and Verizon. The City entered into a lease agreement with the AT & T, who constructed the tower and currently owns the tower. The City has subsequently entered into Acknowledgement and Leases for all other providers. These Acknowledgement and Leases expressly incorporate the AT & T lease agreement.

T-Mobile, through Omnipoint Holdings, has agreed to pay the attached rent schedule for the use of the tower and the equipment shelter. This rent schedule reflects the rent currently being paid by the other providers. In addition, the acknowledgement and lease term expires at the same time that the Verizon acknowledgement and lease expires. It is my recommendation that to approve the attached Acknowledgement and Lease, and allow T-Mobile to be the last entity to co-locate on the Sylvan Glen cell tower.

Keith Davidow, the attorney representing T-Mobile, will be present at the City Council meeting to respond to any questions. If you have any questions concerning the above, please let me know.

CC: John Szerlag, City Manager
Carol Anderson, Parks and Recreation Director
James Nash, Financial Services Director
Mark Stimac, Building and Zoning Director
William Nelson, Fire Chief

ACKNOWLEDGMENT AND LEASE

This Acknowledgment and Lease (the "Acknowledgment") is made this _____ day of _____, 2003, between Omnipoint Holdings, Inc. (hereinafter Omnipoint), a Delaware corporation, whose business address is 12170 Merriman Road, Livonia, Michigan 48150, and the City of Troy (hereinafter "City"), a Michigan municipal corporation, whose address is 500 W. Big Beaver Road, Troy, MI 48084.

A. The City and Wireless PCS, Inc., d/b/a AT & T Wireless Services (AT & T) entered into a Ground Lease dated October 6, 1998 (the "Lease") pertaining to the lease of a certain part of the City's property located at the Sylvan Glen Golf Course, Troy, Michigan (the "Property"), to enable AT & T to construct a communication tower and equipment shelter (collectively referred to as the "Tower") for use by AT & T, the City, and by other telecommunications companies.

B. Under the terms of the Lease, AT & T is required to allow other telecommunications companies to utilize the Tower constructed by AT & T, with the rental for such use of the Tower space and a part of the City's property payable to the City.

C. Omnipoint is interested in leasing a part of the Tower and equipment shelter constructed by AT & T as authorized by the Lease.

D. The parties are desirous of setting forth their agreements with respect to the utilization of the Tower.

NOW THEREFORE, Omnipoint and the City agree as follows:

1. **Lease.** The City leases to Omnipoint and Omnipoint leases from the City a portion of the 21' x 42 1/2 ' equipment shelter constructed upon the Property, together with a non-exclusive easement for ingress and egress over the adjacent real property as legally described in the access easement and the utilities easement under the Lease. The City of Troy will also be sharing less than one half of the designated equipment shelter bay. In addition, Omnipoint may utilize the vertical space at 130 feet on the Tower unless modified by a written amendment executed by the City, Omnipoint, and AT & T. Omnipoint's Facilities and easement are collectively referred to as "Omnipoint's Premises". By entering into this Acknowledgement and Lease, the City waives any rights to install any additional equipment on the tower. This does not preclude a replacement or a repair of the City's antennae that currently exist on the tower.

2. **Consideration.** Omnipoint agrees to pay the City a lump sum of non-refundable initial payment of Fifty Thousand Dollars and no/100 ($50,000), at the time that construction is commenced, which shall be not later than December 31, 2003. Omnipoint further agrees to pay the sum of Ten Thousand Dollars and no/100 ($10,000) for the purchase of microwave communications equipment, which shall be paid at the time that construction is commenced, which shall be not later than December 31, 2003. These payments are made in connection with the negotiation of the Lease and in lieu of the annual rent for part of the initial four year term commencing July 1, 2003. Omnipoint shall pay the City as annual rent for the Premises each year during the term of this Lease, the rent specified on the attached Exhibit A, which annual rent payment shall commence without further notice on July 1, 2007.

3. **Notification**. Any written communication between the parties shall be sent to the following:

   (a) **City**: City Manager, **City of Troy**, 500 W. Big Beaver Rd., Troy, MI 48085, with a copy sent to City Attorney, **City of Troy**, 500 W. Big Beaver Rd., Troy, MI 48084

   (b) **Omnipoint**: **T-Mobile USA**, Inc., Attn. PCS Lease Administrator, 12920 SE 38th Street, Bellevue, WA 98006, with a copy to **T-Mobile USA, Inc**., Attn. Legal Department, 12920 SE 38th Street, Bellevue, WA 98006, and a copy sent to **Omnipoint Holdings, Inc.,** Attn. Marketing Director, 12170 Merriman Road, Livonia, MI 48150 and a copy sent to **Omnipoint Holdings, Inc., c/o T-Mobile USA, Inc.,** Attn. Lease Administration Manager, 8550 W. Bryn Mawr Ave., Chicago, IL 60631.

4. **Consent to be bound by Lease.** Omnipoint agrees and acknowledges that it has reviewed the terms of the Lease between the City of Troy and AT & T. Omnipoint agrees to be bound by paragraphs 1-36 of the Lease as if it were a tenant under such Lease. Such terms are incorporated by reference into this Acknowledgement.

5. **Insurance and Indemnity.** Omnipoint shall provide the City with copies of insurance naming the City as an additional insured party, as required by paragraph 21 of the Lease. Omnipoint agrees to assume the risks of a tenant under such Lease and indemnity the City in accordance with the terms set forth in the Lease, including

but not limited to, the indemnification pertaining to hazardous substances.

6. **Waiver of City's Lien.** The City waives any lien rights it may have concerning Omnipoint's Facilities that are deemed Omnipoint's personal property and not fixtures, and Omnipoint has the right to remove the same at any time without the City's consent.

7. **Assignment**. Omnipoint may not assign, or otherwise transfer all or any part of its interest in this Acknowledgment or in Omnipoint's Premises without the prior written consent of the City; provided, however, that Omnipoint may assign its interest to its parent company, any subsidiary or affiliate or to any successor-in-interest or entity acquiring fifty-one percent (51%) or more of its stock or assets, subject to any financing entity's interest, if any, in this Acknowledgment as set forth in Paragraph 5 above. The City may assign this Acknowledgment upon written notice to Omnipoint, subject to the assignee assuming all of the City's obligations herein, including but not limited to, those set forth in Paragraph 5 above.

8. **Authority.** By execution of this Acknowledgement, each party acknowledges that it has the authority to execute this document on behalf of the party for whom it is signing this Agreement.

9. **Inconsistencies.** In the case of any inconsistencies between the terms and conditions contained in the Lease Agreement entered into October 6, 1998, between the City and AT & T, hereby acknowledged, the terms and conditions herein shall control.

IN WITNESS HEREOF, the parties have executed this Acknowledgment on the date set forth below.

WITNESS:	**OMNIPOINT HOLDINGS, INC**.
_____	_____ By: Greg Cisewski Its: Vice President of Engineering and Operations
_____	

The foregoing instrument was acknowledged before me on this _____ day of _____, 2003 by Greg Cisewski, Vice President of Engineering and Operations of **Omnipoint Holdings, Inc**..

_____
Notary Public
_____ County, _____
My Commission Expires _____

WITNESS:

_____

_____

CITY OF TROY

By: _____
Matt Pryor, Mayor

By: _____
Tonni L. Bartholomew
City Clerk

The foregoing instrument was acknowledged before me on this _____ day of _____, 2003 by Matt Pryor, Mayor of the City of Troy, and Tonni L. Bartholomew, Troy City Clerk.

_____
Notary Public
_____ County, Michigan
My Commission Expires _____

EXHIBIT A

RENT

Years 1-4	Annual Rent
1. July 1, 2003- June 30, 2004	$0
2. July 1, 2004- June 30, 2005	$0
3. July 1, 2005- June 30, 2006	$0
4. July 1, 2006- June 30, 2007	$0
Years 5-9	
5. July 1, 2007- June 30, 2008	$14,400
6. July 1, 2008- June 30, 2009	$14,400
7. July 1, 2009- June 30, 2010	$16,800
8. July 1, 2010- June 30, 2011	$16,800
9. July 1, 2011- June 30, 2012	$16,800
Years 10-14	
10. July 1, 2012- June 30, 2013	$16,800
11. July 1, 2013- June 30, 2014	$16,800
12. July 1, 2014- June 30, 2015	$19,200
13. July 1, 2015-June 30, 2016	$19,200
14. July 1, 2016-June 30, 2017	$19,200
Years 15-19	
15. July 1, 2017-June 30, 2018	$19,200
16. July 1, 2018-June 30, 2019	$19,200
17. July 1, 2019-June 30, 2020	$21,600
18. July 1, 2020- June 30, 2021	$21,600
19. July 1, 2021- June 30, 2022	$21,600
Years 20-24	
20. July 1, 2022- June 30, 2023	$21,600
21. July 1, 2023- June 30, 2024	$21,600
22. July 1, 2024- June 30, 2025	$24,000
23. July 1, 2025- June 30, 2026	$24,000
24. July 1, 2026- June 30, 2027	$24,000

PARKS AND RECREATION ADVISORY BOARD

Minutes of March 13, 2003

Present:	Larry Jose, member	Jeff Stewart, member
	Janice Zikakis, member	Orestes Kaltsounis, member
	Ida Edmunds, member	John Goetz, member
	Kathleen Fejes, member	Meaghan Kovacs, member
	Tom Krent, member	Jeff Biegler, staff
	Stuart Alderman, staff	Carol K. Anderson, staff

Absent: Doug Bordas, Deanna Ned

Visitors: Cindy Pennington, Gary Chamberlain, John Hug

A motion by John Goetz, supported by Jan Zikakis, that the minutes from February 6, 2003 be approved as submitted.

Ayes: All Nays: None
MOTION CARRIED

New Business

A. John Hug, Fitness Coordinator - John has been with the City for one year and is in charge of the fitness room. He's started many new programs and is working with the Detroit Medical Center to establish a Wellness Center at the Community Center.

B. Gateways to City of Troy - Cindy Pennington, from the Planning Commission spoke regarding establishing signs at key entrances to Troy. DDA is interested in a 50-50 match and the possibility of grant money for this project will be explored.

C. Golf Course Name - "The Sanctuary" is the leading candidate for the Section 1 Golf Course.

D. Budget - The budget is still in review by Assistant City Manager, Mr. Lamerato, and will be ready for discussion at the April meeting.

OLD BUSINESS

A. Aquatic Center Rates - City Council approved the Park Boards' recommendation for the Aquatic Center rates except for the first family member season pass rates for residents, non-resident employees and non-residents. The first family member rate was set at ten times the daily admission rate. The approved first person rates are $70, $85, and $97.50 for first person resident, first person non-resident employee and first person non-resident.

B. Skate Park - City Council will revisit the issue of funding for the Skate Park. Staff has met with two individuals to discuss the possibility of a City/Private individual partnership for an indoor facility. One was not interested in building the facility on City property but would manage it for the City and the other decided he could not build a facility on his property.

C. Cricket Update - The Cricket participants have indicated they will contribute to development of the Cricket field at the Nelson Drain site. In addition, they will ask surrounding businesses to use their parking lot. The contribution they will make will be in building bleachers, trash/litter control on the site and field preparation.

D. Park Planning Meeting - The April Park Board meeting will be a week earlier, April 3, and at an earlier time, 7 p.m. The budget will be reviewed first and then the park designers from M. C. Smith will be here to get input from the Park Board on the park sites.

Member Comments

Orestes Kaltsounis received a comment from a Council member that the department is getting too big. Discussion about this comment included the desirability of a good Parks and Recreation Department and the contribution it makes to quality of life in the community.

Staff Reports

A. Directors Report - A study session was held regarding the recreation program costs. The recreation division is budgeting programs to cover their direct costs. Indirect costs are not included in the fees. It is proposed that the current subsidy remain unchanged. Park operations are excluded from this except for athletic field maintenance. Minutes of the meeting indicate concurrence with the managers challenge for the recreation division to maintain the current subsidy of $2,705,000.00.

The department has added a part-time grant writer to our staff. She is writing an application for partial funding (50-50 match) for the additional nine-hole disc golf course and for pathways at Raintree Park. Approval for the grant application is needed from City Council.

A motion by Tom Krent, supported by Orestes Kaltsounis, to recommend approval of the recreation grant application for an additional nine holes to the disc golf course and pathways at Raintree Park.

Ayes: All Nays: None
MOTION CARRIED

B. Recreation Report - The Community Center dedication and open house was a success. The senior store, Creative Endeavors, opened on March 8, the day of the open house. There were over 80 sales that day.

The teen room grand opening was March 14. Teen volunteers will staff it. There is a game cube, big screen TV, pool table, air hockey table and foosball table in the room.

Online registration software is ordered. The target date to have it up and running is by fall registration.

C. Parks Report - Jeff distributed a flyer about a public meeting on the Emerald Ash Borer problem for March 26. Six counties have been quarantined for this problem.

Shelter reservation day is April 7, 2003.

The meeting was adjourned at 9:15 p.m.

Respectfully submitted,

_____

Mary Williams

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES - FINAL – APRIL 2, 2003

The Chairman, Leonard Bertin, called the meeting to order at 7:05 pm Wednesday, April 2, 2003.

Present:	L. Bertin, member	C. Buchanan, member
	A. Done, member	K. Gauri, member
	D. House, member	N. Johnson, member
	D. Kuschinsky, member	D. Pietron, member
	J. Rodgers, member	
Also Present:	M. Grusnick, staff	
	M. McGinnis, staff	
Absent:	S. Burt, alternate	P. Manetta, alternate
	J. Shah. Alternate	N. Raheb, student rep

ITEM B – APPROVAL OF MINUTES OF MEETING OF MARCH 5, 2003

Buchanan attended meeting with Bertin of the MS Society instead of Burt that was reported in the March Minutes, with this correction Bertin made a motion that the Minutes of March 5, 2003 be approved. Supported by Kuschinsky. All voted in favor.

ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC

ITEM D – NEW BUSINESS

Bertin attended the last City Council meeting where C Broomfield supported the subject of granting a discount on golf carts at the Sylvan Glenn Golf Course to persons with disabilities. Since seniors are offered a discount, it was decided to offer a 25% discount to persons with disabilities.

The Disabilities Committee was asked to recommend some criteria to identify a disability. Some suggestions presented were as follows:

A doctor's diagnosis, physical appearance, a registration I D Card from an organization such as the MS Society, or a medi care card were discussed. Bertin stated that it would be more advantageous if the Community Center could register interested individuals with a disability since they currently offer a similar discount for membership. For now it was decided that a doctors written diagnosis should be acceptable for obtaining the discount.

Nancy Kuha will no longer be implementing the Home Chore Program for the City; she has transferred to a new position. At the time of this meeting her replacement had not been announced. Bertin stated that he would like the person that replaces her come to a meeting of the Disabilities Committee as soon as practical for them.

K Gauri attended a meeting on the Area Agency on Aging as a representative of the Disabilities Committee. Gauri reported that most of the meeting consisted of the description of the budget crunch in the state. They are experiencing 30 to 40 % cuts from their past budget, 28% of the people they serve have some kind of disability.

Bertin and Buchanan attended the MS Advocacy Group meeting in Lansing on March 13, 2003. Buchanan reported that it was a good meeting with Senators Johnson and Pappageorge, and one of the issues has good news, they have opened up the Medicaid Buy In for people to return to work.

Bertin also stated that at the last City Council meeting Pappageorge stated that he learned a lot at this meeting about the daily expenses associated with MS.

ITEM E – REGULAR BUSINESS

Grusnick stated that in the future people who need access to City Hall after hours will need to use the west or north entrance. For security purposes the east and main entrances will be locked.

ITEM F – OLD BUSINESS

Johnson brought a video for the Committee to view about the activities of the Michigan Youth Leadership Forum. Bertin stated that this video could be played at the Committees booth at the Referral and Information Fair at the Troy Daze Fair in September. Gauri will ask C Stewart if there would be time available to show this video on our local TV station.

D Pietron will attend the April 14, 2003 City Council meeting and D House will attend the Council meeting on April 28, 2003.

ITEM G – INFORMATIONAL ITEMS

ITEM H - ADJOURN

C Buchanan made a motion to adjourn the meeting at 8:45 pm. D Pietron seconded the motion. All voted in favor.

MG:mm

TROY ETHNIC ISSUES ADVISORY BOARD – FINAL April 8, 2003

Call to Order

The regular meeting was called to order at 7:05 p.m.

Roll Call

Present:	Anju Brodbine	Brian Griffen
	Amin Hashmi	Tom Kaszubski
	Padma Kuppa	Hailu Robele
	Oniell Shah	Cindy Stewart
Absent:	Dhimant Chhaya (resignation)	Victoria Lang

Approval of Minutes

Motion by Kuppa, support by Brodbine. Approved unanimously.

Mission/Goals

Discussion held on mission for Ethnic Issues Advisory Board:

"The City of Troy Ethnic Issues Advisory Board promotes an environment enriched by harmonious relationships and open communication within our diverse community through education and multicultural exchange."

Motion to approve by Brodbine, support by Robele. Approved unanimously.

Board discussed prioritizing goals/objectives. These will be voted on at the May meeting. Ones chosen were:

Goals:

1. Promote the City's diversity by spotlighting individual cultures through programs, brochures and cable programming.
2. Establish a resource list for the various Ethnic groups to access, which includes regional associations and general information relating to the availability of a specific local cultural activity, ethnic food or individual interpreter.
3. Develop and distribute materials to emphasize the mission and goals of the Board, including, but not limited to, an ethnic directory for new residents and one or more brochures about the various ethnic populations in Troy.
4. Serve as advisor to the City Council on Ethni-City issues.

5. Support the Troy Daze Festival Committee in relation to the Ethni-City. Continue to expand through the encouragement of volunteerism among the various Ethnic groups.

Objectives:

Related to Goal #1

Organize and support a monthly program, to celebrate the multicultural mosaic that is Troy.

Related to Goal #4

Conduct different workshops and seminars to eliminate racism, which is one of the most challenging issues in America.

Board will formally approve at May meeting.

New Business

Dave Lambert and JoAnn Preston, Ethni-City co-chairs were introduced. They discussed Ethni-City idea/goals/needs.

Idea was to promote Troy's cultural diversity with entertainment, ethnic booths, and ethnic food. This year they plan to add 3 food booths – need to find 3 more ethnic restaurants to fill spaces.

Other aspects of Ethni-City: In 1999 added Naturalization Ceremony for Swearing In of 50 new citizens. Poster Contest for K-12th grades with prizes to celebrate diversity. They need more help promoting the contest and displaying the entries. Ethnic Entertainment is very diverse. Want Ethni-City to promote more participation from schools – teachers and students. JoAnn is working with Social Studies Department Head to assist.

Tent booths display countries – maps, costumes, craft items, artifacts, and info.
Parade involvement is flags of 60 nations, floats, and marchers.
Next Ethni-City of Troy Daze meeting is Thursday, April 10. All are invited.

Robele visited Ethni-City in 2002 and noticed the Ethiopian flag. He ended up carrying it in the parade.

Ethnic Issues Advisory Board should talk about ways to get more involved in Troy Daze and Ethni-City. Ideas include booth, parade float, and brochure.

JoAnn passed along her list of resources. Cindy Stewart will clean up lists, and Board can send a letter asking if they want to be included in a resource guide.

Kuppa will bring Poster Contest information to Hill PTO Council.

Send any ideas for Ethni-City to Dave or JoAnn.

Any gaps Ethni-City sees that Ethnic Issues Advisory Board can fill? Dave Lambert – booth under the Ethni-City tent (Fri-Sun). Also need to help get flag carriers for opening ceremonies (Fri evening) and parade (Sunday afternoon). JoAnn will get us list of flags.

Flags can also be used for community events programs.

Old Business

New Program – (DiverCity)

October – Sights and Sounds of India

May 1 – Ethnic Fair at Athens. Diversity Forum/Presentation
Padma will get more info – we can put info on City website and City calendar

Multicultural Week in Troy (create awareness) April 28-May 4, 2003 culminated with Prayer Breakfast. Stewart will prepare Proclamation to include mission statement and future projects.

Resource Guide:
Letters to groups interested in being part of group. Bharatia-temple.org, Miindia.com, Detroitindia.com, Ethnicthursday.com

Have applicants turn in applications to Board and they can make recommendation to Council. Anju and Brian have people to recommend.

Next meeting May 13 at 7 pm

Meeting adjourned at 8:54 pm

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman LIttman at 7:30 p.m. on April 8, 2003, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Dennis A. Kramer
Lawrence Littman
Cindy Pennington
Robert Schultz
Walter Storrs
Mark J. Vleck
David T. Waller
Wayne Wright

Absent:
Gary Chamberlain

Also Present:
Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Richard K. Carlisle, Carlisle/Wortman Associates
Kathy Czarnecki, Recording Secretary

Resolution

Moved by Schultz Seconded by Vleck

RESOLVED, that Mr. Chamberlain be excused from attendance at this meeting.

Yeas
All present (8)

Absent
Chamberlain

MOTION CARRIED

2. PUBLIC COMMENTS

There was no one present who wished to speak.

SITE CONDOMINIUM SITE PLAN

3. SITE PLAN REVIEW – Proposed Maplewood Site Condominium, 14 units proposed, South side of South Boulevard, West of Rochester Rd., Section 3 – R-1C

Mr. Savidant presented a summary of the Planning Department report for the proposed Maplewood Site Condominium development. Mr. Savidant stated the applicant is proposing a 14-unit site condominium on approximately 5.2 acres with road access from South Boulevard and Amberwood Drive to the west. The applicant, at the request of the Planning Department, provided two alternate layouts for the development. Alternate 1 would provide a connection with South Boulevard but not an interconnection to the east or west. Alternate 2 would provide interconnection to the west and a stub street to the east but no connection to South Boulevard. Mr. Savidant stated that both alternatives would provide 14 units, and noted that the Planning Department prefers the submitted site plan, with a connection to South Boulevard and Amberwood Drive.

Mr. Savidant reported that it is the recommendation of the Planning Department to approve the Preliminary Site Condominium application as submitted.

The petitioner, Anton Camaj of 3313 Oxford West, Auburn Hills, was present. Mr. Camaj stated that his preference in layouts would be the submitted site plan.

Chairman Littman opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Resolution

Moved by Vleck Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the Preliminary Plan as submitted under Section 11.00.00 of the Zoning Ordinance (R-1C One Family Residential District) and Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, known as Maplewood Site Condominium, 14 units proposed, located on the south side of South Boulevard and west of Rochester Road, Section 3, within the R-1C zoning district, be approved.

Yeas	Absent
All present (8)	Chamberlain

MOTION CARRIED

STREET VACATION REQUESTS

4. PUBLIC HEARING – STREET VACATION REQUEST (SV-181) – Rhode Island Drive, between Orpington and Big Beaver, abutting Lots 12 and 13, and 40 and 41 of Big Beaver Poultry Farms Subdivision, North of Big Beaver, East of John R, Section 24 – R-1E

Mr. Savidant presented a summary of the Planning Department report for the proposed Street Vacation Request. Mr. Savidant provided a history of the right-of-way and stated the applicant must vacate the platted right-of-way prior to Final Condominium Approval. Mr. Savidant noted the petitioner received a recommendation for Preliminary Condominium Approval from the Planning Commission on March 11, 2003. Mr. Savidant recommended the City retain an approximate 12-foot wide public walkway between Orpington Road and the Rhode Island Estates Site Condominium to provide a non-motorized connection between Orpington Road and Big Beaver.

Mr. Savidant reported that it is the recommendation of the Planning Department to approve the street vacation request with conditions that the City retain a 12-foot wide public walkway between Orpington Road and Rhode Island Estates Site Condominium and the road right-of-way be dedicated to the City of Troy.

The petitioner, Victor DeFlorio of 3609 Cedar Brook Rochester Hills, was present. Mr. DeFlorio commented that the existing right-of-way is a through street from Big Beaver to Orpington, and it is his desire to restrict the through traffic. Mr. DeFlorio said he has no problem with the conditions stipulated by the Planning Department.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Wright questioned if the two property owners to the south of Orpington are aware that they will be receiving a portion of the right-of-way.

Mr. Savidant responded that Public Hearing notices were sent to affected residents and City Council conditioned the approval of the Rhode Island Estates Site Condominium development on the provision of pedestrian access to Orpington. Mr. Savidant confirmed that the City would control approximately 12 feet of the public walkway. The remaining 38 feet of the right-of-way would be split at an offset between the two property owners. Mr. Savidant stated it is the applicant's responsibility to provide a parcel description for the walkway.

Resolution

Moved by Kramer Seconded by Pennington

RESOLVED, that the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted for the Rhode Island Drive right-of-way, between Orpington and Big Beaver, located within the Big Beaver Poultry Farms Subdivision, abutting lots 12 and 13 and 40 and 41, being approximately 636 feet in length and 50 feet in width, in Section 24, be approved subject to the following conditions:

1. The City retains a 12-foot wide public walkway between Orpington Road and Rhode Island Estates Site Condominium, as illustrated on the Rhode Island Estates Site Condominium Plan, which received a recommendation for approval by the Troy Planning Commission on March 11, 2003.

2. Road right-of-way to be dedicated to the City of Troy to enable the development of Rhode Island Estates Site Condominium.

Yeas	Absent
All present (8)	Chamberlain

MOTION CARRIED

5. PUBLIC HEARING – STREET VACATION REQUEST (SV-180) – East ½ of Alger Street, between Lots 463 and 464 of John R Gardens Subdivision, South of Birchwood, West of John R, Section 26 – M-1

Mr. Savidant presented a summary of the Planning Department report for the proposed street vacation request.

Mr. Savidant reported that it is the recommendation of the Planning Department to deny the street vacation request as submitted. Mr. Savidant stated that if the eastern half of Alger Street were to be vacated, the resulting 25 foot wide right-of-way would become a substandard width for a City street. The ordinance requires that any parcel of land zoned in a classification other than One-Family or Two-Family Residential have access to an approved public street that has been accepted for maintenance by the City. Mr. Savidant stated that a representative of the Department of Public Works indicated that the City would not accept maintenance of a substandard street that was only 25 feet in width. In addition, Mr. Savidant stated the street vacation would effectively land lock two parcels fronting on Chopin Street.

Mr. Vleck referenced the smaller lot on Chopin that has access to Birchwood and asked if that road is currently maintained.

Mr. Savidant responded that to the best of his knowledge, the road is maintained.

Mr. Vleck asked if the lot was sold, and a new site plan came in requesting to put up a separate structure on the lot, could the structure be approved if there was no access to a road acceptable for maintenance by the City.

Mr. Savidant responded in the negative. Mr. Savidant said that if, in the future, the property owner merged the two lots and the adjoining lots were also merged resulting in all the parcels having frontage on Birchwood, that section of Alger and all of Chopin could be vacated because all the lots would have access.

Ms. Pennington questioned the reasons that portions of Chopin have been vacated.

Mr. Savidant responded that meeting minutes reflect additional room was needed to expand parking on the portion north of the Coney Island restaurant, and the City wanted to purchase right-of-way along Maple Road. Mr. Savidant said he does not know the reason for vacating the portion of Chopin to the east.

Mr. Wright gave a history of the original plan for the subdivision. He said redevelopment was encouraged for the small, run-down subdivision by promoting consolidation of parcels by vacating every other east-west street going up John R. This was to allow consolidation for sites that were buildable for light industrial use. It was further planned to vacate every other north-south street, subject to the consolidation of parcels.

The petitioner, Dennis Coleman of 1448 Madison Drive, Troy, was present. Mr. Coleman stated at the time he purchased the home at 1906 Birchwood, it was his understanding that this portion of Alger was vacated. He since has learned that there is a discrepancy between the documents recorded in Oakland County and City documents. Mr. Coleman asked for direction from the Commission.

A brief discussion followed.

Ms. Lancaster advised Mr. Coleman to retain an attorney for possible action to recoup money paid for the property that was not titled to him.

Mr. Savidant commented there have been previous requests submitted to the Planning Department that are located in this area and similar issues have been raised.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution

Moved by Waller Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends that the street vacation request, as submitted, for the east ½ of the Alger Street right-of-way, located within the John R Gardens Subdivision, abutting lots 463 and 464, being approximately 120 feet in length and 25 feet in width, in Section 26, be tabled to the May 13, 2003 Regular Meeting, to allow time for clarification with respect to the discrepancy between City and County records.

FURTHER RESOLVED, that the Planning Department provide enlarged drawings of the area that very clearly and accurately show pieces of Alger and Chopin and any other affected properties for the May 13, 2003 Regular Meeting.

FURTHER RESOLVED, that the Planning Department investigate and report its findings if the Department of Public Works provides maintenance to Chopin.

Yeas	Absent
All present (8)	Chamberlain

MOTION CARRIED

SITE PLANS

6. SITE PLAN REVIEW (SP-866) – Proposed River Bend Condominium, One Family Residential Cluster Development, 10 units proposed, South side of Long Lake, West of Rochester Road, Section 15 – CR-1

Mr. Savidant presented a summary of the Planning Department report for the proposed River Bend Condominium.

Mr. Savidant reported that it is the recommendation of the Planning Department to approve the Preliminary Site Plan with conditions that the berm along Long Lake Road be designed and landscaped and final approval of the application is subject to approval by City Council of a 40-foot wide Private Street Easement for public access for River Bend Trail.

Mr. Savidant confirmed that wetlands delineation and previous stipulations relative to the previous approval are consistent and reflected in the current plan. He confirmed there would be a wetlands permit required from the MDEQ.

Ms. Lancaster stated that the filing of condominium documents with the Register of Deeds and the filing of a Master Deed with the City would be required, and noted that the documents could not be changed without a vote of the condominium

association. Ms. Lancaster said the documents would provide wetland protection for the condominium residents.

At the request of Ms. Pennington, Mr. Savidant provided a brief history as to how the property became zoned CR-1.

Chairman Littman questioned if the City is responsible for the maintenance of the berm along Long Lake Road.

Mr. Savidant replied the condominium association would have the responsibility of maintaining the berm per the standard quality requirements.

The petitioner, Joe Maniaci of 50215 Schoenherr, Shelby Township, was present. Mr. Maniaci confirmed the wetlands are delineated and protected by the MDEQ and noted the existing wetlands have been maintained as approved previously by the Planning Commission. Mr. Maniaci stated there would be additional common elements around the existing wetlands that would be recorded in the Master Deed. Mr. Maniaci stated the changes from the previous plan are a lower density and the provision of a cul-de-sac in lieu of a stub street.

Mr. Kramer questioned snow removal.

Mr. Maniaci responded that cleared snow would be placed around the cul-de-sac, similar to any other subdivision street, and noted there would be enough room to also maintain clear sidewalks.

Ms. Pennington questioned the slope on the detention basis.

Mr. Maniaci responded the slope would be 1 on 6 and there would be no fence.

Chairman Littman opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Resolution

Moved by Waller Seconded by Schultz

RESOLVED, that the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, known as River Bend Site Condominium, 10 units proposed, located on the south side of Long Lake Road and west of Rochester Road, Section 15, within the CR-1 zoning district, be approved subject to the following conditions:

1. The berm along Long Lake Road shall be designed and landscaped according to the standards of Section 11.50.04.

2. That the condominium bylaws allocate for the removal of snow from the cul-de-sac so as the sidewalk immediately adjacent to the street remains clear.

3. That the drawing reflects the slope on the detention pond to be 1 on 6.

FURTHERMORE, that the Planning Commission hereby recommends to City Council that the private street system proposed to serve the River Bend Site Condominium, be approved in accordance with the Preliminary Site Plan presented on this date and in accordance with the provisions of Section 11.50.06 of the Zoning Ordinance, subject to the provision of street, sidewalk, and utility easements as determined to be necessary by City Management.

Yeas	Absent
All present (8)	Chamberlain

MOTION CARRIED

7. SITE PLAN REVIEW (SP-889) – Proposed Medical Office Building, Michigan Clinic for Facial Pain, Southeast corner of Orpington and John R, Section 24 – Consent Judgment

Mr. Savidant presented a summary of the Planning Department report for the proposed medical office building.

Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted subject to the Planning Commission recommending that the Consent Judgment be modified by City Council to permit the 26-foot building height as shown in Option B and the provision of a 5-foot wide concrete sidewalk along Orpington.

Ms. Lancaster stated that the 20-foot roof height limitation stipulated in the Consent Judgment appears to be an oversight. She said the height should have been an averaging of the roof height in which the requested 26-foot elevation would fit in well.

A brief discussion followed with respect to the sidewalk requirement and absolute height of the proposed building.

Phil Lawson of 163 Indian Knolls, Oxford, was present to represent the petitioner. Mr. Lawson said he met with both the Legal and Planning Departments to discuss the issue of the varying height, and it was determined appropriate to request a modification to the Consent Judgment. He stated the Zoning Ordinance reads the

elevation for a building is the mean height of the elevation of the roof, low point to high point. The Consent Judgment reads to the top of the building. Mr. Lawson said the 26-foot elevation falls within that parameter and is actually less than what the mean elevation would be. He confirmed that the absolute peak is 25 feet. Mr. Lawson provided a letter from the property owner to the immediate east stating he is in agreement with the elevation change.

Resolution

Moved by Kramer Seconded by Wright

RESOLVED, that the Planning Commission recommends to the City Council that the Preliminary Site Plan Approval for the proposed Medical Office Building, located on the southeast corner of Orpington and John R, Section 24, within the R-1E zoning district but governed by the O-1 zoning district as per a Consent Agreement, be granted, subject to the following conditions:

1. The applicant shall provide a 5-foot wide concrete sidewalk along Orpington, as per Section 39.70.03 of the City of Troy Zoning Ordinance and the Consent Judgment.

2. That the dumpster will be kept in the enclosure, provided that it is not in conflict with the Consent Judgment.

3. That the dumpster height will not be greater than the dumpster screen wall, provided that it is not in conflict with the Consent Judgment.

FURTHERMORE, the Planning Commission recommends that the Consent Judgment be modified by City Council to permit a one-story office building not to exceed 26 feet of building height, as shown on the petitioner's Option B sheets as SK-2 and SK-3.

A brief discussion was held with respect to the location of the dumpster in the southeast corner, nearest to the adjacent residential area. There was no determination made as to a better location for the dumpster.

Yeas	Nays	Absent
Kramer	Storrs	Chamberlain
Littman		
Pennington		
Schultz		
Vleck		
Waller		
Wright		

MOTION CARRIED

Mr. Storrs voted no on the motion because he objects to the location of the dumpster near the adjacent residential area.

8. SITE PLAN REVIEW (SP-484) – Proposed Industrial Building Addition, Versatube Building, South of Long Lake, West side of Rochester Road, Section 15 – M-1

Mr. Savidant presented a summary of the Planning Department report for the proposed industrial building addition.

Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted.

The petitioner, Corey Jacoby of 3132 Martin, Commerce Township, was present. Mr. Jacoby stated that the owner of Versatube wishes to update the building so that it is more fitting within the surrounding area.

Resolution

Moved by Storrs Seconded by Waller

RESOLVED, that the Preliminary Site Plan for the Versatube Industrial Building, located on the west side of Rochester Road, south of Long Lake Road, Section 15, within the M-1 zoning district is hereby granted.

Yeas	Absent
All present (8)	Chamberlain

MOTION CARRIED

9. SITE PLAN REVIEW (SP-890) – Proposed Industrial Building, North side of Birchwood, West of John R, Section 26 – M-1

Mr. Savidant presented a summary of the Planning Department report for the proposed industrial building.

Mr. Savidant reported that it is the recommendation of the Planning Department to approve the site plan as submitted.

The petitioner, Tom Moss of 1180 E. Big Beaver, Troy, was present. Mr. Moss said it is proposed to build their main headquarters at this location. Mr. Moss believes that heating and cooling units would be screened on the rooftop, and noted the building would be constructed similar to other buildings in the area. Mr. Moss said the building would be an improvement to the neighborhood.

Discussion followed with respect to the storm water detention.

Mr. Moss indicated the plan has not yet been engineered, but noted the water would pond on the asphalt pavement in the rear and the underground pipe leading from the rear up to the front and in the front yard setback.

Mr. Storrs encouraged the petitioner to make the front yard as much as an amenity and an attraction as possible.

Mr. Savidant confirmed there were no comments related to storm water retention from the Engineering Department upon its review of the plan.

Chairman Littman opened the floor for public comment.

There was no one present who wished to speak.

The floor was closed.

Resolution

Moved by Vleck Seconded by Schultz

RESOLVED, that the Preliminary Site Plan for the Moss Industrial Building, located on the north side of Birchwood, west of John R, Section 26, within the M-1 zoning is hereby granted.

Yeas	Absent
All present (8)	Chamberlain

MOTION CARRIED

SPECIAL USE REQUEST

10. PUBLIC HEARING – SPECIAL USE REQUEST (SU-313) – Trainers Obedience Center, East side of Troy Court, South of Park, Section 34 – M-1

Mr. Savidant presented a summary of the Planning Department report for the proposed Trainers Obedience Center.

Mr. Savidant reported that it is the recommendation of the Planning Department to approve the Special Use Approval application and the site plan as submitted subject to cleanup and disposal of all animal waste outside of the building and the provision of joint drive easements along the southern property line.

William Cummings of 2210 E. Livernois, Troy, was present to represent the petitioner, Elerious King, who is the owner. Mr. Cummings confirmed that the

facility would not be a kennel, but said it is an obedience school in the evening and a day care facility during the day.

Lisa Laney of 528 S. Kenwood, Royal Oak, General Manager for Trainers Obedience Center, was also present. Ms. Laney stated that training classes are held in the evenings and on Saturdays, and day care is offered during the day. She confirmed the facility is not a kennel. The hours of operation are 6:30 a.m. to 6:30 p.m. Ms. Laney appreciated the comment with respect to dog excrement and stated that they do their best to keep it cleaned up. Ms. Laney confirmed that there is only one entrance in the front that is accessed via the side driveway from the parking area in the rear.

Mr. Vleck questioned if the Commission could place conditions on the Special Use Approval to stipulate that it cannot board animals overnight or become a kennel operation.

Ms. Lancaster confirmed that the Commission could place conditions on the Special Use based upon the petitioner's representations that animals would not be boarded overnight.

PUBLIC HEARING OPENED

Don Moran of 1 Ajay, Madison Heights, was present as an agent for Reliant Management Corporation, which owns several income-producing properties on Troy Court and Park Street. Mr. Moran read a letter from the president of Reliant Management Corporation, Thomas Grimaldi, conveying opposition to the proposed use at 1016 Troy Court as a dog training and day care facility. Mr. Moran commented that Mr. Grimaldi is strongly against the use because he feels it will detract from the property value and his ability to secure a tenant.

Henry Dietz, part owner of the property to the south of the proposed use, 1000 Troy Court, was present. Mr. Dietz stated his objection to the proposed use is related to expansion of the use beyond the day care and training. Mr. Dietz cited a dog facility in Royal Oak that he views as noisy from barking and running dogs and congested with traffic during drop off and pick up times. Mr. Dietz requested that the facility, if approved, be limited to the entire area and that there be no kennel operations or overnight boarding, as well as no fenced area for dog runs. Mr. Dietz said he would like to see the area remain as a prime industrial park.

Kinette Baylis of 5601 Wright, Troy, was present. Ms. Baylis gave a history of the driveway situation. Ms. Baylis stated that she is familiar with the facility's daily operation because she conducts business from the warehouse located to the rear. She confirmed no barking problem exists and the facility is not a disturbance to other tenants.

Lisa Laney of 528 S. Kenwood, Royal Oak, clarified that overnight boarding is not what the facility does nor is it the facility's intent in the future.

PUBLIC HEARING CLOSED

Resolution

Moved by Waller Seconded by Schultz

RESOLVED, that Special Use Approval, pursuant to Section 28.30.08 of the Zoning Ordinance, as requested by the Trainers Obedience Center, for the proposed commercial kennel and accessory use, located on the east side of Troy Court, east of Livernois Road and south of Maple Road, located in section 34, within the M-1 zoning district, is hereby granted, subject to the following conditions:

1. All animal waste outside of the building is to be picked up and disposed of at all times.

2. An eleven (11) foot wide joint drive easement is to be provided along the south property line.

3. Based on testimony of the representative of the applicant, the use is never to be an overnight dog facility on the basis of an overnight kennel.

4. All outside activities be conducted on a leash.

5. No fenced areas constructed outside for dogs and no dogs permitted outside in any fenced areas.

6. The dog training and dog day care operations be restricted to the area as outlined on the submitted site plan.

Yeas	Absent
All present (8)	Chamberlain

MOTION CARRIED

Resolution

Moved by Waller Seconded by Schultz

RESOLVED, that Preliminary Site Plan Approval, 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 granted, subject to the following conditions:

1. All animal waste outside of the building is to be picked up and disposed of at all times.

2. An eleven (11) foot wide joint drive easement is to be provided along the south property line.

3. Based on testimony of the representative of the applicant, the use is never to be an overnight dog facility on the basis of an overnight kennel.

4. All outside activities be conducted on a leash.

5. No fenced areas constructed outside for dogs and no dogs permitted outside in any fenced areas.

6. The dog training and dog day care operations be restricted to the area as outlined on the submitted site plan.

Yeas	Absent
All present (8)	Chamberlain

MOTION CARRIED

Chairman Littman requested a 5-minute recess at 9:25 p.m.

The meeting reconvened at 9:32 p.m.

PLANNED UNIT DEVELOPMENT PROPOSAL

11. PUBLIC HEARING - PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21– O-S-C

Mr. Savidant stated the petitioner submitted the application in December 2002 and indicated that negotiations continue with the petitioner. Mr. Savidant noted the Public Hearing has been scheduled per the petitioner's request. The Planning Department's report correlates to the report submitted by the Planning Consultant. Mr. Savidant turned over the floor to Mr. Carlisle, the City's Planning Consultant.

Mr. Carlisle stated that the applicant proposes to build a 13-story office building comprising of 300,869 gross square feet. The building would be served by an attached 5-level parking structure, and noted that one level would be below ground.

Mr. Carlisle said the project is located on a 5.91-acre site. The first floor of the building would contain restaurants and a branch bank. Mr. Carlisle noted that other supportive service uses are possible and the upper floors would be devoted to office use.

Mr. Carlisle highlighted some of the changes since the last plan submission. In addition to the new below-ground level of the garage, Mr. Carlisle noted the parking structure was reduced in width to 190 feet. The northeast entrance to the garage was eliminated, resulting in a larger area of open space. Mr. Carlisle reported the office tower has been reduced in size along its east side to permit a larger truck dock and compactor area. He noted that Wilshire Road has been enlarged to include both right and left turn lanes. Mr. Carlisle said other landscape amenities have been provided, and cited Wilshire Drive and the I-75 right-of-way.

Mr. Carlisle confirmed that the critical issue is the necessity for finding by the Planning Commission that this project does constitute a planned unit development and warrants a significant increase of intensity over the O-S-C district. He noted the current zoning would accommodate approximately 177,000 to 180,000 square feet of office space. Mr. Carlisle said the uses proposed would fit within the O-S-C district. Mr. Carlisle said the primary thrust of the applicant's justification for the PUD are factors that are difficult to use as a basis for justification.

Mr. Carlisle said justification provided by the petitioner as building quality and landscaping would normally be provided in a signature building. Mr. Carlisle noted that the traffic improvements are items that are needed because of the impact of the project, not as an additional benefit to the City. Mr. Carlisle said the plan meets portions of the PUD ordinance such as quality development objectives and, to some degree, providing public improvements such as landscaping. Mr. Carlisle said the plan falls short in terms of justification for another 120,000 square feet of building area. Mr. Carlisle said that, in absence of more specific findings by the Commission, the plan would be a very low bar for many other properties along Big Beaver that wish to simply intensify the use of the property. Mr. Carlisle said there are improvements that can be done, but at this point the plan has not met them. Mr. Carlisle said a recommendation could not be made that the plan warrants meeting the PUD ordinances.

Mr. Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. He said he was appreciative of the Planning Consultant's remarks and being present for the evening meeting. Mr. DiMaggio introduced Peter Burton (President, Burton Katzman), Jim Butler (Professional Engineer Associates), John Barker (Hobbs & Black) and Sergio D'Amico (Sterling Bank).

Mr. DiMaggio focused the presentation on meeting the City's PUD criteria with assistance of visual aids.

Development Quality – Mr. DiMaggio said a quality project would be delivered. It would be a signature office building on a signature site. Mr. DiMaggio said that the site is probably the best office location in metropolitan Detroit and it will compete with the best buildings in Detroit for tenants. Mr. DiMaggio stated that he is working with the Planning Department to put together a materials board so a comparative analysis of the quality and detail for the proposed project can be made with other significant office buildings.

Intent to Meet Master Plan Objectives – Mr. DiMaggio stated that the proposed project is within the Master Plan's defined area. Further, Mr. DiMaggio said that a tax base analysis of three scenarios confirms a tax base generation that would optimize revenue opportunities. The proposed project incorporates other services within the building, such as two signature restaurants, a bank, and other ancillary services, that would comprise anywhere between 20,000 to 40,000 square feet. Mr. DiMaggio said the proposed project would aesthetically integrate into the existing land use pattern.

Optimizing Uses of Office Area – Mr. DiMaggio provided a history of the property's assemblage and a comparison of density for different stages of the property assemblage. He stated that the proposed density remains 77,000 square feet below what could have been developed, and noted that there is a transition to the density. Mr. DiMaggio said there is a transition of uses that make sense as opposed to what could have been developed absent the deed restrictions and absent the PUD.

Mixture of Uses – Mr. DiMaggio acknowledged that all of the proposed uses fall within the zoning classification of O-S-C, but noted the proposed uses would bring life and vitality to the site. Mr. DiMaggio said the pedestrian relationship with Big Beaver Road would be unlike any other that has been established along that road. Restaurants as well as a fountain in the plaza orient toward Big Beaver.

Public Improvements – Mr. DiMaggio said there is a commitment to provide a gateway treatment for the I-75 interchange, and noted that there is a good indication from MDOT to its cooperation in achieving the gateway that the City envisions once it is further defined. Mr. DiMaggio stated that the proposed plan includes landscaping of Wilshire Boulevard from Big Beaver north to where the road turns and goes westerly to Crooks Road.

Alleviate Traffic Congestion – Mr. DiMaggio confirmed that a traffic study has been completed and reviewed by the City's Traffic Engineer. The Traffic Engineer has indicated agreement with the proposal to make a right-hand turn lane off of Big Beaver on to Wilshire, which results in a widening of the Michigan U-turn on Big Beaver for westbound to eastbound traffic. Mr. DiMaggio said there are a vast number of signal timing changes that have been proposed.

Promote Redevelopment in Elimination of Obsolete Uses – Mr. DiMaggio stated that the site, although surrounded by developed office building of stature, is vacant

and is sometimes used for truck storage, cement batching plants, and other temporary, so-called blight uses. Mr. DiMaggio said it is time to bring the valuable, centrally located piece of property to market for a good use.

Provide a Variety of Housing Types – Mr. DiMaggio acknowledged that the proposed project does not meet this criteria.

Overcoming Obstacles in an Assemblage – Mr. DiMaggio referred to the 2.5 years of negotiation with Magna Corporation to overcome several obstacles for the assemblage of the property.

Mr. DiMaggio requested an indication from the Commission that the proposed project meets the PUD criteria, and noted their willingness to continue to work with the Planning Department and Commission on plan details.

Mr. Kramer commented that personally he feels the proposal is a good product and he would like to be provided the details and quality of the development.

Mr. Wright agreed that the proposal appears to be a good product. He said he would like to be provided more detailed items that point toward the PUD ordinance criteria. Mr. Wright noted that the proposed landscaping at I-75 and Wilshire Boulevard is an excellent improvement and gave a thumbs-up on the change in the parking deck.

Mr. Storrs noted his appreciation to the petitioner with respect to the density discussion on the Magna Corporation property. Mr. Storrs noted that same logic could be applied to other parcels in Troy that were not developed to the full intensity allowed by the ordinance, and stated that the density analogy is out of the equation. Mr. Storrs views the proposal as nearly doubling the density on the property and said that the well-developed proposal is not adequate to justify doubling the density.

Mr. Vleck stated that tonight's presentation clarified to him that the proposal is a good signature product for the City and he would like to see the details and quality of the building materials. Mr. Vleck said the mixed uses contained within the building are definitely a valid argument with respect to the PUD criteria relating to a mixture of uses.

Mr. Waller said he likes what has been presented so far and complimented the substantial steps of progress the petitioner has taken. He recommended the petitioner present the various density numbers in a more user-friendly fashion. Mr. Waller encouraged the petitioner to continue to work with Mr. Sharp and other neighboring residents.

Ms. Pennington complimented the petitioner on an outstanding presentation. She indicated that a look at interior and exterior architectural building materials would steer her final vote. Ms. Pennington recommended that something be put on paper with respect to the City's gateway signage, and further suggested that landscaping

be more focused on the exit I-75 ramp next to the property because she feels the proposed landscaping on the I-75 cloverleaf would not be visible by travelers.

Mr. DiMaggio presented a visual board showing a nighttime shot of the building wherein lights would not be visible from the north and west sides.

Chairman Littman responded to the petitioner's ambiguity on the *Mixture of Uses* criteria and stated from his recollection, the criteria was incorporated to promote creative solutions that would otherwise not be allowed in the zoning.

Mr. Schultz thanked the petitioner for his hard work. He stated based on personal feelings the project would be a go, but noted he is not convinced the proposal is applicable to the PUD ordinance. Mr. Schultz said he is not in agreement to turning off lights on a signature building and believes that the amount of lights proposed would not be in conflict with neighboring residents. Mr. Schultz further recommended that the petitioner do something to the top of garage to make it look less like a shoebox and more like an integrated part of the structure.

Mr. Vleck agreed with Ms. Pennington's comments with respect to landscaping the off-ramp area.

PUBLIC HEARING OPENED

Robert Easterly of 908 Emerson, Troy, was present in the capacities of attorney for Wilshire Muer Subdivision, Chairman of the Board for Wilshire Muer Subdivision, and as a representative for both the Washington Square Subdivision and John Sharp. Mr. Easterly gave a brief history of the extensive negotiations with Magna Corporation. He complimented the petitioner and the entire development group for its cooperation and considerations of the subdivisions' concerns. He stated that the two subdivisions and the developers have an agreement that indicates no building erected on parcel 2 shall have any illuminated exterior signage attached to either its northern or western façade. Mr. Easterly said a request has also been made that any lighting in the parking deck would be directed downward. Mr. Easterly requested the petitioner to give consideration to an existing flooding problem in the Wilshire Muer Subdivision, specifically Emerson where it meets Muerknoll in the southwest corner. Mr. Easterly specified that the petitioner has agreed to put $25,000 worth of landscaping in various corners of the subdivision to improve the development.

Chairman Littman asked for a history of the Magna Corporation deed restrictions.

Mr. Easterly stated Magna Corporation's site plan was very involved and proposed construction of a warehouse and stamping plants. The subdivisions were very much against the proposed plan. The Planning Commission unanimously denied the proposed site plan as submitted. Mr. Easterly said that Magna Corporation then approached the subdivisions with another fairly elaborate proposal of a 3-story

building on the entire parcel. Magna agreed to scale back the project and to put in permanent environmental zones, berming and landscaping. The subdivisions were in agreement and the site plan was recorded with the Register of Deeds. Mr. Easterly explained that the petitioner inherited the deed restrictions with the purchase of a portion of the Magna Corporation property. Mr. Easterly confirmed that currently there is limited expansion capability on the part of Magna Corporation.

Mr. Storrs asked what Mr. Easterly thought would be the public benefits to Troy citizens in light of the fact that the proposed plan nearly doubles the density.

Mr. Easterly said the subdivision residents know development of the vacant property is inevitable. Mr. Easterly confirmed that there was a lot of discussion with the petitioner with respect to the building's height, but noted the proposed plan appears to be a quality project. He noted the subdivisions are comfortable with the proposed plan, otherwise they would not have signed off on the deed restrictions.

Howard Littleson of 901 Wilshire Drive #165, Troy, was present to represent American Realty Advisors. American Realty Advisors owns two office properties at 901 Tower Drive and 901 Wilshire. Mr. Littleson read a letter addressed to Mayor Pryor and signed by Glenn H. Girsberger, Senior Asset Manager of American Realty Advisors, and submitted the letter for filing. The letter is in opposition to the proposed project citing that the new project, in essence, would cannibalize the market and would be a serious detriment to the current landlords within the City. Mr. Littleson clarified the reference to 14.2 million square feet of available space is with respect to the entire market, not just "Class A" office space.

Mr. Vleck questioned if there has been a study on current lease rates and the impact the proposed development would have on other office development.

Mr. Littleson responded that he is certain the petitioner would attempt to attract tenants from outside of the market, and noted the current absorption rate would be affected.

Peter Burton of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. Burton thanked the Commission for the opportunity to present the plan. He said that they have a sense of what the Commission would like and would continue to work with the Planning Department, the administration and the Planning Consultant to bring back an improved product for the next review. Mr. Burton said working together collectively would result ultimately in a project of which everyone would be proud and one that would be an asset to the City of Troy.

Chairman Littman opted to leave the Public Hearing open at this time.

Resolution

Moved by Storrs

RESOLVED, that the Preliminary Plan for a Planned Unit Development, pursuant to Section 35.60.01, as requested by Burton Katzman, for the Sterling Corporate Center Planned Unit Development, located on the north side of Big Beaver Road and west of I-75, located in section 21, within the O-S-C High Rise Office zoning district, being 5.91 acres in size, is hereby recommended for denial to City Council, for the following reasons:

Mr. Storrs stated the premier development offered by the petitioner is a magnificent development. However, Mr. Storrs believes it is a disservice to the citizens of Troy and to the developer to continue the discussions when the proposed plan nearly doubles the density allowed on the property. Mr. Storrs said the proposed plan offers public benefits but in his mind, the public benefits do not come near to offsetting the amount of density. Mr. Storrs said that there probably is no one present who believes that 16 Mile Road is an underutilized avenue.

MOTION FAILED for a lack of a second.

Resolution

Moved by Waller Seconded by Schultz

RESOLVED, that the Preliminary Plan for a Planned Unit Development, pursuant to Section 35.60.01, as requested by Burton Katzman, for the Sterling Corporate Center Planned Unit Development, located on the north side of Big Beaver Road and west of I-75, located in section 21, within the O-S-C High Rise Office zoning district, being 5.91 acres in size, is hereby tabled to the May 13, 2003 Regular Meeting.

Yeas	Nays	Absent
Kramer	Storrs	Chamberlain
Littman		
Pennington		
Schultz		
Vleck		
Waller		
Wright		

MOTION CARRIED

Mr. Storrs voted no for the reasons referenced in the previous failed motion.

Mr. Carlisle asked for a general direction in which to proceed with the review process.

Chairman Littman stated the item would be placed on the next study meeting for the opportunity to discuss the project and make a collective determination if the project meets PUD criteria.

A brief discussion followed with respect to suggestions to the petitioner that would assist the Commission with its review.

The Public Hearing remained open.

ZONING ORDINANCE TEXT AMENDMENTS

12. PUBLIC HEARING - ZONING ORDINANCE TEXT AMENDMENT (ZOTA-193) – Article 39.00.00 Parking Screen Wall Waiver

Mr. Savidant presented a review of the Parking Screen Wall Waiver zoning ordinance text amendment. The proposed amendment was initiated because of a practical problem at the Section 1 Golf Course with respect to the maintenance area parking lot. Mr. Savidant stated that City Management recommends amending the existing environmental provision of the ordinance that would essentially provide more landscaping in lieu of a wall in instances where the property line next to a residential district is 200 feet or more from an off-street parking area. Mr. Savidant said that he was informed by the Real Estate and Development Department that the Mead property is not officially a part of the Golf Course yet and the City at this time is not selling the property nor are there any specific plans for the property.

Discussion followed with respect to revising the distance between the property line and the off-street parking area, placing restrictions on the location of the landscape buffer within the designated distance, and including the term landscape berm.

Mr. Savidant reminded the Commission that this text amendment would affect all property in the City, not just the Section 1 Golf Course and the Mead property.

The Commission requested the Planning Department provide a scaled drawing of the affected area inclusive of the proposed landscape buffer and the Mead property.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

There was brief discussion.

Resolution

Moved by Waller Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that ARTICLE XXXIX (ENVIRONMENTAL PROVISIONS) of the Zoning Ordinance, be amended to read as follows:

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

39.00.00 ARTICLE XXXIX ENVIRONMENTAL PROVISIONS

39.10.00 WALLS:

39.10.01 For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential District an obscuring wall as required below:

	District/Use	Requirements
(A)	P-1 Vehicular Parking District	4'-6" high wall
(B)	Off-street parking areas in residential Districts and C-F Districts	4'-6" high wall
(C)	B-1, B-2, B-3, H-S, O-1, O-M, O-S-C, R-C and M-1	6'-0" high wall
(D)	E-P Districts, when such are a part of a non-residential development site involving Non-Residential Zoning Districts.	4'-6" high wall
(E)	M-1 Districts - open storage area	6'-0" to 8'-0" high wall. See Article XXVIII, Section 28.25.02 and 28.30.04
(F)	Hospital ambulance and delivery areas	6'-0" high wall

(Rev. 10-7-96)

In those instances when a wall is required by Article 39.10.01(B) and there is a distance of at least **fifty (50) feet** between the property line and the off-street parking area, the Planning Commission may permit a landscape buffer **or landscape berm** within the **fifty (50) foot** distance, in lieu of the required wall and **at a location to be determined by the Planning Commission**. The landscape buffer shall include at a minimum a double row of upright coniferous evergreen trees (pine or spruce species, as acceptable to the Department of Parks and Recreation). The plantings shall be a minimum of five (5) to six (6) feet in height, planted twenty (20) feet on center. The rows shall be spaced ten (10) feet apart and staggered ten (10) feet on center.

Discussion followed with respect to determination of the property line, hypothetical situations involving the sale of the Mead property, whether the revised motion satisfies the existing problem at the Golf Course and further revisions to the text amendment.

It was the consensus of the Commission to table the proposed ordinance text amendment to give the Planning Department an opportunity to incorporate the recommended changes into the draft text.

Resolution

Moved by Vleck Seconded by Schultz

RESOLVED, that the Planning Commission hereby recommends that ARTICLE XXXIX (ENVIRONMENTAL PROVISIONS) of the Zoning Ordinance, be tabled to the April 22, 2003 Special/Study Meeting.

Yeas	Absent
All present (8)	Chamberlain

MOTION CARRIED

Chairman Littman re-opened the Public Hearing for the April 22, 2003 Special/Study Meeting.

GOOD OF THE ORDER

Mr. Storrs reminded everyone that the party for Mr. Starr sponsored by Mr. Chamberlain is this coming Saturday.

Ms. Lancaster complimented the Commission on their quality questions during tonight's meeting.

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 11:15 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP
Planning Director

G:\MINUTES\2003 PC Minutes\Final\04-08-03 Regular Meeting_Final.doc

The meeting was called to order at 7:32 p.m. by James Moseley in the Lower Level Conference Room.

PRESENT	Henry W. Allemon W. Stan Godlewski James C. Moseley James R. Peard Carolyn Glosby, Asst City Attorney Sergeant Thomas J. Gordon Pat Gladysz	ABSENT	Max K. Ehlert, Chairman Alex Bennett Anita Elenbaum Stephanie Robotnik, Student Rep

Moved by H. Allemon, seconded by S. Godlewski, to EXCUSE the absent members. APPROVED unanimously

Moved by H. Allemon, seconded by J. Peard, to APPROVE the minutes of the February 10, 2003 meeting as printed. APPROVED unanimously

AGENDA ITEMS:

1. **WENDYS MARKET, INC.**, requests to **transfer ownership** of 2002 SDD & SDM licensed business located at 6037 Rochester Rd., Troy, Oakland County, from Kelly's Market, Inc. [MLCC REQ ID #197181]

Present to answer questions from the committee were Shenelle Hallic, Widad Hallic, and Amir Hallic.

The Hallic family has purchased this business. New name of store will be Kelly's Liquor & Lotto. They are making no changes to the store's present layout and will continue to sell the same items. At this time, they do not plan to hire anyone outside of their family to work in the store. They will schedule training in either the TIPS or TAMS program. They say they are familiar with Troy's liquor decoy operations.

Sgt. Gordon reported that the background investigation revealed no violations.

Moved by H. Allemon, seconded by S. Godlewski, to APPROVE the above request. APPROVED unanimously

2. **GABRIEL IMPORTED FOODS, INC.**, requests a **new Specially Designated Merchant (SDM)** licensed business located at 42889 Dequindre, Troy, MI 48085, Oakland County. [MLCC REF #177687]

Present to answer questions from the committee was Jamil Bouharb.

Mr. Bouharb has owned this 4,000 square-foot specialty market for 18 years. He sells European food, such as meats, nuts, olives, olive oil, cheese, and spices. He is requesting the SDM license to be able to sell specialty beer and wine to compliment his foods. Eastern European and Greek people constitute 90% of his clientele. He will make no changes to the layout of the store. He plans to schedule training in either the TIPS or TAMS program.

Sgt. Gordon reported that the background investigation revealed no violations.

The Committee requests that Mr. Bouharb provide a schematic diagram of the store indicating where the beer and wine will be displayed. This request will be tabled until this diagram is seen by the Committee.

Moved by J. Peard, seconded by S. Godlewski, to TABLE the above request.
APPROVED unanimously

Sgt. Gordon reported on the following general interest items:

- At the request of the City Administration, a survey of cities in the metro area was conducted on the issue of seating minimums in connection with granting liquor licenses
    - No other city has a minimum seating requirement; most other cities have requirements similar to Troy regarding zoning and parking issues
    - The Administration wants the Committee to continue enforcing the requirement
    - If the seating minimum is waived, the Committee needs to document the fact that this issue was discussed and waived due to the fact that it would benefit the overall community
- Fees are being restructured and will be effective 07/01/03
    - Class-C, B-Hotel, A-Hotel, Tavern, Club, SDD, SDM (new quota, transfer, resort) $1,000.00
    - Additional permit/Stock transfer requests $ 500.00
    - One-day liquor license $ 5.00
- Recent violations all resulted from liquor sting conducted by Directed Patrol Unit.

Moved by H. Allemon, seconded by S. Godlewski, to ADJOURN the meeting at 8:10 p.m.
APPROVED unanimously

/pg

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chairman Littman at 7:30 p.m. on April 22, 2003, in Conference Room "F" of the Troy City Hall.

1. ROLL CALL

Present	Absent
Gary Chamberlain	Cindy Pennington
Dennis A. Kramer	
Lawrence Littman	
Robert Schultz	
Walter Storrs	
Mark J. Vleck	
David T. Waller	
Wayne Wright	

Also Present
Mark F. Miller, Planning Director
Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Richard K. Carlisle, Carlisle/Wortman Associates
Kathy L. Czarnecki, Recording Secretary

Resolution

Moved by Waller Seconded by Chamberlain

RESOLVED, that Ms. Pennington be excused from attendance at this meeting.

Yeas	Absent
All present (8)	Pennington

MOTION CARRIED

2. MINUTES

March 25, 2003

Resolution

Moved by Storrs Seconded by Wright

RESOLVED to approve the March 25, 2003, Planning Commission Special/Study Meeting minutes as published.

Yeas	Abstain	Absent
Chamberlain	Vleck	Pennington
Kramer		
Littman		
Schultz		
Storrs		
Waller		
Wright		

MOTION CARRIED

April 1, 2003

Mr. Storrs requested that the April 1, 2003 minutes reflect the following revisions:

Page 2, Item 3, 2nd paragraph – Insert: "Chief Nelson stated that emergency accesses basically do not work. He noted that emergency accesses must be hard surfaced and visible and yet not look like cars should be using them."

Page 6, Item 9, 6th paragraph, correct typographical error so sentence reads: "…and noted that the petitioner cannot make a proposal that a particular feature may or may not be incorporated in the development."

Resolution

Moved by Storrs Seconded by Schultz

RESOLVED to approve the April 1, 2003, Planning Commission Special/Study Meeting minutes as corrected.

Yeas	Abstain	Absent
Chamberlain	Kramer	Pennington
Littman	Waller	
Schultz	Wright	
Storrs		
Vleck		

MOTION CARRIED

3. PUBLIC COMMENT

Phil Ode of 4508 Whisper Way, Troy, was present to speak. Mr. Ode referenced the FCC Rule Book with respect to the definition of amateur radio and amateur radio service and the section relating to emergency communication. Mr. Ode spoke briefly on the definition of "effective communication". Mr. Ode noted the higher an antenna is placed, the more interference and radiation are reduced. He stated that not one

antenna came down during the recent ice storm. Mr. Ode provided additional information to the Commission for its review in making a decision on amateur radio antennas.

Murray Scott of 3831 Kings Point, Troy, was present to speak. Mr. Scott cited definitions from the Webster dictionary for the words “effective” and “communication”, and arrived at a definition for “effective communication” as a means of producing a definite or desired result. Mr. Murray cited the FCC Rule Book, 97.15, Section E, with reference to the height of amateur radio antennas to reasonably accommodate amateur radio service. Mr. Murray circulated information titled “Effective Summary on Antenna Height and Communication Effectiveness”, inclusive of an illustration of the take off angle of signals. Mr. Murray gave a brief explanation of signal angles at different frequencies using a dipole.

The tape narrated by Walter Cronkite with respect to amateur radios will be shown at the May 6, 2003 Special/Study Meeting.

Barbara Jackson of 3035 Daley, Troy, was present to speak. Ms. Jackson questioned if the City plans to widen Big Beaver Road westbound from John R to Rochester.

Mr. Miller replied that the ultimate right-of-way has been acquired along Big Beaver Road and he believes it is the City’s intent to widen Big Beaver Road to three lanes in the future.

Chairman Littman assured Ms. Jackson that the Traffic Engineering Department would provide her with a more definitive answer.

4. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA-193) – Article 39.00.00 Parking Screen Wall Waiver

Mr. Miller reviewed the concerns and questions raised at the April 8th Public Hearing with respect to the minimum distance required between the property line and the parking lot and the requirement of a landscaped berm or a landscape buffer. Mr. Miller reported that the Mead property has been combined with the Section 1 Golf Course. He said the City Surveyor prepared the legal descriptions for the Assessing Department to officially combine the two properties, and subsequently the appropriate documents would be filed with the County. Mr. Miller stated that if in the future there was a request to split the combined property, the split would be reviewed administratively and public notification would not be required because the approved site plan for the Golf Course did not originally include the Mead property. Mr. Miller reported that currently a wall has been approved in the maintenance parking area of the Golf Course because City Council directed management to seek an alternative to the practical issue instead of seeking a variance from the Board of Zoning Appeals. He explained that if there were a future request by City Council for a waiver of the wall that

would create a distance requirement, a revised site plan would then be required for consideration of approval.

A brief discussion followed with respect to the minimum distance required between the property line and the parking lot. The Planning Department provided two options for the proposed text amendment: Option 1 provides a 50 foot requirement between the property line and parking lot for buffers and berms; and Option 2 provides a 50 foot requirement for berms and a 200-foot requirement for buffers.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Miller stated that Option 1 is not a viable option, and recommended Option 2 with a 75-foot requirement between the parking lot and property line, with a 4'6" high berm.

Resolution

Moved by Vleck Seconded by Storrs

RESOLVED, that the Planning Commission hereby recommends to City Council that ARTICLE XXXIX (ENVIRONMENTAL PROVISIONS) of the Zoning Ordinance, be amended to read as follows:

39.00.00 ARTICLE XXXIX ENVIRONMENTAL PROVISIONS

39.10.00 WALLS:

39.10.01 For those use districts and uses listed below there shall be provided and maintained on those sides abutting or adjacent to a residential District an obscuring wall as required below:

	District/Use	Requirements
(A)	P-1 Vehicular Parking District	4'-6" high wall
(B)	Off-street parking areas in residential Districts and C-F Districts	4'-6" high wall
(C)	B-1, B-2, B-3, H-S, O-1, O-M, O-S-C, R-C and M-1	6'-0" high wall

(D)	E-P Districts, when such are a part of a non-residential development site involving Non-Residential Zoning Districts.	4'-6" high wall
(E)	M-1 Districts - open storage area	6'-0" to 8'-0" high wall. See Article XXVIII, Section 28.25.02 and 28.30.04
(F)	Hospital ambulance and delivery areas	6'-0" high wall

(Rev. 10-7-96)

In those instances when a wall is required by Article 39.10.01(B) and there is a distance of at least two hundred (200) feet between the property line and the off-street parking area, the Planning Commission may permit a landscape buffer within the two hundred (200) foot distance, in lieu of the required wall. In those instances where there is less than two hundred (200) feet but at least seventy five (75) feet between the property line and the off-street parking area, the Planning Commission may permit a landscaped berm, in lieu of the required wall. The landscaped berms shall be at least four and one half (4.5) feet in height and the landscape buffer shall include at a minimum a double row of upright coniferous evergreen trees (pine or spruce species, as acceptable to the Department of Parks and Recreation). The plantings shall be a minimum of five (5) to six (6) feet in height, planted twenty (20) feet on center. The rows shall be spaced ten (10) feet apart and staggered ten (10) feet on center. The location of such landscape buffer or landscaped berm shall be determined by the Planning Commission.

Yeas	Absent
All present (8)	Pennington

MOTION CARRIED

5. PLANNING AND ZONING REPORT

Mr. Miller reported that the Planning and Legal Departments are working diligently on the re-writing of the Robertson Brothers proposal for Woodside Bible PUD.

Mr. Waller said that he heard Robertson Brothers would be moving a lot of earth and asked if that would affect the grade changes sufficiently to bring the site plan back to the Planning Commission.

Mr. Miller responded that the proposed grades were reviewed administratively by the Engineering Department; therefore, the site plan would not come back to the Commission.

Mr. Chamberlain questioned the status of the cross access easement between the Charleston Club and Harrington Park condominium complexes on Long Lake Road, west of Livernois.

Mr. Miller replied that he and Ms. Lancaster visited the site. Mr. Miller noted that Ms. Lancaster was not with the City at the time of site plan approval, but documentation of the site plan approval relating to the road interconnection was provided to Ms. Lancaster. Mr. Miller reported the cross access easement was removed at the Planning Commission meeting and a pedestrian interconnection was provided and agreed to by all parties.

Ms. Lancaster stated the Legal Department investigated the matter, and it appears that no action will be taken to remove the wall. She cited that there is a conflict between the Legal Department and City Management regarding the matter. Ms. Lancaster said that it appears one property owner is in support of removing the wall and the property owner of the other development is against removing the wall. Ms. Lancaster said that even though it was made a condition of the site plan approval, the development was built with the idea that the sidewalk would not go through. Ms. Lancaster believes that at the time of site plan approval, there was no provision to allow the Commission to require a sidewalk access. She said that based upon a dispute between the Legal Department, clarification of the ordinance, and what City Management feels should be done at that location, it is her understanding that there would be no action taken.

Mr. Chamberlain questioned City Management's involvement in the matter, and said that administratively City Management has no right to revise a site plan that was approved by the Planning Commission.

Ms. Lancaster asked that the minutes reflect tonight's conversation and suggested Mr. Chamberlain contact both the City Attorney's office and City Management to advise them of his conclusion.

Mr. Chamberlain stated his conclusion is the site was not built per the approval of the Planning Commission and that the City Legal Department, as a representative of the Planning Commission, should take action to ensure the site is developed as approved.

Ms. Lancaster said it is her understanding that there was no authority within the ordinance to approve the cross access sidewalk, and noted she is not sure that cross access sidewalk is defined in the ordinance.

Mr. Wright, who was on the Commission at the time of site plan approval, said he pushed unsuccessfully for a cross access street easement to preclude people from having to go out to Long Lake Road to visit someone who lives 50 feet away. Mr. Wright recalls that the developer was reluctant to provide sidewalk access because he

wanted a walled community but he knew that he would not get approval from the Commission unless one was provided.

Ms. Lancaster asked if Mr. Wright recalled if the owner of the smaller property agreed to the sidewalk access on record.

Mr. Wright said he was sure he did because the plan was approved that night with the condition that a cross access easement would be provided.

Resolution

Moved by Waller Seconded by Storrs

RESOLVED, that Planning Commission members be provided pertinent meeting minutes of the discussion for both the first project and second project; and

BE IT FURTHER RESOLVED, if the disagreement among City department heads continues, that paperwork be provided to reflect exactly what the disagreement is and legal justification for it.

Yeas	Absent
All present (8)	Pennington

MOTION CARRIED

6. BOARD OF ZONING APPEALS REPORT

Mr. Vleck reported on the April 15, 2003 BZA meeting.

1053 Hartwig – Sunroom Addition

The BZA granted relief of the ordinance to construct a rear sunroom addition from the existing detached garage.

5231 Crowfoot – Family Room Addition (Hot Tub)

The BZA tabled the request for relief of the rear yard setback to construct a family room addition to allow the petitioner to explore other configurations.

795 Randall – Two Story Addition

The BZA granted relief of the front yard setback.

7. SUB-COMMITTEE REPORTS

Amateur Radio Antenna

Refer to agenda item #11.

Gateway

Mr. Chamberlain reported the Gateway sub-committee would be meeting Thursday, April 24, at 10:00 a.m. to discuss the location of gateway signage for the proposed Sterling Corporate Center PUD.

Special Use

Mr. Chamberlain reported the committee is ready to present proposed revisions to the Special Use text to the Commission.

8. DOWNTOWN DEVELOPMENT AUTHORITY REPORT

Mr. Miller reported that the April 16, 2003 Downtown Development Authority meeting was cancelled.

9. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) – Proposed Rochester Commons P.U.D., North side of Big Beaver, East of Rochester Road, Section 23 – R-1E

Mr. Miller reported the most current PUD material has been provided to the Commission and noted that neither the Planning Department nor the Planning Consultant have completed their reviews. Mr. Miller reminded the Commission that the item is scheduled for the May 13, 2003 Regular Meeting.

Mr. Carlisle reported results of the traffic impact study revealed the proposed PUD project would generate one-third less traffic than a potential office site development. Further, the traffic impact study documented that there would be no car stacking concerns on Urbancrest during morning hours. Mr. Carlisle reported that FEMA is in the process of revising its floodplain maps as a result of a drain project, and noted the existing floodplain boundary on the proposed site would be eliminated. He stated the petitioner has provided details on detention fencing and clarification on parking dimensions. In summary, Mr. Carlisle said he is satisfied the petitioner has addressed the majority of issues and the plan looks good.

Mr. Miller stated the PUD ordinance requires the petitioner to have control of the PUD property. Further he reported that the offer to purchase the City's property is before City Council for approval at their April 28, 2003 meeting.

A brief discussion followed with respect to the proposed grades and engineering drawings. The petitioner said he would provide the Commission with a more user-friendly engineering drawing. In addition, the petitioner said that sample building materials would be provided at the May 13, 2003 Regular Meeting.

Mr. Storrs requested the Planning Department provide the Commission with a list of public comments and how the petitioner has addressed them.

There was discussion with respect to the keyhole piece of property owned by the Jackson family. The petitioner stated that he has prepared final landscape plans with two options: one to allow for the possible vacation of the alley and one without the vacation of the alley. Mr. Miller stated that he would confirm if the vacation is a necessary step in the process.

There was a brief discussion on bituminous sidewalks versus concrete sidewalks. The petitioner stated he would provide the type of sidewalk the City desires.

Chairman Littman requested the proposed PUD-2 be placed on the May 6, 2003 Special/Study Meeting agenda.

10. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-3) – Proposed Sterling Corporate Center, North side of Big Beaver, West of I-75, Section 21 – O-S-C

Mr. Miller reported that there has not been any additional information submitted by the petitioner.

Mr. Carlisle summarized the considerations that led to his recommendation that the proposed project does not meet PUD requirements. Mr. Carlisle cautioned the City as well as the petitioner that a positive finding must be made that the PUD ordinance criteria are met. He stated that because of the constraints taken on by the petitioner as a result of third party negotiations (i.e., limitation on height of the building, building illumination restrictions to the north and west), he felt constrained in making recommendations. It is Mr. Carlisle's opinion that the difficulties faced by the petitioner relating to the issues of assemblage are not pertinent to the PUD criteria.

Mr. Carlisle believes the economic feasibility of the project has been influenced more by the third party agreements the petitioner entered into than any requirement imposed by the City to date. Mr. Carlisle stated that the history of the Magna property is not relevant to the PUD ordinance. He advised the Commission to be very careful about setting a precedent with respect to allowing increased density based upon the "underutilization" of neighboring property, and noted there are a multitude of properties along Big Beaver that are underutilized. Mr. Carlisle confirmed that the proposed project is of high quality, but noted any "signature" project is expected to be of high quality. He cited Somerset Mall is a high quality, "signature" project that was developed without the benefit of a PUD.

Mr. Wright believes the restrictions on the property are both third party imposed and City imposed. He said that personally he could not see a 3-story building on the site as a “signature” development and even though the proposed project may not meet PUD criteria, he would like to see the project move forward.

Mr. Vleck agreed with Mr. Wright and believes gaining back control of the site leads more credence as to why a PUD is a useful tool.

Mr. Chamberlain said approving the proposed project when it does not meet the PUD ordinance sets precedence, and the proposal should not leave the Planning Commission until all PUD requirements are met.

Mr. Storrs questioned the economic feasibility of placing residential apartments on the top floor of the proposed project.

Mr. Carlisle said he believes there is no market for residential at this particular location.

Mr. Kramer said he does not see one element of the proposed project that makes it any better than most of the other high rise office development along Big Beaver Road, and noted that he could not at this point approve the project under the PUD ordinance.

Mr. Miller reported that staff reviewed the Big Beaver Road corridor to determine what properties had excess development potential when the City was considering an Overlay Zoning District. He reported that nearly every single piece of property had excess development potential for a variety of reasons. He noted the biggest reason is that developments cannot be maximized if they do not have a parking structure. Mr. Miller questioned if residential development had underused development capacity, could units be transferred? He cautioned the Commission with the direction of allowing transfer of development rights. Mr. Miller stated there is nothing that restricts Magna from developing their site, if the proposed PUD is approved and deed restrictions are amended.

Mr. Carlisle pointed out the distinction between “transfer of development rights” and permitting density bonuses which is allowable under the ordinance for projects possessing exemplary characteristics. He suggested the Commission look at what the existing development density of the property could be under its current zoning versus what is being proposed, and encouraged members to base their determination on the merits of the project and specific measurements under the criteria of the PUD.

Chairman Littman confirmed the item was tabled to the May 13, 2003 Regular Meeting.

Chairman Littman requested a 5-minute recess at 9:27 p.m.

The meeting reconvened at 9:35 p.m.

11. ORDINANCE REVISION DISCUSSION – Height Limits for Amateur Radio Antennas (ZOTA #180)

Sub-committee Report

Mr. Kramer thanked Messrs. Ode and Scott for their patience and information. He reported that the sub-committee has been unable to reach a conclusion and that each sub-committee member would provide individual reports.

Mr. Kramer circulated and read his report. Mr. Kramer's conclusion is that the Zoning Board of Appeals shall review the evidence that the amateur radio operator presents and based upon that evidence, take a close look at a height variance that may or may not be required to yield effective communications. He noted the ZBA could seek the advice of outside experts to interpret the evidence and make a finding.

Mr. Wright agrees with Mr. Kramer and with the proposed ordinance changes provided by the Planning Department that gives direction to the ZBA in its review process for granting a variance to a ham radio operator. Mr. Wright indicated his observation within one subdivision that has a proliferation of rusty and unsightly antennas and said he would not want an antenna next to his house.

Mr. Vleck believes amateur radio operators provide a very valuable public service. It is his belief that antennas are aesthetically more pleasing if they are placed higher in the air. He said amateur radio operators are required by law not to create over-exposure of radio frequencies, and noted the higher the antenna, the lower the exposure. Mr. Vleck cited two cell towers to compare in height and aesthetics are the northwest corner of Wattles and John R and the southwest corner of Maple and Rochester Roads. Mr. Vleck's definition of "effective communication" is the ability to transmit and receive signals under adverse and emergency situations. Mr. Vleck summarized the differences between his proposed changes to the ordinance and the revisions recommended by the Planning Department.

Ms. Lancaster informed the Commission that "effective communication" is not part of the FCC regulations. She said the term has come through case law, and noted other synonymous terms used in case law are "viable communication" and "successful communication". Ms. Lancaster cited the FCC regulations with respect to height limitation.

Chairman Littman reported briefly on his research of Radio Amateur Civil Emergency Service group (RACES). His understanding is that Lansing wishes to communicate within governmental agencies and there is no plan or desire to use amateur radio home setups as a communications operation. Chairman Littman said the Lansing coordinator indicated to him that in the case of a national emergency, the County would prefer that amateur radio operators not get on the air. Chairman Littman reported that Troy has set up an emergency communication process under the Fire Chief, and the group is not

a part of RACES. The Fire Chief's plan is to have portable units throughout the City to report back to the Troy central location.

Discussion continued relating to fall zones and antenna height standards implemented in other states.

It was the consensus of the Commission to publish for the June 10, 2003 Public Hearing the proposed text revisions as prepared by the Planning Department with one revision. Under Section 43.77.00, item "H" would be incorporated under Section 40.57.06. In addition, one typographical error under item "G", Section 43.77.00 – delete the word "of" in the second line.

12. WORK PROGRAM FOR PLANNING COMMISSION PROJECTS

Chairman Littman reviewed the planning tasks and designated time lines. He noted that the Maple Road Corridor Study and Rochester Road Corridor Study should be placed in a separate category. It was decided to combine Walls & Screening with Tree Preservation Ordinance and time line it for the 2nd quarter. The sub-committee for Tree Preservation and Walls & Screening is Messrs. Kramer, Waller and Vleck.

Chairman Littman said the work program would be published as revised and distributed appropriately.

13. PUBLIC COMMENT

Phil Ode of 4508 Whisper Way, Troy, stated that groups, such as RACES, MARS, and AIRES, consist of amateur radio operators who communicate from their homes. Mr. Ode spoke briefly on relay patterns, and noted that satellites are still used by amateur radio operators. He confirmed that technology is advancing very rapidly, but stated that amateur radios remain the only communication means that has not failed.

Murray Scott of 3831 Kings Point, Troy, stated that a lot of the new technology has been developed by amateur radio. He referenced the possibility of failure on the part of new technology, i.e., cell phones, and its dependency on amateur radio operators in emergency situations. Mr. Scott spoke briefly with respect to fall zones and referenced a current amateur radio operator who received a permit in 1986 to allow a 120-foot tower.

GOOD OF THE ORDER

Mr. Chamberlain suggested that site plan approvals incorporate sidewalks from the primary road sidewalk into commercial, business and office sites located on main roads. He also suggested that sub-committees prepare a matrix identifying project tasks. Mr. Chamberlain stated that the cell tower located on Wattles and John R is not aesthetically

pleasing because of the large amount of collocations placed on it. Mr. Chamberlain suggested that the cellular tower used by the Police and Fire Departments for emergency communications is a good prototype with respect to size and height for providing emergency communications throughout the City, and noted that with the changing times, there are other means for effective communications.

Mr. Kramer responded that the cellular tower used by the Police and Fire Departments is not applicable to amateur radio operators.

Mr. Waller prepared and circulated two memos: one with respect to the proposed PUD-3 Sterling Corporate Center, and the other with respect to the 2003-04 budget year for the Planning Commission. Mr. Waller noted that the budget memo refers to Municipal Planning, Act 285 of 1931, Sections 125.31 – 125.45 and asked that the Planning Department provide the Commission copies of the relevant State law.

Mr. Waller spoke briefly on his attendance at the American Planning Association Conference and said he would provide a full report at a later date.

Mr. Vleck clarified that he indicated the cell tower at Wattles and John R is an example to use as a comparison for the tower located at Maple and Rochester. He noted two other cell tower locations to view are M-59 and Dequindre and 14 Mile and Dequindre.

Mr. Kramer referenced an interesting article regarding public transportation in a recent MSP publication.

Mr. Storrs circulated an article relating to plastic grid applications as an alternative to grass pavers for overflow parking situations. Mr. Storrs also complimented the nicely landscaped Strathmore condominium complex.

Ms. Lancaster announced the Legal Department is in receipt of a lawsuit filed by Jimmy Isso, the petitioner for a rezoning request for a proposed gas station on the northwest corner of Wattles and Dequindre.

Mr. Miller stated his interest in hearing reports from Mr. Waller and Mr. Savidant on their attendance at the American Planning Association Conference in Denver, Colorado. He also reminded the Commissioners that there is no meeting the week of the Memorial Day holiday.

Mr. Miller reported he is attending a public comment session of the Michigan Land Use Council Forum on April 28, 2003 at the Wayne State Engineering Auditorium. Also, Mr. Miller said he had been contacted “Next Linx”, a company that provides communication facilities in stop signs, sewers, laptops, etc., claiming that it will take away the need for cell towers.

Mr. Schultz reported there is a Public Hearing scheduled at the April 28, 2003 City Council Meeting with respect to the parking variance request from Oakland Mall.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 10:47 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP
Planning Director

G:\MINUTES\2003 PC Minutes\Draft\04-22-03 Special Study_Final.doc

PARKS AND RECREATION ADVISORY BOARD
Minutes of April 24, 2003

Present:	Larry Jose, member	Jeff Stewart, member
	Orestes Kaltsounis, member	Kathleen Fejes, member
	Meaghan Kovacs, member	Janice Zikakis, member
	Doug Bordas, member	Ida Edmunds, member
	John Goetz, member	Tom Krent, member
	Carol K. Anderson, staff	Jeff Biegler, staff

Absent: Deanna Ned

Visitors: None

NEW BUSINESS

A. Budget - The budget was reviewed and discussed. Discussion included:

1. Capital - The capital budget is very conservative, down from past few years.

2. Parks and Recreation Operating budget.

3. Aquatics - Expenses are down, revenue is up.

4. Golf - Increase in rates and decrease in the number of rounds.

A motion by Tom Krent, supported by Janice Zikakis, to recommend that City Council approve the Parks and Recreation budget as presented.

Ayes: All Nays: None
MOTION CARRIED

B. Section One Golf Course Name - Discussion followed regarding the winner of the contest to name Section One Golf Course.

A motion by Doug Bordas, supported by Orestes Kaltsounis, that, in keeping with past practice for naming parks, the Parks and Recreation Advisory Board would like to review and make suggestions to City Council for the name of Section One Golf Course.

Ayes: All Nays: None
MOTION CARRIED

Respectfully submitted,

_____
Mary Williams

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chairman Littman at 7:30 p.m. on May 6, 2003, in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present	Absent
Gary Chamberlain	Dennis A. Kramer
Lawrence Littman	Cindy Pennington
Robert Schultz	Walter Storrs
Mark J. Vleck	Wayne Wright
David T. Waller	

Also Present
Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Kathy L. Czarnecki, Recording Secretary

Resolution

Moved by Chamberlain Seconded by Schultz

RESOLVED, that Mr. Kramer, Ms. Pennington, Mr. Storrs and Mr. Wright be excused from attendance at this meeting.

Yeas	Absent
All present (5)	Kramer
	Pennington
	Storrs
	Wright

MOTION CARRIED

2. MINUTES

April 8, 2003

Resolution

Moved by Vleck Seconded by Schultz

RESOLVED to approve the April 8, 2003, Planning Commission Regular Meeting minutes as published.

Yeas	Abstain	Absent
Littman	Chamberlain	Kramer
Schultz		Pennington
Vleck		Storrs
Waller		Wright

MOTION CARRIED

April 22, 2003

Mr. Chamberlain requested that his comments under the Good of the Order on page 13 be revised to state: "Mr. Chamberlain suggested that the cellular tower used by the Police and Fire Departments for emergency communications is a good prototype with respect to size and height for providing emergency communications throughout the City, and noted that with the changing times, there are other means for effective communications."

Resolution

Moved by Chamberlain Seconded by Vleck

RESOLVED to approve the April 22, 2003, Planning Commission Special/Study Meeting minutes as corrected.

Yeas	Absent
All present (5)	Kramer
	Pennington
	Storrs
	Wright

MOTION CARRIED

3. PUBLIC COMMENT

There was no one present who wished to speak.

4. PLANNING AND ZONING REPORT

Mr. Savidant reported the following items:

- A lawsuit has been filed by Jimmy Isso, the petitioner for a rezoning request for a proposed gas station on the northwest corner of Wattles and Dequindre that was denied by City Council.

- Oakland Mall is requesting another parking variance for an additional 88 parking spaces to accommodate a 4,000 square foot Krispy Crème Donut store; the item is tentatively scheduled for the June 2, 2003 City Council meeting.

- Pine Creek Ridge Site Condominiums and Maplewood Site Condominiums were approved by City Council at their April 28, 2003 meeting.

- City Council is holding a Study Session on Tuesday, May 13, 2003 to discuss financing options for the Civic Center.

- Participation in the Automation Alley SmartZone and the Local Development Finance Authority were approved by City Council at their May 5, 2003 meeting.

Chairman Littman announced the Planning Commission's work program is an agenda item for review and approval by City Council at their May 12, 2003 meeting.

5. SUB-COMMITTEE REPORTS

Amateur Radio Antenna – No report.

Gateway

Mr. Savidant reported that the Gateway Committee met with a representative of Professional Engineer Associates (PEA) with respect to gateway treatment for the proposed Sterling Corporate Center PUD. The PEA representative will provide examples of proposed gateway signage in the near future. Mr. Savidant also circulated pictures of gateway signs in Denver, Colorado and Kalamazoo, Michigan.

Special Use – No report.

6. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) – Proposed Rochester Commons P.U.D., North side of Big Beaver, East of Rochester Road, Section 23 – R-1E

Mr. Savidant reported that Mr. Jackson of 3035 Daley brought to the Planning Department's attention that the City proposes to widen westbound Big Beaver, south of the proposed development. The Engineering Department has confirmed that the road widening is projected for the year 2005. As a result, the landscape berm originally designed by the petitioner had to be modified to accommodate the road widening. Mr. Savidant reported that the petitioner has provided to the Commission a revised landscape plan and a user-friendlier grading plan.

The petitioner, Nick Donofrio of Tadian Development, 2038 Big Beaver, Troy, was present. Mr. Donofrio displayed "before and after" landscape renderings, and noted that the proposed widening greatly impacts the landscaping and resulted in a less elaborate landscape plan. Mr. Donofrio also detailed the final grading plan.

Mr. Chamberlain remarked that it is unfair to both the Planning Commission and the petitioner to receive findings such as this at the 11th hour.

Mr. Donofrio circulated various building materials and noted that additional materials would be available for examination at the May 13, 2003 Public Hearing. Mr. Donofrio confirmed that a report relating to homeowner comments would also be available at the May 13, 2003 Public Hearing.

7. ORDINANCE REVISION DISCUSSION – Height Limits for Amateur Radio Antennas (ZOTA #180)

The Planning Commission viewed the *Amateur Radio Today* video narrated by Walter Cronkite.

8. AMERICAN PLANNING ASSOCIATION – National Conference Report

Mr. Waller and Mr. Savidant reported favorably on their attendance at the American Planning Association National Conference held in Denver, Colorado.

9. ORDINANCE REVISION DISCUSSION – CR-1 One Family Cluster (ZOTA #200)

Mr. Savidant said the Planning Department recommends a complete overhaul of the cluster ordinance and asked for direction from the Commission.

After a short discussion, it was the consensus of the Commission to create a sub-committee comprising Mr. Chamberlain, Mr. Waller and Mr. Savidant.

As a side, Chairman Littman asked Mr. Vleck to initiate a Tree Preservation sub-committee meeting.

10. MICHIGAN PLANNING AND ZONING LAWS – Questions and Answers

Ms. Lancaster reviewed the Michigan Planning and Zoning Laws and noted that (1) the Municipal Planning, Act 285 of 1931 relates to the creation of a Planning Commission; (2) the City and Village Zoning Act, Act 207 of 1921 relates to the Planning Commission duties and responsibilities; and (3) the Land Division Act, Act 288 of 1967 relates to Planning Commission terminology.

Mr. Savidant referenced two points of interest in the legislation presented: (1) page 12 of the City Village and Zoning Act with respect to enabling legislation for the purchase of development rights (PDR) to save farm land and (2) page 6 of the Municipal Planning, Act 285 of 1931 with respect to approval of capital improvements by a Planning Commission.

A brief discussion followed.

11. BYLAWS

Ms. Lancaster reviewed the minor revisions made to the Bylaws as discussed at the April 1, 2003 Special/Study meeting.

A short discussion followed, primarily with respect to limiting the time of speakers at a public hearing. It was the consensus of the Commission to delete any references to time limits for speakers.

Mr. Waller suggested that the Bylaws be posted on the Planning Commission website, and further that the following paragraph be appropriately incorporated in the Bylaws:

> "The intent of the Troy Planning Commission shall be to understand and follow and live by all the rules and powers given to it by the State of Michigan Municipal Planning Act, Public Act 285 of 1931, as amended, the Zoning Enabling Act, Public Act 207 of 1921, as amended, and the Open Meeting Act, Public Act 267 of 1976, as amended, and the City of Troy Charter and Ordinances."

Ms. Lancaster noted additional minor revisions and will provide the revisions in final format at the June 3, 2003 Special/Study Meeting.

12. REVIEW OF MAY 13, 2003 REGULAR MEETING

Mr. Savidant reported that the Planning Department has received numerous phone calls with respect to the rezoning request (Z-689) for a proposed car wash located north of Maple, east of Livernois.

A discussion was held on the proposed Rochester Commons PUD-2 and Sterling Corporate Center PUD-3 with respect to their justifications in meeting the PUD criteria, their proposed amenities to the City and their quality of building materials.

13. PUBLIC COMMENT

There was no one present who wished to speak.

GOOD OF THE ORDER

Mr. Waller referenced the Lord & Taylor article in the *Troy-Somerset Gazette* that relates to parking requirements and noted that it is the Planning Commission's responsibility to assure that the City's current parking requirements are reasonable.

Mr. Schultz noted an interesting slant on the Lord & Taylor article with respect to granting a parking variance to maintain the viability of Oakland Mall. Also, Mr. Schultz gave a report on his attendance at the Training Program for Planning Commissioners, ZBA members and other elected officials presented by the Michigan Society of Planning.

Mr. Chamberlain stated that the training classes are also offered at the annual conferences held by the Michigan Society of Planning.

Ms. Czarnecki announced that the deadline to purchase tickets for the May 20th retirement party for Tony Pallotta is May 8.

Ms. Lancaster announced that relevant homeowners are suing both the City and the developer of the Freund Site Condominium development, citing that the City is responsible for the State review of site condominiums.

Mr. Savidant requested the name of the person who assisted Mr. Vleck at the Engineering Department counter when Mr. Vleck sought information on utility companies spray painting paver bricks within the City. Mr. Savidant said that City Management would like to look into the matter.

Mr. Vleck replied that he would provide the name to the Planning Department, and noted the Engineering Department offered him no assistance in the matter.

Ms. Lancaster reported that Mr. Miller provided the Commission with background information relating to the cross access easement between the Charleston Club and Harrington Park condominium complexes. She stated it appears the Planning Commission has a defendable position based upon the agreement reached with the developer and suggested that the Commission authorize the City Attorney's office to pursue the matter. Ms. Lancaster agreed to provide the Commission with draft language to authorize the City Attorney's office to look into the matter.

Chairman Littman and Mr. Waller reported that there has been a history of car dealerships changing their site plans without seeking approval from the Planning Commission.

Mr. Savidant stated he would look into the matter.

Chairman Littman requested that Mr. Savidant prepare a draft resolution for City Council requesting that the requirement to tape Planning Commission meetings for televising be relinquished for off-site meetings.

Mr. Vleck reported that it appears an office building located on the corner of Wattles and Dequindre is in violation of site plan compliance because of its dumpster location.

Mr. Savidant stated he would look into the matter.

ADJOURN

The Special/Study Meeting of the Planning Commission was adjourned at 9:45 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP
Planning Director

G:\MINUTES\2003 PC Minutes\Draft\05-06-03 Special Study_Draft.doc

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT – MAY 7, 2003

The Chairman, Leonard Bertin, called the meeting to order at 7:05 pm Wednesday, May 7, 2003.

Present:	L. Bertin, member	C. Buchanan, member
	A. Done, member	K. Gauri, member
	D. House, member	N. Johnson, member
	P. Manetta, member	D. Pietron, member
	N. Raheb, student rep	
Also Present:	M. Grusnick, staff	
	M. McGinnis, staff	
Absent:	S. Burt, alternate	D. Kuschinsky, member
	J. Rodgers, member	J. Shah, alternate

ITEM B – APPROVAL OF MINUTES OF MEETING OF APRIL 2, 2003

Gauri made a motion that the Minutes of April 2, 2003 be approved. Supported by House. All voted in favor.

ITEM C – VISITORS, DELEGATIONS AND GENERAL PUBLIC

Liz Lamoste (248) 641-9139 a member of Project Lead at Troy High School. Lamoste stated that Project Lead is a community-based organization made up of teachers and students that help Troy Daze with programs such as the MS walk. They will help the Committee for Persons with Disabilities set up for the Disabilities Fair on Thursday night of Troy Daze.

ITEM D – NEW BUSINESS

Bertin stated that the Disabilities R and D Fair should be renamed a shorter name that would be easier to remember. Buchanan suggested the name “Ability Expo”, since the word expo gives the feeling of something large. House made a motion to adopt “Ability Expo” for the name of the event on Thursday night of Troy Daze, Done seconded. All voted in favor.

Bertin will finalize the booth application form this month and names of all interested vendors should be given to him .

House recently visited Midtown Square Shopping Center, where she observed insufficient handicapped parking in front of the Michaels store and minimal handicap parking in some other areas.

House called Grand Swaka (Contractors of the shopping center) and Rick Kessler, City Commercial Plan Analyst, and discussed the handicapped parking at this shipping center.

Bertin made a motion that whereas there are several problem areas in existing developments and in an effort to avoid such problems in the future, this Committee recommends that City Council review and implement training for the Planning Commission to update knowledge as it pertains to ADA Parking and Barrier Free Design. Buchanan seconded the motion. All voted in favor.

ITEM E – REGULAR BUSINESS

ITEM F – OLD BUSINESS

In the April 2003 Minutes the Committee made a recommendation for criteria to identify a person with a disability for the purpose of receiving a discount on a golf cart at the Sylvan Glen Golf Course. In reviewing the section that " a doctors written diagnosis should be acceptable for obtaining the discount", it was decided that it should be revised to read " a doctors written diagnosis of a permanent disability would be acceptable for obtaining the discount" would be more acceptable.

Bertin stated that the City has hired Vickie Richardson for the position of Solid Waste Coordinator. She will be asked to attend the June meeting of this Committee to discuss the Home Chore Program.

Gauri was to ask Cindy Stewart if she could accommodate the Video of the Michigan Youth Leadership Forum on the City Television Station. Stewart will review the videotape, and ask if she would need permission from Lansing to show it.

ITEM G – INFORMATIONAL ITEMS

Members to attend the City Council meetings in May and June are:

May 12, 2003	K. Gauri and L. Bertin
June 2, 2003	C. Buchanan

Bertin learned at the last City Council meeting that Lord and Taylor will be locating at Oakland Mall and will be adding more handicap parking. This Committee would be interested in assisting Lord and Taylor with any questions about parking and is willing to review their plans.

ITEM H – Adjourn

House made a motion to adjourn the meeting at 8:18 pm. Gauri seconded the motion. All voted in favor.

MG:mm

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M., on Wednesday, May 7, 2003.

PRESENT:	Ted Dziurman	ALSO PRESENT:	Mark Stimac
	Rick Kessler		Ginny Norvell
	Bill Nelson		Pam Pasternak
	Tim Richnak		
	Frank Zuazo		

ITEM #1 – APPROVAL OF MINUTES – MEETING OF MARCH 19, 2003

Motion by Kessler
Supported by Richnak

MOVED, to approve the minutes of the meeting of March 19, 2003 as written.

Yeas: All – 5

MOTION TO APPROVE MINUTES OF MARCH 19, 2003 CARRIED

ITEM #2 – VARIANCE REQUEST. KESSIE KALTOUNIS, REPRESENTING ST. NICHOLAS GREEK ORTHODOX CHURCH, 760 W. WATTLES, for relief of Chapter 78 to put up 30 off-site signs to advertise the upcoming OPA Festival.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 78 to put up 30 off-site signs to advertise the upcoming OPA Festival, from June 23, 2003 through June 29, 2003. Section 14.03 of the Sign Ordinance limits the number of off-site signs to four (4).

Kessie Kaltounis was present and stated that this request is the same as the request they have made in previous years.

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

There are no written objections or approvals on file.

Motion by Richnak
Supported by Nelson

MOVED, to grant Kessie Kaltounis, representing St. Nicholas Greek Orthodox Church, 760 W. Wattles, relief of Chapter 78 to put up 30 off-site signs to advertise the upcoming OPA Festival.

- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #2 – con't.

Yeas: All – 5

MOTION TO GRANT REQUEST CARRIED

The Chairman moved Items #3, #4 and #5 to the end of the agenda to allow the petitioner the opportunity to be present.

ITEM #6 – VARIANCE REQUEST. AVER SIGN COMPANY, ON BEHALF OF MARATHON OIL, 1489 E. MAPLE, for relief of the Sign Ordinance to replace the existing ground sign.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to replace the existing ground sign. The site plan submitted indicates an 86 square foot sign, 20' in height and setback 4' from the East Maple Right of Way. Section 9.02.04 A, of the Ordinance requires that a sign this height and size be setback 20' from the Right of Way. The existing ground sign being replaced is 96 square feet, 20 feet in height, and is located approximately 2 feet from the Maple Road Right of Way.

Mr. Terry Ulch of Aver Sign Company was present and stated that the new sign would be smaller than the existing sign.

Mr. Richnak asked if the original sign required a variance and Ginny Norvell stated that at the time the original sign was installed it was in compliance; however, the Ordinance has changed and a variance is required for this sign.

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

There are no written complaints or objections on file.

Motion by Kessler
Supported by Nelson

MOVED, to grant Aver Sign Company, on behalf of Marathon Oil, 1489 E. Maple, relief of the Sign Ordinance to replace the existing ground sign setback 4' from the East Maple Right of Way.

- The new sign is, in fact, smaller than the existing sign.
- The new sign will be setback further than the existing sign.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect on surrounding property.

Yeas: All – 5

ITEM #6 – con't.

MOTION TO GRANT VARIANCE CARRIED.

ITEM #3 – VARIANCE REQUEST. JANELL GLEESON-GILARDONE, REPRESENTING LIBERTY PROPERTY TRUST, 1600 E. BIG BEAVER, for relief of the Sign Ordinance to install a 131 square foot ground sign, placed at a 20' setback from the Big Beaver Right of Way and at a zero setback from the Bellingham Right of Way.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to install a 131 square foot ground sign, placed at a 20' setback from the Big Beaver Right of Way and at a zero setback from the Bellingham Right of Way. The property in question is in the M-1 (Light Industrial) Zoning District. This sign is intended to identify the entrance to the adjacent Big Beaver Business Park. The sign is designed in a semi-circular pattern, however we have calculated the area of the sign as if laid out flat. Section 9.02.05 A, of the Sign Ordinance limits the size of ground signs to 100 square feet. Section 9.01, Table A of the Ordinance requires that signs be placed with at least a 10' setback from any Right of Way. The site plan submitted shows placement of the sign with a 20' setback from the Big Beaver Right of Way; however, with a zero setback from the Bellingham Right of Way.

Janell Gleeson-Gilardone was present and stated that the new sign would allow greater visibility for on coming traffic and would in fact result in greater safety as greater visibility would allow more time for traffic to make their turn into the Business Park.

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

There are no written objections or approvals on file.

Mr. Richnak asked if there was anything in the Ordinance that covers signage for Industrial Zoned parks. Mr. Stimac said that the Ordinance covers signage for residential subdivision entranceway signs, but that there is nothing in the Ordinance to cover industrial subdivision signs.

Mr. Richnak then asked if there were other sites in Troy, which has identifying signs. Mr. Stimac said there was the Robbins Executive Park West, and Ms. Norvell also pointed out that there were signs at the Northfield Hills Corporate Center.

Ms. Gilardone explained that although the entire sign is 131 square feet, only the center portion, made of anodized aluminum, would carry any wording. She also noted that the reason they need to place the sign in this location is so that it would be symmetrical with the sign across the street. The location of that sign is very restricted due to existing easements.

ITEM #3 – con't.

Mr. Richnak asked what they were going to do with the existing retaining wall and Ms. Gilardone indicated that the wall would be removed. Ms. Gilardone also indicated that she had included an artist rendering of what the project would look like when it was completed. Ms. Gilardone also indicated that the size of the proposed sign would be significantly smaller than the existing retaining wall.

Motion by Kessler
Supported by Richnak

Moved, to grant Janell Gleeson-Gilardone, Representing Liberty Trust, 1600 E. Big Beaver, relief of the Sign Ordinance to install a 131 square foot ground sign, placed at a 20' setback from the Big Beaver Right of Way and at a zero setback from the Bellingham Right of Way.

- The actual message area of the sign is less than 100 square feet.
- New sign will allow greater visibility to on coming traffic.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: All – 5

MOTION TO GRANT REQUEST CARRIED

ITEM #4 - VARIANCE REQUEST. JANELL GLEESON-GILARDONE, REPRESENTING LIBERTY PROPERTY TRUST, 1750 E. BIG BEAVER, for relief of the Sign Ordinance to install a 131 square foot ground sign, placed at a 20' setback from the Big Beaver Right of Way.

Mr. Stimac explained that the petitioner is requesting relief of the Sign Ordinance to install a 131 square foot ground sign, placed at a 20' setback from the Big Beaver Right of Way. The property in question is in the R-C (Research Center) Zoning District. This sign is intended to identify the entrance to the Big Beaver Business Park. The sign is designed in a semi-circular pattern, however we have calculated the area of the sign as if laid out flat. Section 9.02.03, B of the Sign Ordinance requires signs of this size to be a minimum of 30 feet from the road Right of Way. In addition, the Ordinance limits the site to one primary ground sign. There is already a 96 square foot ground sign identifying the office building on the site.

Janell Gleeson-Gilardone was present and stated that they wished to put this sign to identify this building and would be placed equi-distant from the sign erected at 1600 E. Big Beaver. Ms. Gilardone stated that this would create greater visibility for traffic coming from either the east or west side of Big Beaver. Ms. Gilardone also explained that the existing construction sign would be removed once construction was completed and this ground sign would be installed.

ITEM #4 – con't.

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

There are no written complaints or approvals on file.

Mr. Richnak stated that he had noticed that with all the easements this site is limited on space to locate a sign and also that there exists a drainage swale. Mr. Richnak asked what the plans were for this area. Ms. Gilardone said that they plan to bring the sign up to ground level, however, will maintain the swale.

Mr. Stimac indicated that although after removal of the other ground sign this site could have a sign of this size, the appeal was written in such a way that the building on the site would still be able to have there own ground sign to identify the building and not be burdened by the entranceway sign.

Motion by Richnak
Supported by Kessler

MOVED, to grant Janell Gleeson-Gilardone, representing Liberty Property Trust, 1750 E. Big Beaver, relief of the Sign Ordinance to install a 131 square foot ground sign, placed at a 20' setback from the Big Beaver Right of Way.

- Locations of existing easements make locating the sign difficult.
- The area of the entranceway sign should not preclude the building on this site from having their own identification sign.
- Variance would not be contrary to public interest.
- Variance will not have an adverse effect to surrounding property.

Yeas: 4 – Nelson, Richnak, Zuazo, Kessler
Nays: 1 – Dziurman

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – VARIANCE REQUEST. ASI SIGNS SYSTEMS, 2600 BELLINGHAM, for relief of the Ordinance to install a second ground sign, which is 21 square feet in size at 2600 Bellingham.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to install a second ground sign, which is 21 square feet in size at 2600 Bellingham. Section 9.02.05, A of the Sign Ordinance limits this site to one ground sign, up to a maximum of 100 square feet. A 30 square foot ground sign already exists on this site.

Ms. Janell Gleeson-Gilardone stated she was representing ASI Signs Systems and Liberty Property Trust. Ms. Gilardone indicated that they wished to install this sign in

ITEM #5 – con't.

order to identify a second major tenant. Ms. Gilardone also said that with the installation of this second ground sign they would still be 49 square feet less than what is allowed by the Ordinance. This sign would be located in the area of the flowerbeds and would indicate a private entrance for this tenant. Ms. Gilardone further stated that they feel a wall sign would detract from the aesthetics of the park, and a ground sign would be more in keeping with the area.

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

There are no written approvals or objections on file.

Motion by Nelson
Supported by Kessler

MOVED, to grant ASI Signs Systems, 2600 Bellingham, relief of the Ordinance to install a second ground sign, which is 21 square feet in size.

- The total area of ground signs is still half of what is allowed by ordinance.
- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- There are no complaints or objections on file.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

Mr. Stimac took a poll to determine if the July 2, 2003 meeting should be changed but the majority of members indicated that they would be able to attend that meeting.

The Building Code Board of Appeals meeting adjourned at 8:55 A.M.

MS/pp

The meeting was called to order at 7:30 p.m. by James C. Moseley in the Lower Level Conference Room.

PRESENT	Henry W. Allemon Alex Bennett Anita Elenbaum W. Stan Godlewski James C. Moseley James R. Peard Carolyn Glosby, Asst City Attorney Sergeant Thomas J. Gordon Pat Gladysz	ABSENT	Max K. Ehlert, Chairman Stephanie Robotnik, Student Rep

Moved by J. Peard, seconded by S. Godlewski, to EXCUSE the absent members. APPROVED unanimously

Moved by J. Peard, seconded by S. Godlewski, to APPROVE the minutes of the April 14, 2003 meeting as printed. APPROVED unanimously

AGENDA ITEMS:

1. **GABRIEL IMPORTED FOODS, INC.**, requests a **new Specially Designated Merchant (SDM)** licensed business located at 42889 Dequindre, Troy, MI 48085, Oakland County. [MLCC REF #177687] *Second appearance by applicant, tabled at April 14, 2003 meeting.*

Present to answer questions from the committee were Jamil and Debra Bouharb.

Mr. Bouharb has owned this 4,000 square-foot specialty market for 18 years. He is requesting the SDM license to be able to sell specialty beer and wine to compliment his food sales. He provided a schematic diagram of the store which showed that the beer and wine would be located on the north wall. He attended TIPS program on May 4, 2003.

A. Bennett inquired as to the number of parking spaces available at the store. Mr. Bouharb answered the question and indicated there was ample parking in the front and rear of the store.

Sgt. Gordon reported that all inspections have been approved.

Moved by S. Godlewski, seconded by H. Allemon, to APPROVE the above request. APPROVED unanimously

2. **MAR-TY, LLC AND MARRIOTT INTERNATIONAL, INC**., 200 W. Big Beaver, Troy, Oakland County, request to **transfer** ownership of 2002 **B-Hotel** licensed business with Dance-Entertainment Permit, Official Permit (food), and 8 bars from CHC REIT Lessee Corp.; PA Troy Hospitality Investors LP, and, CHC REIT Management Corporation (step II). Request to **add** Marriott International, Inc. as **co-licensee** in 2002 **B-Hotel** licensed business with Dance-Entertainment Permit, Official Permit (food) and 8 bars (step III). [MLCC REQ ID# 95266]
Step I previously granted by Committee on August 13, 2001

Present to answer questions from the committee were Randall Whately, attorney for Marriott International, and Thomas Leone, Hotel Manager.

Sgt. Gordon reported that this item was brought to his attention by an investigator in Lansing and is merely a paperwork technicality. This matter is brought before the committee as a formality.

Mr. Whately answered questions from the committee regarding the ownership of the hotel. He stated that this hotel was built 13 years ago.

Moved by J. Peard, seconded by H. Allemon, to APPROVE the above request.
APPROVED unanimously

Sgt. Gordon distributed information and reported on the following general interest items:

- A memo dated 04/02/03 to City Council outlines the criteria for seating requirement at class C establishments.
- A memo dated 04/28/03 to City Council states that 103 licensed liquor establishments were visited during March and April as part of a liquor sting by the Directed Patrol Unit. There were five violations.
- A memo dated 04/26/03 to City Council outlines a resolution passed recommending a non-renewal of the SDD and SDM liquor license for Rite Aid on John R and Wattles. The Michigan Liquor Control Commission returned the resolution stating that they have no authority to take the recommended action.
- A new restaurant, Noodles & Company, is rebuilding at the former site of Denny's at Crooks and Big Beaver.
- Chola Garden at South Boulevard and Crooks is requesting a quota Class C license.

J. Moseley commented on the Rite Aid memo and questioned whether the Committee could use the violation history of a corporation to deny requests for additional licenses. Sgt. Gordon responded that the committee would have to consider the requests on a case-by-case basis. He also noted that denials may be overturned in Lansing. Assistant City Attorney C. Glosby commented that a rejection on the basis of violation history certainly seems to be one with reasonable basis.

A. Bennett questioned a portion of the Rite Aid memo as to which liquor laws the Community Coalition is pursuing to modify. Sgt. Gordon responded that the State of Michigan was considering changing the blood alcohol level from the current .1 to .08. Assistant City Attorney C. Glosby commented that the State may lose federal road funds if the blood alcohol level is not reduced.

J. Moseley introduced A. Bennett as a new member of the committee. A. Bennett spoke briefly about himself.

Moved by A. Bennett, seconded by A. Elenbaum, to ADJOURN the meeting at 8:10 p.m.
APPROVED unanimously

/pg

CITY OF TROY

MONTHLY FINANCIAL REPORT

30-Apr-03

For the Period Ending April 30, 2003

CITY OF TROY GENERAL FUND

Description	Last Year Actual	2002-03 Budget	Current Month	Year To Date	%
GENERAL FUND REVENUES					
TAXES	29,085,526	30,313,690	27,207-	30,475,350	100.53
BUSINESS LICENSES & PERMITS	41,334	47,200	2,484	34,793	73.71
NON-BUS. LICENSES & PERMITS	1,480,799	1,525,500	93,091	1,018,917	66.79
FEDERAL GRANTS	69,453	88,400	3,154	189,585	214.46
STATE AGENCIES	8,492,956	8,138,000	797	5,697,363	70.01
CONTRIBUTIONS-LOCAL	159,268	95,800	1,856	12,730	13.29
CHARGES FOR SERVICES - FEES	1,030,349	983,600	109,430	705,567	71.73
CHARGES FOR SERVICES - REND.	1,888,342	1,519,100	161,302	684,600	45.07
CHARGES FOR SERVICES - SALES	163,712	122,500	3,223	27,770	22.67
CHARGES FOR SERVICES - REC	1,833,253	2,324,000	143,673	1,840,996	79.22
FINES & FORFEITS	1,171,749	905,000	80,224	768,492	84.92
INTEREST AND RENTS	1,155,235	1,317,700	39,231	558,729	42.40
OTHER REVENUE	364,693	330,200	8,932	344,445	104.31
OTHER FINANCING SOURCES	8,987,970	7,870,950	0	7,825,314	99.42
TOTAL GENERAL FUND REVENUE	55,924,639	55,581,640	620,190	50,184,651	90.29
EXPENDITURES					
LEGISLATIVE	1,705,181	1,872,490	124,034	1,525,130	81.45
FINANCE	3,919,479	4,602,740	335,854	3,542,227	76.96
OTHER GEN GOVERNMENT	1,979,299	2,239,420	126,950	1,664,892	74.34
POLICE	19,673,920	20,575,040	1,444,366	16,491,406	80.15
FIRE	3,313,576	3,480,250	165,021	2,950,017	84.76
BUILDING INSPECTION	1,697,480	1,893,800	140,344	1,488,628	78.61
STREETS	4,495,513	5,420,550	418,505	3,931,039	72.52
ENGINEERING	2,634,796	2,960,850	193,297	2,179,812	73.62
RECREATION	6,182,359	7,789,320	412,326	5,694,461	73.11
LIBRARY	4,042,658	4,737,180	247,389	3,663,381	77.33
TRANSFERS OUT	2,919,290	10,000	0	10,000	100.00
TOTAL GEN FUND EXPENDITURES	52,563,551	55,581,640	3,608,086	43,140,993	77.62

CITY OF TROY
Monthly Financial Report
Refuse Fund
For the Period Ending April 30, 2003

REFUSE FUND

Description	Last Year Actual	2002-03 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	3,636,077	3,793,000	4,140-	3,800,178	100.19
CHARGES FOR SERVICES - REND.	195	0	0	205,650	.00
CHARGES FOR SERVICES - SALES	726	500	45	609	121.80
INTEREST AND RENTS	88,981	80,000	4,089	50,501	63.13
OTHER FINANCING SOURCES	0	280,340	0	280,340	100.00
TOTAL REVENUE	3,725,979	4,153,840	6-	4,337,278	104.42
EXPENDITURES					
CONTRACTORS SERVICE	3,504,018	3,965,000	215,510	2,977,754	75.10
OTHER REFUSE EXPENSE	44,674	51,280	1,875	43,099	84.05
RECYCLING	122,584	137,560	8,695	96,718	70.31
TOTAL EXPENDITURES	3,671,276	4,153,840	226,080	3,117,571	75.05

CITY OF TROY
Monthly Financial Report
Capital Fund
For the Period Ending April 30, 2003

CAPITAL FUND

Description	Last Year Actual	2002-03 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	7,228,347	7,405,000	8,080-	7,417,214	100.16
FEDERAL GRANTS	30,964	92,000	0	62,491	67.93
STATE AGENCIES	2,930,151	3,265,850	0	2,257,605	69.13
CHARGES FOR SERVICES - REND.	292,350	175,000	9,590	114,028	65.16
INTEREST AND RENTS	581,734	600,000	29,212	368,478	61.41
OTHER REVENUE	268,193	573,000	2,500	279,017	48.69
OTHER FINANCING SOURCES	28,849,908	36,138,710	0	36,138,710	100.00
TOTAL REVENUE	40,181,647	48,249,560	33,222	46,637,543	96.66
EXPENDITURES					
FINANCE	179,548	59,700	0	7,995	13.39
OTHER GEN GOVERNMENT	66,904	1,016,000	22,386	121,778	11.99
POLICE	148,061	1,663,790	64,604	274,681	16.51
FIRE	628,392	1,342,020	160,418	439,466	32.75
BUILDING INSPECTION	1,597	163,000	5,842	16,467	10.10
STREETS	21,866,829	26,031,350	763,177	9,286,338	35.67
ENGINEERING	66,741	70,940	0	11,020	15.53
RECREATION	4,435,493	12,968,850	757,064	7,834,325	60.41
LIBRARY	621,894	719,030	25,922	97,499	13.56
MUSEUM	281,845	1,655,350	20,135	116,304	7.03
PLANNING	0	25,000	0	0	.00
STORM DRAINS & RET PONDS	2,691,789	1,386,980	53,517	352,083	25.38
INFORMATION TECHNOLOGY	272,893	1,147,550	9,118	103,761	9.04
TOTAL EXPENDITURES	31,261,986	48,249,560	1,882,183	18,661,717	38.68

For the Period Ending April 30, 2003

SYLVAN GLEN GOLF COURSE FUND

Description	Last Year Actual	2002-03 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	42,183	46,200	5,770	28,870	62.49
CHARGES FOR SERVICES - REC	1,142,797	1,243,800	101,917	767,382	61.70
INTEREST AND RENTS	83,851	100,000	9,120	115,846	115.85
OTHER REVENUE	768-	0	106-	9,725-	.00
OTHER FINANCING SOURCES	178,440	180,690	0	180,690	100.00
TOTAL REVENUE	1,446,503	1,570,690	116,701	1,083,063	68.95
EXPENDITURES					
SYLVAN GLEN GREENS	853,995	914,600	51,833	684,092	74.80
SYLVAN GLEN PRO SHOP	340,820	404,090	36,173	250,912	62.09
SYLVAN GLEN CAPITAL	162,161	252,000	0	128,654	51.05
TOTAL EXPENDITURES	1,356,976	1,570,690	88,006	1,063,658	67.72

CITY OF TROY
Monthly Financial Report
Aquatic Center
For the Period Ending April 30, 2003

AQUATIC CENTER FUND

Description	Last Year Actual	2002-03 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REC	359,840	371,000	15,680	142,412	38.39
INTEREST AND RENTS	28,653	24,600	0	13,765	55.96
OTHER REVENUE	14	0	0	24	.00
TOTAL REVENUE	388,507	395,600	15,680	156,201	39.48
EXPENDITURES					
AQUATIC CENTER	534,176	609,700	20,282	317,392	52.06
CAPITAL	14,148	50,000	0	0	.00
TOTAL EXPENDITURES	548,324	659,700	20,282	317,392	48.11

CITY OF TROY
Monthly Financial Report
Sewer Fund
For the Period Ending April 30, 2003

SEWER FUND

Description	Last Year Actual	2002-03 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	161,126	250,000	7,644	144,487	57.79
CHARGES FOR SERVICES - REND	7,635,479	8,060,000	472,961	5,989,068	74.31
INTEREST AND RENTS	501,018	775,000	29,435	245,582	31.69
OTHER REVENUE	762,994	10,000	0	0	.00
TOTAL REVENUE	9,060,617	9,095,000	510,040	6,379,137	70.14
EXPENDITURES					
ADMINISTRATION	6,853,994	7,269,870	613,639	6,532,714	89.86
MAINTENANCE	1,356,648	1,622,770	32,563	1,345,743	82.93
CAPITAL	3,109,914	3,315,020	369,870	988,939	29.83
TOTAL EXPENDITURES	11,320,556	12,207,660	1,016,072	8,867,396	72.64

For the Period Ending April 30, 2003

WATER FUND

Description	Last Year Actual	2002-03 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	832,099	576,000	96,895	763,356	132.53
CHARGES FOR SERVICES - SALES	8,803,580	9,228,000	503,246	6,898,866	74.76
INTEREST AND RENTS	630,238	894,000	22,658	328,945	36.79
OTHER REVENUE	1,148,080	0	0	0	.00
TOTAL REVENUE	11,413,997	10,698,000	622,799	7,991,167	74.70
EXPENDITURES					
ADMINISTRATION	7,048,086	8,214,050	432,959	6,242,168	75.99
TRANS AND DISTRIBUTION	141,616	145,370	12,767	149,914	103.13
CUSTOMER INSTALLATION	0	104,680	0	0	.00
CONTRACTORS SERVICE	175,735	195,290	7,147	127,437	65.26
MAIN TESTING	92,429	183,170	4,367	48,254	26.34
MAINTENANCE OF MAINS	355,461	326,370	36,372	323,720	99.19
MAINTENANCE OF SERVICES	219,095	191,760	21,970	204,853	106.83
MAINTENANCE OF METERS	173,203	246,970	16,529	168,020	68.03
MAINTENANCE OF HYDRANTS	267,294	327,130	16,652	194,368	59.42
METERS AND TAP-INS	220,830	344,720	23,175	127,716	37.05
WATER METER READING	79,156	80,770	15,034	97,433	120.63
ACCOUNTING AND COLLECTING	42,215	55,550	6,081	51,481	92.68
CAPITAL	3,813,342	8,654,300	151,437	2,406,901	27.81
TOTAL EXPENDITURES	12,628,462	19,070,130	744,490	10,142,265	53.18

CITY OF TROY
Monthly Financial Report
Motor Pool
For the Period Ending April 30, 2003

MOTOR POOL FUND

Description	Last Year Actual	2002-03 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REND	3,949	5,000	0	0	.00
INTEREST AND RENTS	3,379,430	3,595,200	276,157	2,971,020	82.64
OTHER REVENUE	349,422	156,900	56,515	302,980	193.10
OTHER FINANCING SOURCES	1,064,140	1,760,280	0	1,760,280	100.00
TOTAL REVENUE	4,796,941	5,517,380	332,672	5,034,280	91.24
EXPENDITURES					
ADMINISTRATION	430,891	490,620	33,039	399,133	81.35
OPERATION AND MAINTENANCE	2,696,472	2,814,360	220,652	2,298,408	81.67
DPW FACILITY MAINTENANCE	317,676	336,260	17,294	263,467	78.35
CAPITAL	1,216,676	1,876,140	325,010	668,045	35.61
TOTAL EXPENDITURES	4,661,715	5,517,380	595,995	3,629,053	65.77

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
101	2003	5	2	7	REPUBLIC	2003	3	3	1.400	CD	257,399		257,398.75
										TOTAL			257,398.75
112	2003	5	1	9	ML	2002	11	14	1.240	TBILL	3,040,000		3,022,692.27
	2003	5	1	7	FLAGSTAR	2003	3	6	1.600	CD	2,018,308		2,018,308.33
	2003	5	8	9	ML	2002	11	21	1.260	TBILL	3,466,000		3,445,943.41
	2003	5	8	7	FLAGSTAR	2003	2	5	1.800	CD	2,014,680		2,014,680.36
	2003	5	8	7	FLAGSTAR	2003	2	6	1.800	CD	2,017,767		2,017,766.67
	2003	5	12	7	REPUBLIC	2003	3	13	1.300	CD	1,009,738		1,009,737.50
	2003	5	13	7	FLAGSTAR	2002	11	14	1.770	CD	1,003,521		1,003,520.83
	2003	5	15	7	FLAGSTAR	2002	11	27	1.600	CD	1,004,225		1,004,225.00
	2003	5	22	9	ML	2002	12	18	1.240	TBILL	1,762,000		1,752,744.61
	2003	5	22	7	FLAGSTAR	2003	2	6	1.800	CD	1,008,071		1,008,070.83
	2003	5	27	7	MIDW	2003	3	25	1.500	CD	1,009,140		1,009,139.83
	2003	5	29	9	ML	2002	12	18	1.240	TBILL	2,803,000		2,787,611.53
	2003	5	29	7	FLAGSTAR	2003	2	28	1.600	CD	1,000,000		1,000,000.00
	2003	5	30	7	FLAGSTAR	2003	4	24	1.300	CD	1,028,789		1,028,789.25
	2003	6	5	9	ML	2002	12	18	1.230	TBILL	2,107,000		2,095,031.65
	2003	6	12	9	ML	2003	1	2	1.220	TBILL	2,151,000		2,139,456.30
	2003	6	12	7	FLAGSTAR	2003	3	20	1.520	CD	1,009,668		1,009,668.14
	2003	6	19	9	ML	2003	1	2	1.230	TBILL	2,101,000		2,089,136.35
	2003	6	24	7	MIDW GUART	2003	4	21	1.600	CD	2,098,474		2,098,474.42
	2003	6	26	9	ML	2003	1	9	1.200	TBILL	3,640,000		3,619,955.73
	2003	6	26	7	REPUBLIC	2003	3	20	1.300	CD	2,020,272		2,020,272.22
	2003	6	27	7	FLAGSTAR	2003	4	10	1.400	CD	1,012,462		1,012,461.79
	2003	6	30	8	FITB	1998	12	4	.790	LUG	1,409,601		1,409,600.74
	2003	6	30	8	HUNT BANK	2001	11	20	.740	LUG	513,011		513,011.20
	2003	6	30	8	FITB	2003	2	27	1.600	MAX SAVER	2,017,739		2,017,738.52
	2003	6	30	8	STAND FED	2003	3	27	1.270	MM	12,591,996		12,591,996.08
	2003	6	30	8	FITB	2003	4	3	1.000	M MKT	3,022,984		3,022,983.68
	2003	7	3	9	ML	2003	1	16	1.210	TBILL	2,488,000	13,569.96	2,474,183.31
	2003	7	3	7	FLAGSTAR	2003	1	30	1.750	CD	2,025,454	14,769.00	2,025,454.17
	2003	7	10	9	ML	2003	2	27	1.180	TBILL	2,423,000	9,603.15	2,412,616.10
	2003	7	17	9	ML	2003	3	6	1.150	TBILL	2,477,000	9,019.03	2,466,659.21
	2003	7	24	9	ML	2003	3	13	1.110	TBILL	2,104,000	6,943.78	2,095,527.31
	2003	7	31	9	ML	2003	3	20	1.140	TBILL	2,077,000	6,591.24	2,063,405.84
	2003	8	7	9	ML	2003	3	28		TBILL	3,553,000	10,297.78	3,538,539.29
	2003	8	14	9	ML	2003	4	3	1.080	TBILL	2,940,000	7,689.73	2,928,378.02
	2003	8	21	9	ML	2003	4	10	1.110	TBILL	2,473,000	6,065.03	2,463,041.37
	2003	8	21	9	ML	2003	4	21	1.180	TBILL	2,216,000	4,998.31	2,207,288.66
	2003	8	28	9	ML	2003	4	21	1.170	TBILL	2,836,000	6,341.61	2,824,313.32
	2003	9	4	9	ML	2003	4	25	1.150	TBILL	2,859,000	5,922.89	2,847,154.21
	2003	12	30	8	FITB	2003	4	10	5.000	FHR02-2513	3,700,000		2,969,451.66
	2003	12	31	8	FITB	2003	2	28	6.000	FHR03 6/18	1,430,794		684,582.53
	2003	12	31	8	FITB	2003	3	11	6.000	GNR02-8/31	3,500,000		1,679,309.30
	2003	12	31	8	FITB	2003	3	28	5.500	FNR03-1/32	2,000,000		2,000,000.00

7 = CD 8 = Paper 9 = T-Bills

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2003	12	31	8	FITB	2003	4	29	5.250	FHR03 8/31	3,000,000		3,000,000.00
	2003	12	31	8	FITB	2003	4	29	4.500	FHR02 2517	1,540,000		1,320,215.86
	2003	12	31	8	FITB	2003	4	29	5.000	FHLM 3/13	1,000,000		1,000,000.00
	2004	10	29	8	NATL CITY	2003	1	29	2.010	FHLB	1,005,000		1,005,000.00
	2004	12	27	8	NATL CITY	2003	3	27	1.625	FHLB	1,000,000		1,000,000.00
	2005	3	1	8	FITB	2002	10	9		KENT DTAN	200,000		200,000.00
	2005	6	9	8	FITB	2002	12	9	2.550	FHLM	1,000,000		1,000,000.00
	2006	1	13	8	FITB	2003	1	15	2.625	FHLM	2,000,000	291.67	2,000,000.00
	2006	11	14	8	FITB	2002	11	14	3.000	FHLB	1,685,000		1,685,000.00
										TOTAL		102,103.18	109,653,137.40
591	2003	5	2	7	REPUBLIC	2003	3	3	1.400	CD	135,863		135,862.62
	2003	6	30	7	COMERICA	1997	7	1	1.150	GOV'T POOL	1,817,983		1,817,983.98
	2003	6	30	8	HUNT BANK	2001	11	21	.740	LUQ	149,581		149,580.63
	2003	6	30	8	STAND FED	2003	2	20	1.600	M MKT	2,654,832		2,654,832.39
	2004	3	25	7	NATL CITY	2003	3	27	1.200	FHLM	1,482,299		1,482,298.75
	2005	11	25	8	FITB	2002	12	5	2.000	FHLM	1,000,000		1,000,000.00
										TOTAL			7,240,558.37
688	2003	6	30	7	BANK ONE	1997	7	1	1.030	GOV'T POOL	1,288,645		1,288,645.09
	2003	6	30	8	STAND FED	2003	3	5	1.500	MM	2,197,756		2,197,756.05
										TOTAL			3,486,401.14
701	2003	5	27	7	MIDW GUART	2003	2	24	1.700	CD	522,902		522,902.08
										TOTAL			522,902.08
										TOTAL		102,103.18	121,160,397.74

* * * E N D O F R E P O R T * * *

7 = CD 8 = Paper 9 = T-Bills

Current Portfolio

Quantity	Security Description	Date Acquired	Adjust/Unit Cost Basis	Total Cost Basis	Estimated Market Price	Estimated Market Value	Unrealized Gain or (Loss)	Estimated Accrued Interest	Estimated Annual Income	Current Yield %
Cash and Money Accounts										
	CASH			1		1				
11,894	CMA TREASURY FUND		1.00	11,894	1.00	11,894			70	.59
Total Cash and Money Accounts				11,895		11,895			70	.59
Government Securities										
3,040,000	U.S. TREASURY BILL ZERO% MAY 01 2003	11/14/02	99.43	3,022,692	100.00	3,040,000	N/A			
3,466,000	U.S. TREASURY BILL ZERO% MAY 08 2003	11/21/02	99.42	3,445,943	99.97	3,465,133	N/A			
1,762,000	US. TREASURY BILL ZERO% MAY 22 2003	12/18/02	99.47	1,752,744	99.93	1,760,801	N/A			
2,803,000	U.S. TREASURY BILL ZERO% MAY 29 2003	12/18/02	99.45	2,787,611	99.91	2,800,477	N/A			
2,107,000	U.S. TREASURY BILL ZERO% JUN 05 2003	12/18/02	99.43	2,095,031	99.89	2,104,682	N/A			
2,151,000	US TREASURY BLLL ZERO% JUNE 12 2003	01/02/03	99.46	2,139,456	99.87	2,148,203	N/A			
2,101,000	US TREASURY BILL ZERO% JUNE 19 2003	01/02/03	99.43	2,089,136	99.84	2,097,785	N/A			
3,640,000	US TREASURY BILL ZERO% JUN 26 2003	01/08/03	99.44	3,619,955	99.82	3,633,666	N/A			
2,488,000	U.S. TREASURY BILL ZERO% JULY 03 2003	01/16/03	99.44	2,474,183	99.80	2,483,098	N/A			
2,423,000	U.S. TREASURY BILL ZERO% JUL 10 2003	02/27/03	99.57	2,412,616	99.78	2,417,693	N/A			
2,477,000	U.S. TREASURY BILL ZERO% JUL 17 2003	03/06/03	99.58	2,466,659	99.75	2,471,030	N/A			
2,104,000	U.S. TREASURY BILL ZERO% JUL 24 2003	03/13/03	99.59	2,095,527	99.73	2,098,487	N/A			

Current Portfolio

Quantity	Security Description	Date Acquired	Adjust/Unit Cost Basis	Total Cost Basis	Estimated Market Price	Estimated Market Value	Unrealized Gain or (Loss)	Estimated Accrued Interest	Estimated Annual Income	Current Yield %
Government Securities										
2,077,000	U.S. TREASURY BILL ZERO% JUL 31 2003	03/20/03	99.58	2,068,405	99.71	2,071,059	N/A			
3,553,000	U.S. TREASURY BILL ZERO% AUG 07 2003	03/28/03	99.59	3,538,539	99.69	3,542,056	N/A			
2,940,000	US TREASURY BILL ZERO% AUG 14 2003	04/03/03	99.60	2,928,378	99.67	2,930,298	N/A			
2,473,000	WI U.S. TREASURY BILL ZERO% AUG 21 2003	04/10/03	99.59	2,463,041	99.64	2,464,295	N/A			
2,216,000	WI U.S. TREASURY BILL ZERO% AUG 21 2003	04/21/03	99.60	2,207,288	99.64	2,208,199	N/A			
4,689,000	Security Sub-Total			4,670,330		4,672,494				
2,836,000	U.S. TREASURY BILL ZERO% AUG 28 2003	04/21/03	99.58	2,824,313	99.62	2,825,308	N/A			
2,859,000	U.S. TREASURY BILL ZERO% SEP 04 2003	04/25/03	99.58	2,847,154	99.60	2,847,592	N/A			
Total Government Securities				49,278,678		49,409,870				
Total of Long Portfolio				49,290,574		49,421,766	*		70	.59

* - Excludes N/A Items

Monthly Activity

Date	Transaction	Quantity	Description	Price	Debit	Credit
Security Transactions						
04/03	Redeemed	-2,929,000	U.S. TREASURY BILL ZERO% APRIL 03 2003			2,929,000.00
04/03	Purchase	2,940,000	US TREASURY BILL ZERO% AUG 14 2003 FACE VALUE 2940000.0000 CASH TRADE PRICE 99.604694	99.604	2,928,378.02	
04/10	Redeemed	-2,462,000	US TREASURY BILL ZERO% APRIL 10 2003			2,462,000.00

Fifth Third Securities, Inc.
38 Fountain Square • MD1 COM13 • Cincinnati, OH 45202
888-889-1025 • 513-534-8820
Internet Address "www.53.com"

Fifth Third Securities is not a bank and securities offered by it are not insured by the FDIC or any other governmental agency, are not deposits or obligations of any bank, are not endorsed or guaranteed by any bank, and are subject to investment risks, including the possible loss of principal.

AGS 8001 0627113 087885 043664 AGAZ01

Acct #	Customer Name	Period	Page
30707214	CITY OF TROY	03/31/03 - 04/30/03	2 of 5

Account Value Detail

Acct Type	Quantity	Description	Symbol/ Cusip	Current Price	Market Value	Est Annual Income	Est Yield
		Cash and Equivalents					
Cash		FIFTH THIRD INSTL GOVT MM FUND			856,815.67		
		Cash and Equivalents total market value:			**856,815.67**		
		Fixed Income - Government Bonds					
Cash	1,000,000	FEDERAL HOME LN MTG CORP MED TERM NT CALLABLE DTD 12/09/02 CPN/MATY 2.55% 06/09/05 FC 12/09/03 @ 100 MOODYS Aaa S&P AAA	3128X0NM7	100.728	1,007,280.00	25,500.00	2.53%
Cash	2,000,000	FEDERAL HOME LN MTG CORP MEDIUM TERM NTS CALLABLE DTD 01/13/03 CPN/MATY 2.625% 01/13/06 FC 01/13/04 @ 100 MOODYS Aaa S&P AAA	3128X0VA4	100.558	2,011,160.00	52,500.00	2.61%
Cash	1,685,000	FEDERAL HOME LN BKS CONS BD CPN RATE 3% TO 11/03 THEREAFTE 3.65% CALLABLE DTD 11/14/02 CPN/MATY 3% 11/14/06 FC 11/14/03 @ 100 MOODYS Aaa S&P AAA	3133MT2V9	100.875	1,699,743.75	50,550.00	2.97%
		Fixed Income - Government Bonds total market value:			**4,718,183.75**	**128,550.00**	**2.72%**
		Fixed Income - Municipal Bonds					
Cash	200,000	KENT CNTY MICH VAR RATE TAXABL TAX NTS BOOK ENTRY ONLY OPT PU 05/16/02 100.000 & EA DAY NOTIF DATES 7 DAYS B4 PUT DTD 05/10/02 CPN/MATY 0% 03/01/05 FC 07/01/02 @ 100 MOODYS MIG1 S&P SP1+	490278P93	100.000	200,000.00		
		Fixed Income - Municipal Bonds total market value:			**200,000.00**		
		Mortgage & Asset Backed Issues					
Cash	1,430,794	FEDERAL HOME LN MTG CORP MUTLI MTG PARTN CTF REMIC 2003 CL 25 DTD 02/01/03 CPN/MATY 6% 06/15/18 FACTOR IS 0.46655	FHR03 2575QV	100.000	667,547.67	40,052.86	6.00%
Cash	3,700,000	FEDERAL HOME LOAN MTG CORP MUT PARTN CTF REMIC 2002 CL 2513-L DTD 10/01/02 CPN/MATY 5% 10/15/17 FACTOR IS 0.79784	FHR02 2513LQ	100.994	2,981,369.64	147,601.32	4.95%
Cash	3,000,000	FEDERAL HOME LOAN MTG CORP MUL MTG PARTN CTF REMIC 2003 CL 25 DTD 04/01/03 CPN/MATY 5.25% 08/15/31 FACTOR IS 1.00000	FHR03 2596TD	100.917	3,027,510.00	157,500.00	5.20%

Fifth Third Securities, Inc.
38 Fountain Square • MD1 COM13 • Cincinnati, OH 45202
888-889-1025 • 513-534-8820
Internet Address "www.53.com"

Fifth Third Securities is not a bank and securities offered by it are not insured by the FDIC or any other governmental agency, are not deposits or obligations of any bank, are not endorsed or guaranteed by any bank, and are subject to investment risks, including the possible loss of principal.

Acct #	Customer Name	Period	Page
30707214	CITY OF TROY	03/31/03 - 04/30/03	3 of 5

Account Value Detail

Acct Type	Quantity	Description	Symbol\ Cusip	Current Price	Market Value	Est Annual Income	Est Yield
		Mortgage & Asset Backed Issues, continued					
Cash	2,000,000	FEDERAL NATL MTG ASSN GTD MUTL MTG PARTN CTF REMIC 2003 CL 29 DTD 03/01/03 CPN/MATY 5.5% 01/25/32 FACTOR IS 0.97005	FNR03 29GJ	101.017	1,959,833.50	106,705.64	5.44%
Cash	3,500,000	GOVERNMENT NATL MTG ASSN GTD M MTG PARTN CTF REMIC 2002 CL 79 DTD 11/01/02 CPN/MATY 6% 08/20/31 FACTOR IS 0.47272	GNR02 79KB	98.772	1,634,203.25	99,271.24	6.07%
		Mortgage & Asset Backed Issues total market value:			**10,270,464.06**	**551,131.06**	**5.37%**
		ACCOUNT VALUE:			**16,045,463.48**		

Securities Purchased and Sold

Acct Type	Date	Activity	Quantity	Description	Price	Debit	Credit
Cash	04/16/03	SELL	4,400,000-	FEDERAL HOME LOAN MTG CORP GTD MULTICLASS MTG PARTN CTF REMIC 5.5% 04/15/28	100.00		1,241,181.04
Cash	04/28/03	SELL	450,000-	FEDERAL HOME LN BKS CONS BD CALLABLE CPN RATE=21/4% TO 4/0 2.25% 10/28/05	100.00		450,000.00
Cash	04/30/03	BUY	3,000,000	FEDERAL HOME LOAN MTG CORP MUL MTG PARTN CTF REMIC 2003 CL 25 5.25% 08/15/31	99.921875	3,010,343.75	
Cash	04/30/03	BUY	3,700,000	FEDERAL HOME LOAN MTG CORP MUT PARTN CTF REMIC 2002 CL 2513-L 5% 10/15/17	100.1875	2,968,651.09	

Dividends, Interest and Principal

Acct Type	Date	Activity	Quantity	Description	Debit	Credit
Cash	04/01/03	TAXABLE BND INT		KENT CNTY MICH VAR RATE TAXABL TAX NTS BOOK ENTRY ONLY OPT PU 0% 03/01/05		214.63
Cash	04/15/03	TAXABLE BND INT		FEDERAL HOME LN MTG CORP MUTLI MTG PARTN CTF REMIC 2003 CL 25 ON 1430794 6% 06/15/18		5,631.49
Cash	04/15/03	PRINCIPAL PYMNT		FEDERAL HOME LN MTG CORP MUTLI MTG PARTN CTF REMIC 2003 CL 25 PRINCIPAL DISTRIBUTION 6% 06/15/18		458,752.33
Cash	04/16/03	TAXABLE BND INT		FEDERAL HOME LOAN MTG CORP GTD MULTICLASS MTG PARTN CTF REMIC 4/15/03 F/PDNS DV5 5.5% 04/15/28		5,688.74

May 16, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Charles T. Craft, Chief of Police
Wendell Moore, Research & Technology Administrator

SUBJECT: 2003 Year-To-Date (1st Quarter) Crime and Police Calls for Service Report

Attached is a report detailing 2003 calls for service, criminal offenses, clearance rates, traffic crashes and citations issued through March 31, 2003. This report's format complies with the National Incident Based Reporting System. All offenses within an incident are reported.

This first quarter report shows a Group A crime decrease when compared to the first quarter of the year 2002 (Down 7.1%, or 61 incidents). Significant decreases occurred in the following areas:

- **Motor Vehicle Theft** – Decreased by 25.8% (8 actual incidents).
- **Breaking and Entering** – Decreased 18.3% (15 actual incidents).
- **Fraud Offenese** – Decreased 22.8% (13 actual incidents).
- **Larceny/Theft** – Decreased by 9.7% (35 incidents).

Areas showing increased criminal activity, in comparison to the first quarter of 2002, include:

- **Robbery** - Increased 133.3% (4 actual incidents) over last year. The total number of reported robberies includes a series of purse snatchings that resulted in the arrest of two individuals.
- **Vandalism** – 8.4% increase (8 actual incidents).

Group B crimes decreased 6.0 % (32 reported crimes). Within this group several categories showed decreases in activity from first quarter 2002 levels. Only disorderly conduct, up 15 incidents or 22.4%, shows a significant increase.

Total incidents of crime (Group A and B combined) decreased 6.7% (93 reported crimes). Clearance rates for both Group A and B crime continue to be high (29.8% and 59.5% respectively).

Group C (primarily non-criminal) calls for service shows a 1.1% increase (86 calls). This increase is totally attributed to a 30.8% (178 crashes) increase in property damage

traffic crashes. As you may recall, 2002 traffic crashes were the lowest in a number of years. It is to early to determine if this increase indicates a return to pre-2002 levels, or if it related to poor weather conditions during the late winter.

Overall, total calls for service (which includes both crimes and non-criminal calls) are down 0.1% (12 calls for police service).

With the exception of hazardous moving citations, traffic citation issuance decreased in all categories.

Please feel free to contact Chief Craft or Wendell Moore is you require additional information.

Troy Police Department

1st Quarter 2003/2002 Comparison

	INCIDENTS			OFFENSES			ARRESTS			CLEARANCES	
	1st Quarter		Percent	1st Quarter		Percent	1st Quarter		Percent	1st Quarter	
Group A Crime Categories	**2003**	**2002**	**Change**	**2003**	**2002**	**Change**	**2003**	**2002**	**Change**	**2003**	**Percent**
Arson	1	3	-66.7%	1	3	-66.7%	1	2	-50.0%	1	100.0%
Assault Offenses	146	137	6.6%	149	138	8.0%	35	52	-32.7%	64	43.0%
Bribery	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Breaking and Entering	67	82	-18.3%	67	82	-18.3%	7	5	40.0%	5	7.5%
Counterfeiting/Forgery	26	24	8.3%	27	26	3.8%	5	7	-4.5%	4	14.8%
Destruction/Damage/Vandalism	103	95	8.4%	109	106	2.8%	1	5	-80.0%	2	1.8%
Drug/Narcotic Offenses	31	33	-6.1%	54	58	-6.9%	40	32	25.0%	52	96.3%
Embezzlement	20	26	-23.1%	20	26	-23.1%	12	14	-14.3%	3	15.0%
Extortion/Blackmail	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Fraud Offenses	44	57	-22.8%	47	63	-25.4%	13	13	NC	8	17.0%
Gambling Offenses	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Homicide Offenses	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Kidnapping/Abduction	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Larceny/Theft Offenses	324	359	-9.7%	331	365	-9.3%	147	154	-4.5%	108	32.6%
Motor Vehicle Theft	23	31	-25.8%	24	33	-27.3%	0	2	-	0	0.0%
Pornography/Obscene Material	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Prostitution Offenses	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Robbery	7	3	133.3%	7	3	133.3%	1	3	-66.7%	2	28.6%
Sex Offenses, Forcible	8	8	NC	8	8	NC	1	3	-66.7%	1	12.5%
Sex Offenses, Nonforcible	0	0	NC	0	0	NC	0	0	NC	0	0.0%
Stolen Property Offenses	1	1	NC	2	4	-50.0%	1	2	-50.0%	2	100.0%
Weapon Law Violations	1	4	-75.0%	1	5	-80.0%	1	3	-66.7%	0	0.0%
Group A Total	802	863	-7.1%	847	920	-7.9%	265	297	-10.8%	252	29.8%
Group B Crime Categories											
Bad Checks	5	5	NC	5	5	NC	2	1	100.0%	3	60.0%
Curfew/Loitering/Vagrancy	0	2	-	0	2	-	0	0	NC	0	0.0%
Disorderly Conduct	82	67	22.4%	86	67	28.4%	4	7	-42.9%	6	7.0%
Driving Under the Influence	87	97	-10.3%	100	101	-1.0%	84	95	-11.6%	88	88.0%
Drunkenness	3	0	+	3	0	+	1	0	+	1	33.3%
Family Offenses, Nonviolent	2	2	NC	2	4	-50.0%	0	1	-	0	0.0%
Liquor Law Violations	14	16	-12.5%	26	28	-7.1%	29	23	26.1%	26	100.0%
Peeping Tom	0	1	-	0	4	-	0	0	NC	0	0.0%
Runaway (Under 18)	11	9	22.2%	10	7	42.9%	0	0	NC	7	70.0%
Trespass of Real Property	3	4	-25.0%	5	5	NC	2	1	100.0%	3	60.0%
All Other	292	328	-11.0%	309	366	-15.6%	162	217	-25.3%	191	61.8%
Group B Total	499	531	-6.0%	546	589	-7.3%	284	345	-17.7%	325	59.5%
Group A and B Total	1,301	1,394	-6.7%	1,393	1,509	-7.7%	549	642	-14.5%	577	41.4%

Above data includes both completed and attempted offenses.

Troy Police Department

1st Quarter 2003/2002 Comparison

	INCIDENTS			OFFENSES			ARRESTS			CLEARANCES	
	1st Quarter		Percent	1st Quarter		Percent	1st Quarter		Percent	1st Quarter	
Description	**2003**	**2002**	**Change**	**2003**	**2002**	**Change**	**2003**	**2002**	**Change**	**2003**	**Percent**
Alarms	1,224	1,231	-0.6%	1,224	1,231	-0.6%	NA	NA	NA	NA	NA
All Other	6,538	6,445	1.4%	6,538	6,445	1.4%	112	184	-39.1%	NA	NA
Group C Miscellaneous Total	7,762	7,676	1.1%	7,762	7,676	1.1%	112	184	-39.1%	NA	NA
Group E Fire Total	9	14	-35.7%	9	14	-35.7%	NA	NA	NA	NA	NA
Grand Totals	9,072	9,084	-0.1%	9,164	9,199	-0.4%	661	826	-20.0%	577	41.4%

Traffic Crashes and Citations

Reportable Traffic Crashes			
Personal Injury	167	173	-3.5%
Property Damage	731	559	30.8%
Fatal	0	1	-
Total Reportable	898	733	22.5%
Private Property Crashes	314	328	-4.3%
Crashes Grand Total	1,212	1,061	14.2%

2003 Alcohol Involved Crashes

1 Incident--0.6% involved alcohol.

12 Incidents--1.6% involved alcohol.

0 Incidents--0.0% involved alcohol.

13 Incidents--1.45% of all reportable crashes involved alcohol.

Traffic Citations			
Hazardous	3,253	3,240	0.4%
Non-hazardous	137	379	-63.9%
License, Title, Registration	557	921	-39.5%
Parking	244	348	-29.9%
Traffic Citations Total	4,191	4,888	-14.3%

May 23, 2003

TO: 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 – JUNE 16, 2003 - REZONING APPLICATION Z-688 (PUBLIC HEARING) – East side of Coolidge, south of Maple, Section 32 – M-1 to O-1).

CITY MANAGEMENT AND PLANNING COMMISSION RECOMMENDATION

At the May 13, 2003 Regular Planning Commission meeting, the Planning Commission held a Public Hearing to solicit public comment on the application (see attached minutes). Following the Public Hearing, the Planning Commission recommended approval of the rezoning request.

The rezoning request is consistent with the Future Land Use Plan and is compatible with existing land uses and zoning districts, including an office presently under construction on the abutting property to the north.

Based upon these findings, City Management recommends that the property be rezoned from M-1 to O-1.

GENERAL INFORMATION

Name of Owner / Applicant:
The applicant is Joe Poggi. The owner is Santa Zawaideh.

Location of Subject Property:
The property is located on the east side of Coolidge, south of Maple, in Section 32.

Size of Subject Parcel:
The parcel is approximately 0.86 acres in area.

Current Use of Subject Property:
The property is currently used as an industrial storage facility.

Current Zoning Classification:
M-1 Light Industrial.

Proposed Zoning of Subject Parcel:
O-1 Office Building.

Proposed Uses and Buildings on Subject Parcel:
The applicant is proposing a 3-story office building, approximately 12,000 square feet in area.

Current Use of Adjacent Parcels:
North: Office (under construction).

South: Industrial.

East: Industrial.

West: Commercial retail.

Zoning Classification of Adjacent Parcels:
North: O-1 Office Building.

South: M-1 Light Industrial.

East: M-1 Light Industrial.

West: M-1, Controlled by a Consent Judgment.

ANALYSIS

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

PRINCIPAL USES PERMITTED:

Office Buildings for any of the following occupations: executive, administrative, professional, accounting, writing, clerical stenographic, drafting and sales, subject to the limitations contained below in Sub-section 24.50.00 Development Standards.

Medical offices, including clinics.

Banks, credit unions, savings and loan associations, and similar uses. Such uses may include drive-in facilities only as an accessory use, subject to the provision of back-up or waiting space, apart from required off-street parking areas, at the rate of four (4) car spaces for each service window or pedestal, in addition to the space at the window or pedestal.

Publicly owned buildings, exchanges, and public utility offices.

Other uses similar to the above uses.

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.

Data processing and computer centers.

Technical training uses.

USES PERMITTED SUBJECT TO SPECIAL USE APPROVAL:

Mortuary Establishments.

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 will be provided to the parcel by Coolidge Highway, a major thoroughfare.

Potential Stormwater and Utility Issues:
The proposed method of storm water detention is not shown on the site plan. The applicant will be required to adequately dispose of storm water on the property.

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

Compliance with Future Land Use Plan:
The property is classified as Community Service Area on the Future Land Use Plan. This designation correlates with B-2 (primary correlation) and B-3, B-1 and O-1 (secondary correlation) in the Future Land Use Plan. The application is in compliance with the Future Land Use Plan.

cc: Applicant
File Z-688

G:\REZONING\Z-688 East Birmingham Office Sec. 32\East Birmingham Office Rezoning CC Announcement.doc

10. PUBLIC HEARING – PROPOSED REZONING (Z-688) – Proposed Office Building, East side of Coolidge, South of Maple, Section 32 – M-1 to O-1

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning request. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the rezoning request as submitted.

Matt Ray of 3384 W. 12 Mile Road, Berkley, was present to represent the petitioner. Mr. Ray said the intent of the property owner and developer is to provide a nice office building at this location.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution

Moved by Waller Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that the M-1 to O-1 rezoning request for the existing industrial storage facility, located on the east side of Coolidge Road, south of Maple Road, Section 32, being 0.86 acres in size, be granted.

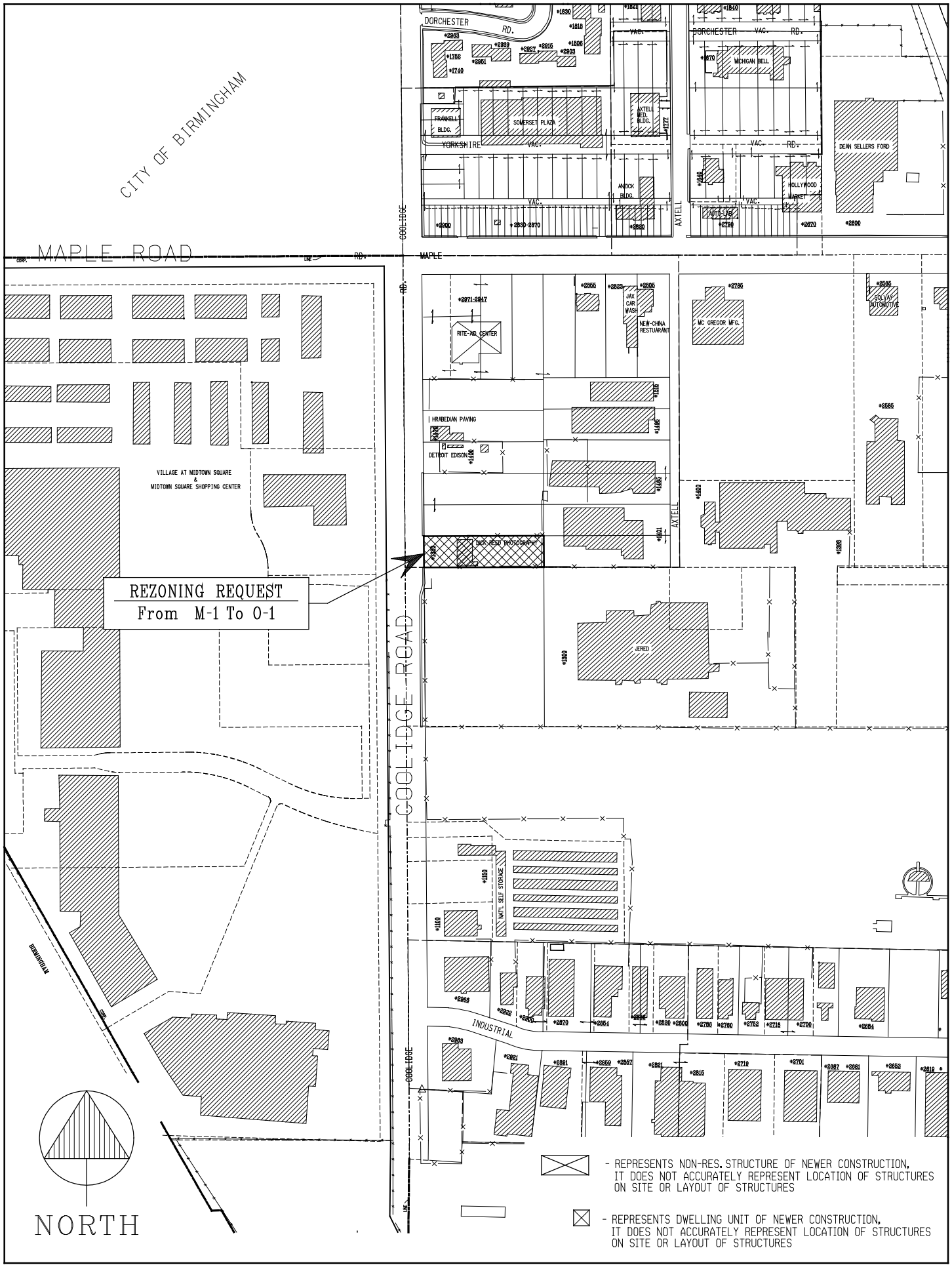
Yeas	Absent
All present (7)	Chamberlain
	Storrs

MOTION CARRIED

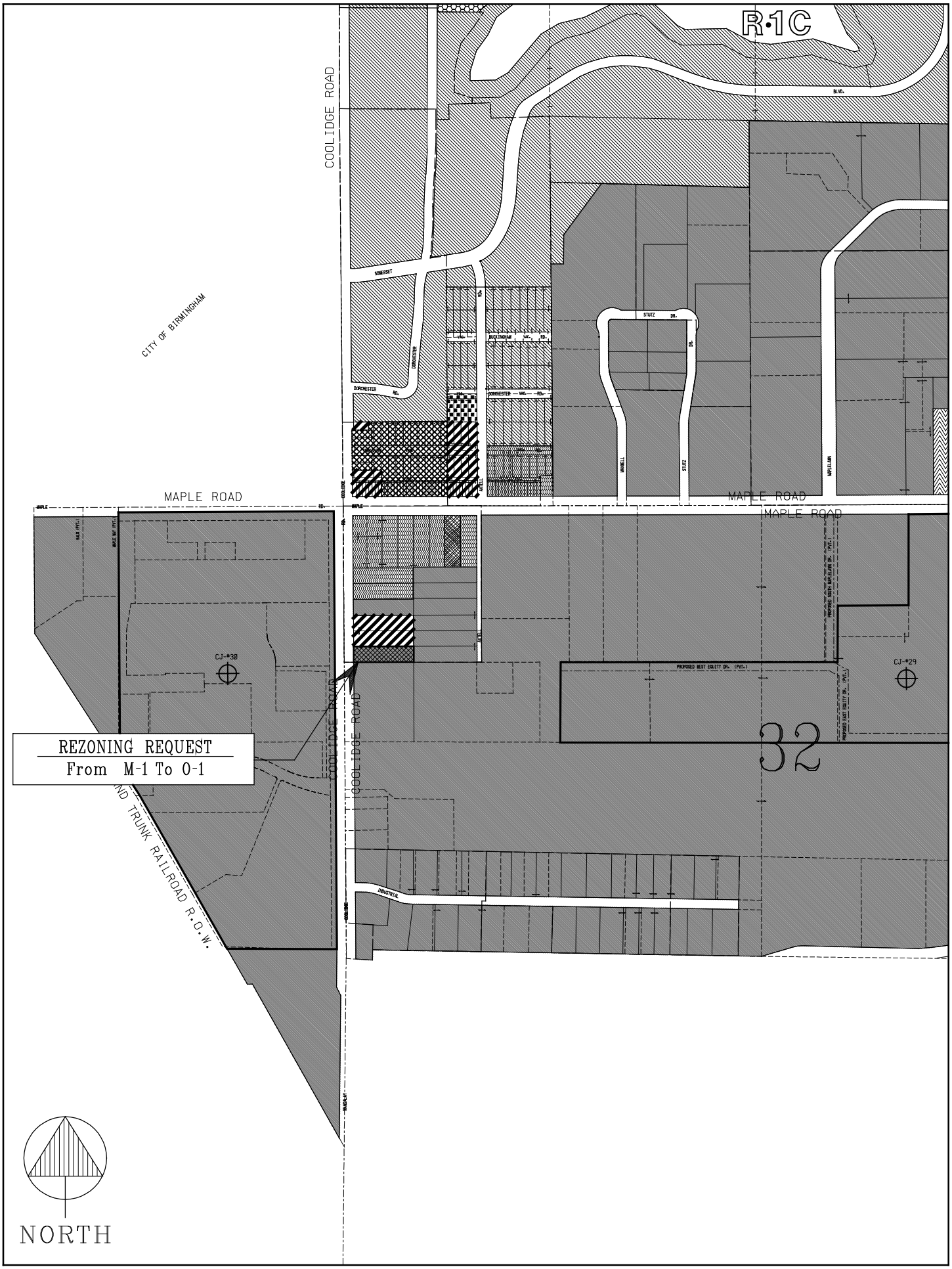
CITY OF TROY

N

PREPARED BY CITY OF TROY PLANNING DEPT.



Z-688 / SEC. 32 / 04-24-03


R-1C
COOLIDGE ROAD
CITY OF BIRMINGHAM
MAPLE ROAD
MAPLE ROAD
MAPLE ROAD
SOMERSET
DORCHESTER
DORCHESTER RD.
BUCKINGHAM
STUTZ DR.
MAXWELL
STUTZ
MAPLELAWN
PROPOSED SOUTH MAPLELAWN DR. (PVT.)
PROPOSED WEST EQUITY DR. (PVT.)
PROPOSED EAST EQUITY DR. (PVT.)
CJ-#30
CJ-#29
32
REZONING REQUEST
From M-1 To O-1
TRUNK RAILROAD R.O.W.
INDUSTRIAL
NORTH

REZONING REQUEST
PROPOSED EAST BIRMINGHAM OFFICE CTR.
FROM M-1 TO O-1
E SIDE COOLIDGE, S OF MAPLE
SEC. 32 (Z-688)

May 23, 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 – JUNE 16, 2003 PRELIMINARY PLANNED UNIT DEVELOPMENT REVIEW – PUD-002 Rochester Commons – North side of Big Beaver Road, east of Rochester Road and west of Daley Street, section 23.

RECOMMENDATION

The Planning Commission conducted a Public Hearing on March 11, 2003 and on May 13, 2003. In addition, the proposed PUD was discussed at three Study Meetings. At the May 13, 2003 Public Hearing the Planning Commission recommended approval of the proposed Rochester Commons Planned Unit Development Preliminary Site Plan, as submitted. City Management and the City's Planning Department concur with the Planning Commission and recommend approval.

A summary of Tadian Developments' Preliminary PUD is provided with this announcement of the Public Hearing. The comprehensive PUD package, including a project manual and numerous full size drawings will be provided for the Public Hearing on June 16, 2003.

GENERAL INFORMATION

Name of Owner / Applicant:
Tadian Developments.

Size of subject parcel:
The parcel is approximately 4.86 acres in size.

Proposed use(s) of subject parcel:
The applicant is proposing 80 multi-family dwellings.

Current use of subject property:
The property is presently occupied by a vacant elementary school that is in poor condition and four single family homes.

Current use of adjacent parcels:
North: Single family residential.

South: Single family residential.

East: Single family residential.

West: City of Troy fire station and single family residential.

Current zoning classification:
The parcel is currently zoned R-1E One Family Residential.

Zoning classification of adjacent parcels:
North: R-1E One Family Residential.

South: R-1E One Family Residential.

East: R-1E One Family Residential.

West: C-F Community Facilities and R-1E One Family Residential.

Future Land Use Designation:
The property is designated as Low Rise Office on the Future Land Use Plan.

Stormwater Detention:
The applicant is proposing to utilize a portion of the city-owned property to the west of the fire station for stormwater detention. This detention basin will be designed to a size sufficient enough to accommodate additional stormwater should other property in the immediate area be developed, including the fire station.

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

Compatibility with adjacent land uses:
The multi-family dwellings are compatible with the surrounding neighborhood in terms of use. The development will contrast with the adjacent detached single-family residence in terms of height and scale. The proximity to existing homes to the east will compound this difference. The applicant is proposing to provide extensive buffering comprised of hedges, large evergreen trees and shade trees to soften the proposed development.

It should be noted that the property is classified on the Future Land Use Plan as Low Rise Office. The maximum height for an office building in O-1 is 3 stories, with a minimum side yard setback of 20 feet. There is a requirement for a 6-foot

high wall for offices in O-1 on parcels that abut residentially zoned property. There is also a 4-foot, 6-inch screen wall for off-street parking areas. There are no other landscape buffer requirements for the common lot line between O-1 and R-1E. If the property were to be rezoned to O-1, the residential properties to the east could abut a 3-story office structure that is set back only 20 feet from the property line. The only required screening would be a 6-foot high wall, with no other landscaping required. The proposed landscape buffer exceeds the screen wall in this scenario.

Compliance With Standards For Approval Of Planned Unit Developments (Section 35.70.00)

In considering applications for Planned Unit Developments, the Planning Commission and City Council shall make their determination based upon the following standards:

> ***The overall design and all proposed uses shall be consistent with and promote the Intent of the Planned Unit Development approach, as stated in Section 35.10.00, and the Eligibility conditions as stated in Section 35.30.00:***
>
> The proposed development is consistent with the Intent of the PUD option in that it involves the assembly of properties and the redevelopment of outdated structures and areas, provides enhanced housing and recreation opportunities, and involves innovation and variety in design and layout and types of land uses and structures.
>
> The application is consistent with the Eligibility conditions in that it will be under a single ownership and involves the improvement of property characterized by extreme obsolescence that would be difficult to develop under a conventional zoning approach. In addition, the application will provide public facilities which could not otherwise be required, provide a complementary variety of housing types that are in harmony with the adjacent uses, and provide for the redevelopment or re-use of sites that are occupied by obsolete uses.
>
> ***The proposed Planned Unit Development shall be consistent with the intent of Master Land Use Plan:***
>
> The Future Land Use Plan delineates the property as Low Rise Office. The attached memorandum and report from the City's Planning Consultant, Richard Carlisle, dated February 19, 2003, clarifies how the PUD application is consistent with the intent of the Future Land Use Plan.
>
> The application is consistent with the Residential Areas Development Policies of the Future Land Use Plan, which include the following:

a) Continue the development of Troy's residential areas at densities compatible with adjacent areas.

b) Encourage a variety of housing types within the density framework of the Future Land Use Plan.

c) Encourage private development, renovation, and redevelopment of residential areas.

d) Provide for recreational and cultural amenities and facilities which will support and enhance residential areas.

e) Encourage the provision and maintenance of open space and environmental preservation areas within residential areas.

In addition, the proposed development is appropriate as a transition area between the Big Beaver corridor and the single family residential uses to the north and east.

The proposed Planned Unit Development includes information which clearly sets forth specifications or information with respect to structure height, setbacks, density, parking, circulation, landscaping, views, and other design and layout features which exhibit due regard for the relationship of the development to the surrounding properties and uses thereon, as well the relationship between the various elements of the proposed Planned Unit Development. In determining whether this requirement has been met, consideration shall be given to the following:

The bulk, placement, and materials of construction of the proposed structures and other site improvements:
The applicant is proposing a total of 80 units on the 4.86-acre parcel, a density of 16.5 units per acre. Because the units are attached, the developments bulk will be larger than the abutting detached one-family residences to the north and east. The applicant has addressed this issue by providing a landscape buffer along the east and north property lines. The units north of Big Beaver face the street and will have a relationship with the Big Beaver corridor in terms of exposure and non-motorized access. Front elevations indicate that the design and building materials will provide visual interest. The applicant has provided samples of the siding to be used for the units and the siding appears to be durable and of high quality.

The applicant will provide a bike path along Big Beaver that connects to a walkway system through the development to the north and Urbancrest.

The applicant will also pave Urbancrest and plant shade trees along both sides of the street. Detention will be provided by a landscaped detention pond with decorative metal fencing, located on city-owned property west of the fire station. This detention basin will be designed to serve as a regional detention basin for the area should the area north of Urbancrest be redeveloped. A pocket park and pavilion will be provided within the development. An emergency access drive will connect the development to Parkton Street to the north.

The location and screening of vehicular circulation and parking areas in relation to surrounding properties and the other elements of the development:

The applicant is proposing two off street parking spaces per unit; one space is to be located within the garage and the second space will be in front of each garage. In addition, there will be 33 parallel parking spaces for guest parking. The Site Plan indicates that the off street parking areas will be screened from adjacent property by a combination of berms, hedges and trees.

The location and screening of outdoor storage, loading areas, outdoor activity or work areas, and mechanical equipment:

The only proposed use is single-family attached dwellings. Outdoor storage, work areas, and mechanical equipment will not be required.

The hours of operation of the proposed uses:

The only proposed use is single-family attached dwellings, which do not have regular hours of operation.

The location, amount, type and intensity of landscaping, and other site amenities:

A Conceptual Landscape Plan has been provided. The plan indicates species types, size, spacing or other specific information. The applicant is providing a central pocket park with a lawn area, perennial garden, shade trees, gazebo area and seating. The applicant is proposing to provide landscaped berms along Big Beaver Road and along the western edge of the property. The development will be buffered from the north and east with trees and hedges. Sidewalks will be provided throughout the development. The applicant is proposing to pave the portion of Urbancrest that is presently unpaved.

The proposed development shall not exceed the capacities of existing public facilities and available public services, including but not limited to utilities, roads, police and fire protection services, recreation facilities and services, and educational services (Section 35.70.04).

The proposed development will not exceed the capacities of existing public facilities. The detention pond will be designed so that it can accommodate additional stormwater runoff should property on the north side of Urbancrest be redeveloped in the future.

The Planned Unit Development shall be designed to minimize the impact of traffic generated by the PUD on the surrounding uses and area (Section 35.70.05).

Vehicular access to the PUD will be from Urbancrest to the west. Urbancrest presently provides access to 4 single-family homes and a City of Troy Fire Station. Traffic generated by the proposed PUD will be less than the traffic that would be generated for an office development on the same parcel.

The Planned Unit Development shall include a sidewalk system to accommodate safe pedestrian circulation throughout the development, and along the perimeter of the site, without undue interference from vehicular traffic.

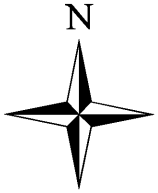
There is a proposed bike path on the north side of Big Beaver, between Daley Street and the community park at the Big Beaver/Rochester Road intersection. The path is also located on the city-owned property to the west, between Big Beaver and Urbancrest. This trail connects to the sidewalk system throughout the proposed development and connecting to each unit. There is a proposed emergency access connection to Parkton Street to the north that will serve as a non-motorized connection.

The proposed Planned Unit Development shall be in compliance with all applicable Federal, State and local laws and ordinances.

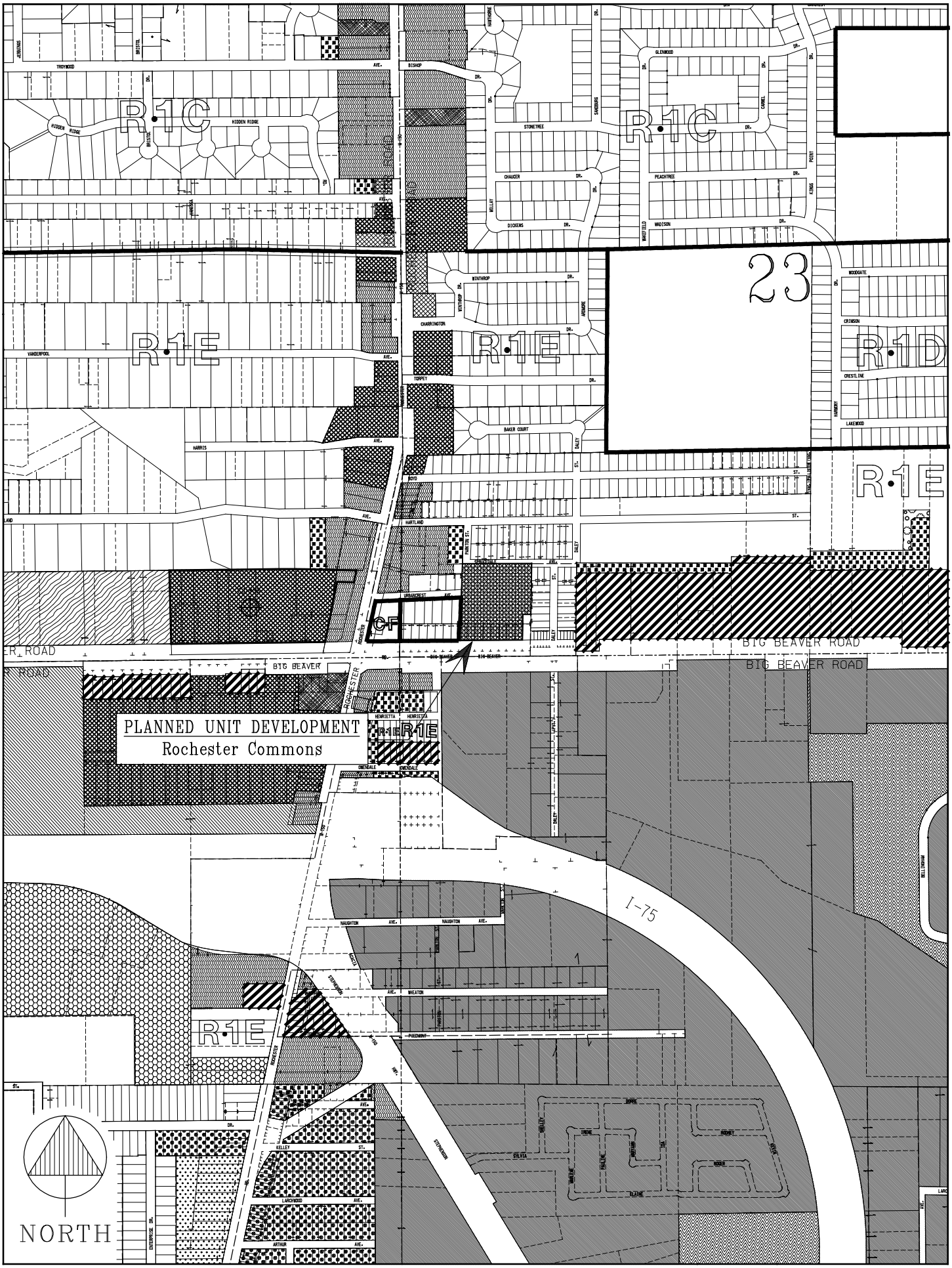
The PUD is in compliance with all applicable laws and ordinances.

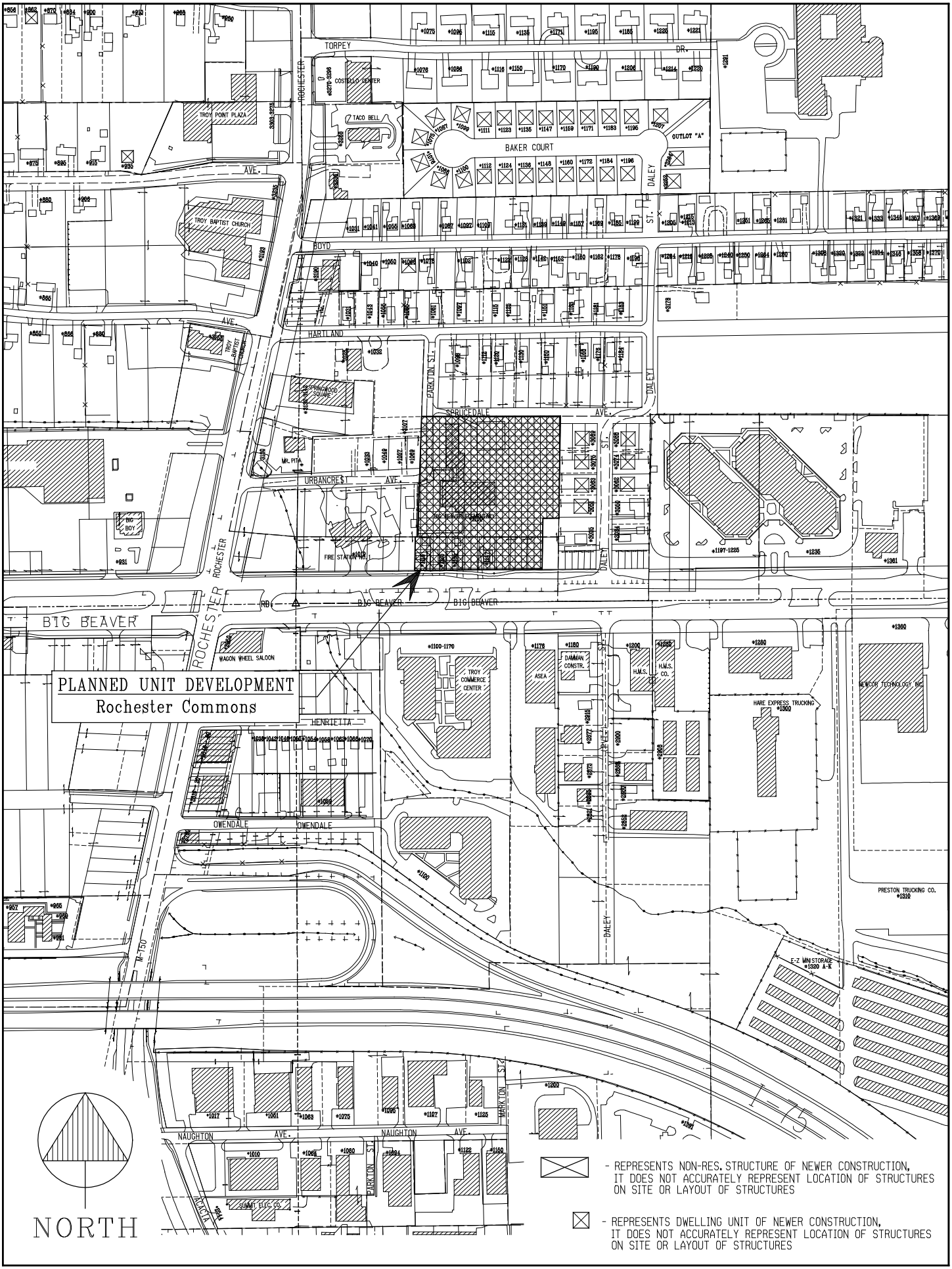
cc: Applicant
File/PUD-002
Planners (4)

CITY OF TROY



PREPARED BY CITY OF TROY PLANNING DEPT.


PLANNED UNIT DEVELOPMENT
Rochester Commons
BIG BEAVER ROAD
BIG BEAVER
ROCHESTER
I-75
R1C
R1E
R1D
23
CF
NORTH



PUD-002 / Sec. 23 / 09-09-02

PLANNED UNIT DEVELOPMENT
ROCHESTER COMMONS
N SIDE BIG BEAVER, W OF DALEY
SEC. 23 R-1E (PUD-2)
HARRIS
HARTLAND
HARTLAND
ROCHESTER
PARKTON
DALEY
URBANCREST
E BIG BEAVER
E BIG BEAVER
PROPOSED
PLANNED UNIT DEVELOPMENT
ROCHESTER COMMONS
HENRIETTA
DALEY
N
0
100
200
400
600
800 Feet

CARLISLE/
WORTMAN
Associates, Inc.

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

MEMORANDUM

TO: City Council
City of Troy

FROM: Richard K. Carlisle

DATE: May 21, 2003

RE: Summary of Comments - Rochester Commons PUD

I have been asked to provide a summarized version of our comments and recommendations relative to the proposed project. Detailed comments may be found in our review dated May 21, 2003.

Project Description

The site in question is located near the intersection of Big Beaver Road and Rochester Road, and is accessed from Urbancrest Street. The 4.86 acre site includes nine (9) parcels, a number of single-family units and the vacant Big Beaver School building. The applicant proposes to build seven (7) three-story multiple family condominium buildings. The buildings will include a total of eighty (80) units, ranging in size of 1,100 to 1,300 square feet. The site is zoned as R-1E, One-Family Residential and is Master Planned for Low Rise Office.

The applicant has requested the use of the PUD option due to the following:

- Development strictly according to the R-1E zoning district may not be the best use of the site, evidenced by the state of the current uses on the site.

- The unconventional site, including frontage on Big Beaver Road and Urbancrest Street, and the adjacent mix of uses, makes conventional development difficult.

- Multiple family residential, while providing an appropriate transitional use for the area, is not permitted in the R-1E zoning district.

Consistency with PUD Standards

Criteria and general design standards for use of the PUD option are set forth in Section 35.30.00 Eligibility and in Section 35.40.00 General Development Standards. The following are our comments:

1. We believe the site is an appropriate location for use of the PUD. The appropriateness of the site for the PUD option is based on:

    a. The unique layout and location of the site, which could be better served by the flexibility of the PUD ordinance.

    b. The site's economic obsolescence considerations, based on the vacant school, the current single-family residential zoning and the site's frontage on the highly traveled Big Beaver Road (as demonstrated by the condition of some of the existing single family residential homes).

2. The project meets a sufficient number of objectives set forth by the PUD.

    a. A demonstration that the "development quality objectives" are met. The site layout is based on a creative design that enhances the use of an obsolete site. Project elements include a large central open area, provision of a pedestrian network connecting the site to the safety path along Big Beaver Road, the adjacent park, an excellent landscape design and improvement of the City Fire Department property.

    b. The use will include substantial screening to buffer the site from adjacent properties, and open space above and beyond Ordinance requirements.

    c. The site will have one (1) direct access from Rochester Road via Urbancrest Street, which is an improvement over the safety and access concerns associated with a Big Beaver Road access.

    d. Although not identical with the low rise office designation delineated by the Master Plan, the use is consistent with the transitional character that the low rise office designation encourages. Residential use will have less impact on neighboring uses than office use.

Recommendation

One of the goals of the PUD option is to encourage the redevelopment and infill of properties with the qualities that exist on this site. The PUD option will permit the creation of a unique development that will provide an appropriate transitional use compatible with each of its surrounding uses. To meet the intent of the PUD, there has been continual coordination between the City, our office and the applicant to provide the greatest design and overall project for the site.

It is our opinion that this project could create an attractive and highly functional development that will further the public health, safety and welfare of the residents of this and the adjacent neighborhood. We believe that the use of the PUD, and the resulting design, will provide one of the best options available for redevelopment of this site. We would therefore recommend that the City Council approve the use of the PUD option.

CARLISLE/WORTMAN ASSOCIATES, INC.

Richard K. Carlisle, PCP

RKC:jk
225-02-2201

cc: Nick Donofrio, Tadian Homes, FAX (248) 643-9693
Jim Butler, Professional Engineering Associates, FAX (248) 689-1044
Randy Metz, Grissim, Metz, Andriese Associates, FAX (248) 347-1005

CARLISLE/
WORTMAN
Associates, Inc.

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

Date: March 5, 2003
Revised: May 8, 2003
Revised: May 21, 2003

Planned Unit Development/Site Plan Review
For
City of Troy, Michigan

GENERAL INFORMATION

Applicant:	Tadian Homes 2039 W. Big Beaver Road, Suite 200 Troy, Michigan 48084
Project Name:	Rochester Commons
Plan Date:	February 18, 2003
Latest Revision:	April 25, 2003
Location:	The intersection of Parkton and Urbancrest Streets (the north side of Big Beaver Road, between Rochester Road and Daley Street).
Zoning:	R-1E, One-Family Residential
Action Requested:	City Council approval of Preliminary Site Plan and PUD.
Required Information:	Provided.

PROJECT AND SITE DESCRIPTION

The applicant proposes to build seven (7) three-story multiple family condominium buildings. A total of eighty (80) units, ranging in size of 1,100 to 1,300 sq. ft. will be constructed. The 4.86 acre site includes nine (9) parcels, a number of single-family units and the vacant Big Beaver School building.

NEIGHBORING ZONING AND LAND USE

North: Use to the north is comprised of single-family residential uses, zoned R-1E, One-Family Residential.

South: Use to the south is Big Beaver Road. On the south side of Big Beaver, properties are zoned M-1, Light Industrial.

East: The land use directly to the east is comprised of single family residential uses, zoned R-1E, One-Family Residential. Further to the east, the frontage of Big Beaver is zoned and used as office.

West: The land use to the west is comprised of single-family residential (north of Urbancrest) and a City Fire Station (south of Urbancrest). Zoning is split based on these uses, including R-1E and C-F Community Facilities.

Items to be Addressed: *None*

MASTER PLAN

The subject property is currently planned for Low Rise Office. The intent of the designation, among others, is to provide a transition from the office, commercial and industrial uses of Big Beaver Road to the outlying residential areas to the north.

Although the proposed use is not identical to the office designation, it meets the intent of the Master Land Use Plan. The use will be effective in providing a transition from the more intensive commercial and community facility uses to the west and to the low intensive single-family uses to the east. More discussion is provided in this report, as well as a previous opinion written by our office provided as Attachment I.

The following illustrates the surrounding Master Land Use Plan designations:

North: Low Density Residential

South: Major Thoroughfare (Big Beaver). On the south side of Big Beaver Road the area is planned for Light Industrial/Research.

East: Low Rise Office.

West: Low Rise Office.

Items to be Addressed: *None*

NATURAL RESOURCES

Topography: The topography is best described as flat, sloping from the northwest to southeast.

Woodlands: There are no significant woodlands on-site. The applicant has provided the location of the site's existing trees, most of which consists of perimeter vegetation. Although many of the trees are in reasonably good condition, they are not of high quality. Replacement trees will be of much higher quality.

Wetlands: There are no existing wetlands on this site.

Flood Plain: According to the Preliminary Environmental Impact Study provided by the applicant, the southern part of the site is located within the floodplain. It is our understanding that the floodplain mapping is in the process of revision.

Other: A Preliminary Environmental Impact Statement has been provided. A Final Environmental Impact Statement will be required with the application for Final Plan approval.

Items to be Addressed: *None.*

TRAFFIC IMPACT

The site development will be accessed from Rochester Road via Urbancrest Street. Because there is no direct access to Big Beaver, projected traffic impacts on such shall be limited. According to the applicant's traffic impact study the proposed development is expected to generate forty-three (43) total trips during the AM peak hour (seven (7) inbound and thirty-six (36) outbound) and fifty-one (51) total trips during the PM peak hour (thirty-four (34) inbound and seventeen (17) outbound).

Urbancrest Street will be paved from the current end of pavement near the fire station to handle the development's traffic. Based on the traffic impact study, the Rochester Road/Urbancrest Street intersection will continue to operate at LOS "C" and LOS "D" levels during respective AM and PM peak hours, which are acceptable levels of service. Parkston Street will also be affected, as its connection from Urbancrest will be closed for general traffic. However, an access drive from the site will be connected to Parkston for emergency use only.

The applicant has provided supplemental traffic information from the project's traffic consultant in letters dated March 18th and April 8th, 2003. The former is in respect to projected traffic impact of other uses on the site, including an office building and single family detached residential development. Office use, as per the Master Plan designation, would have the largest impact, followed by the proposed multiple family development, with the single family development having the least traffic impact. However, the consultant is correct in noting that the site is probably not appropriate for a single family detached residential development.

The April 8th letter is also in response to concerns expressed by the public and Planning Commission at meetings where this project has been discussed. According to the letter, Urbancrest will not have a stacking problem. With the limited amount of traffic being spread out over the morning peak period, and the gaps that the traffic signal provides at the Rochester/Big Beaver intersection, current and future traffic turning off of Urbancrest should not have a problem.

Items to be Addressed: *None.*

ESSENTIAL FACILITIES AND SERVICES

The site has access to water and sewer that is located in Big Beaver Road. Stormwater will be directed off of the site to a retention facility on the fire station property, which will be further improved and enhanced by the applicant. An outlet from this facility will link to the storm sewer from Big Beaver Road.

The enhancement of the retention facility will be significant benefit to the overall area. It is being sized to provide additional capacity for properties north of Urbancrest, which can be provided as an incentive for redevelopment.

Items to be Addressed: *None.*

PUD ELIGIBILITY

The Zoning Ordinance sets forth criteria in Section 35.30.00 Eligibility, for consideration of a project as a PUD. The following are our comments:

Section 35.30.00, A. and B.: The proposed development meets the location requirements set forth in Section 35.30.00, A. and B. Approval of the site will require approval from the City Council, following a recommendation from the Planning Commission that the standards of 35.30.00 B 2. or 3. are met. We believe that the site is appropriate for either category; the unique layout and location of the site could be better served by the flexibility of the PUD ordinance. In addition, the site does have economic obsolescence considerations, based on the vacant school, the current single-family residential zoning and the site's frontage on the highly traveled Big Beaver Road (as demonstrated by the condition of some of the existing single family residential homes). As previously noted, the multiple-family residential would be similar to the office use in being a transition and compatible use with Big Beaver Road, the adjacent fire station and adjacent single-family residential uses.

35.30.00.C. The applicant must demonstrate that a sufficient number of objectives are met which would not be accomplished without the use of the PUD. As the comments indicate, we would advise that the intent of the PUD is being met.

> *1:* The applicant has demonstrated that the "development quality objectives" in Section 35.30.00.B.2 are met. As the applicant notes in response to the PUD conditions, the site layout is based on a creative design that enhances the use of an obsolete site. It includes a large central open area, provision of a pedestrian network connecting the site to the safety path along Big Beaver Road and the adjacent park and an excellent landscape design. It also includes improvement of the City Fire Department property.

2: The proposed development includes multiple-family residences and associated common recreation areas only, with no other mixed use. However, we do not believe that a mix of uses is a prerequisite to permit a PUD. The definition in Section 35.20.00 refers to a PUD as a development consisting of a "combination of uses wherein the specific development configuration and use allocation is based upon a comprehensive physical plan." While the definition refers to a combination of uses, such consideration is mitigated or tempered by "the specific development configuration and use allocation" as demonstrated by a physical plan. Therefore, the Ordinance contemplates a more narrow allocation of use based upon the constraints of site, as demonstrated by a physical plan.

Eligibility criteria for consideration of a PUD are set forth in Section 35.30.00.C. Providing a mixture of uses is one (1) of seven (7) objectives that may be considered. However, the Ordinance does not require that all seven (7) objectives are met. It states that the "applicant must show that a sufficient number of … objectives … are met."

3: The use will include screening to buffer the site from adjacent properties above and beyond Ordinance requirements. The applicant also proposes use of the retention pond adjacent to the fire station, and will have a decorative wet pond appearance. The aesthetic enhancement of the Fire Station with landscaping and reshaping of the detention pond will be a significant benefit.

4: The site will have one (1) direct access from Rochester Road via Urbancrest Street. The lack of an entrance from Big Beaver Road is based on the direction provided by City staff and our office. The revised entrance improves the overall site layout and allows for uninterrupted greenbelt along Big Beaver. The resulting traffic impact on Urbancrest and Rochester Road was investigated by the applicant's traffic consultant, who found that LOS service at the intersection of the two (2) streets would remain at the same level following development of the site.

5: The development will provide an appropriate use of a site characterized by the vacant school building, older housing of diminishing appearance, and vacant lots.

6: As noted, the use will be compatible with the fire station, single-family residences and Big Beaver frontage.

7: Also as noted, while the use may not be identical with the low rise office designation delineated by the Master Plan, it is consistent with the transitional character that the low rise office designation encourages.

Items to be Addressed: *None.*

PLANNED UNIT DEVELOPMENT STANDARDS

The Ordinance sets forth general standards in Section 35.40.00 General Development Standards. The following are our comments:

A. Consistency with Intent of Master Plan:

Regarding consistency with the Master Plan, Section 35.10.00.H. states that the intent of the PUD option is to "ensure development that is consistent with the direction of the Master Land Use Plan." The same phrase is repeated in the second sentence of the definition of PUD found in Section 35.20.00 and also in Section 35.40.00. Section 35.50.02 goes on to state the converse of the previous statements that an applicant may request an amendment to the Master Plan if the use is not consistent. The key words throughout the Ordinance are consistent with the intent of the Master Land Use Plan. The Master Land Use Plan is not a Zoning Map, it is a guide to land use policy.

In the case of the Rochester Commons site, the Land Use Plan designation calls for low rise office. The office designation is typically used as a transition between more intense commercial uses and less intense single-family residential. The office designation also serves as a transition between major thoroughfares (Big Beaver) and single-family residential areas.

It is evident that the former school site is transitional in nature. Commercial uses along Rochester Road and traffic along both Rochester and Big Beaver form an intense corridor. The proposed Rochester Commons project would achieve the same transitional benefits as office development and, in fact, would be more compatible with the neighboring single-family residential.

It is our opinion that the proposed project is consistent with the direction of the Master Land Use Plan. Therefore, we do not believe an amendment is necessary.

It is also important to consider that the amendments made to the Master Plan for residential uses in areas along or adjacent to Big Beaver Road. In *Subsection E (Residential Diversity and Other Plan Amendments)* of *Section I (Evolution of the Master Plan)*, the Master Plan discusses amendments made to expand the potential diversity of residential development in the Big Beaver Road corridor. These amendments were made to improve alternatives to the dominant base of single-family residential in the City, but also to provide support for the commercial and office uses of the Corridor.

One (1) other consideration of the Master Plan discussion of the Low Rise Office designation:

"Establish standards for the provision of pedestrian amenities and facilities on development sites." Future Land Use Plan, page 19.

- The site plan encourages a positive pedestrian layout on the site, as well as connections off-site to the park at the Big Beaver/Rochester Road intersection, the

Big Beaver Road safety path, and elsewhere. Each building is connected by sidewalks, and includes special paving at most of the crosswalks. A larger "bikeway/walkway", located partly on the fire station property, connects the site to the Big Beaver Road safety path. Indication of approval from the fire department for the proposed walk, as well as the proposed detention facility and landscaping, should be provided.

- The layout of the site includes the central pocket park and pavilion, which the majority of the units front upon. Benches, a perennial border and decorative fencing are also provided to create a distinct area for pedestrian use.

B. Consistency and Compatibility with Adjacent Properties:

The proposed multiple-family condominiums are compatible and provide a transition between the following uses:

- To the north:
  Single-family residential.

- To the south (Big Beaver):

- To the west:
  Fire station/community park, and single-family residential.

- To the east:
  Single-family residential.

C. Open Space and Landscape Area:

The applicant is required to provide substantially more open space and landscape area than the ten (10%) percent requirement of Section 39.70.04. Open space and landscape features are intended to be primary features of developments seeking PUD approval and are expected to provide substantially more open space area than that required for typical developments.

The proposed site plan indicates that over 80,000 sq. ft., or nearly forty (40%) percent of the site, is landscaped. Though the figure may be a little high (a breakdown of how this figure was determined was not provided), the landscaping appears to be much higher than the ten (10%) percent required.

D. Stormwater Detention/Retention:

The applicant plans to use the retention pond on the fire station property for the site's stormwater. The facility will be enlarged and enhanced to handle the stormwater from both sites. The pond has been landscaped to provide an attractive appearance. In addition, the applicant is proposing decorative metal fencing. Section 35.40.00.D does not permit fencing.

E. Parking:

Two (2) parking spaces per unit are required. The site plan will provide eighty (80) spaces within the garages and eighty (80) spaces within the driveway, to meet the required one hundred sixty (160) spaces. An additional thirty-three (33) spaces will be provided on the street for visitor parking. The applicant is requesting a deviation of one (1) foot from the parking standards for eight (8) foot parallel parking space widths. This is discussed in greater detail in the parking section of this review.

F. Implementation Single/Cohesive Development vs. Multi-Stage Development:

The development of the site will be completed as a single coordinated and cohesive development project.

Items to be Addressed: *None.*

AREA, WIDTH, HEIGHT, SETBACKS

The underlying R-1E zoning requirements are not applicable to a project of this nature. Based upon the density of the project, the RM-1 and RM-2 may be more applicable. However, both of these Districts utilize dated formulas that are not reflective of more current housing and architectural styles.

Per our request, the applicant has provided a table of the deviations for the proposed project in comparison to the standards of the O-1, RM-1 and RM-2 Districts. Based on the table provided, the development exceeds the maximum height, density and is deficient in the height of the buffer for the RM-1 District. However, the project would meet all but one (1) of the standards of the RM-2 District. The one (1) deviation noted from this category is the reduction in the height of the berm from five (5) feet to four (4) feet. As the table notes, the reduction is coupled with the installation of the pathway and associated amenities, as well as the large percentage of landscape/open space.

In addition, it is our opinion that the setbacks that are critical are along the northern and eastern boundaries. In both cases, these setbacks are in excess of fifty (50) feet along each property line.

Items to be Addressed: *None.*

PARKING, LOADING

The Ordinance requires two (2) off-street spaces per unit. Parking will be provided in single car garages with driveways. In addition, there will be thirty-tree (33) spaces provided on-street. We are satisfied that parking is adequate for both residents and visitors.

	Required		Provided
Off-Street	80		--
On-Street	--		33

No barrier free visitor spaces have been provided. However, based on the use of the site, off-street spaces could be used for any barrier free needs.

The width of the on-street spaces are required to be at least nine (9) feet. The applicant has indicated that he would like a reduction of one (1) foot to eight (8) foot in width. We believe the request is reasonable for a project of this nature.

Items to be Addressed: *None.*

SITE ACCESS AND CIRCULATION

Site Access: The development would revise the current street layout, eliminating the direct connection between Urbancrest and Parkton Street. Urbancrest would culminate into the development at the proposed park and split into a number of one (1) and two (2) way drives. An emergency access connection to Parkton would also be provided. The applicant has revised the access to a bituminous pavement section in accordance with and based on the requirements of the Fire Department.

The connection to Big Beaver Road shown on previous plans has been eliminated, due to the access and cut-through traffic concerns that would have likely resulted. Access to the existing single-family residences on the northwest side of the Urbancrest/Parkton intersection will remain.

Site Circulation*:* The site's one (1) and two (2) way streets will direct vehicles around the development. Access to the garage units and driveways of the buildings will be provided by rear alleys. The width of the drives vary, with a minimum width of eighteen (18) feet for the one (1) way drives and twenty-four (24) feet for the two (2) way drives.

The width of one (1) way drive with on-street parking has been kept to a minimum. The ordinance requires a minimum width of thirty (30) feet from curb to curb. Although twenty-six (26) feet has been provided, we believe that such a width is adequate and allows for safe access and circulation.

Items to be Addressed: *None.*

SAFETY PATHS/SIDEWALKS

An existing sidewalk along some areas of Big Beaver Road will be replaced by a safety path. This path is located to reflect future improvements to Big Beaver. A safety path will also be constructed along the west property line to connect the Big Beaver safety path to the sidewalk network of the site. Internally, this network includes sidewalks connecting each of the buildings to each other and to the pocket park. Other pedestrian elements within the site include the park area, benches and a "common identity piece".

Items to be Addressed: *None.*

LANDSCAPING

The applicant has provided a conceptual landscape plan and narrative description for the site. Rendered landscape and detail sheets have been included. The plan includes a substantial amount of landscaping, including the proposed amenities of the pocket park, screening at the property lines and for the detention basin, and street trees throughout the site. Review of the plan by the Troy Department of Parks and Recreation to determine compliance with the Landscape Design and Tree Preservation Standards will be required prior to final approval.

Composition: The mix of landscaping is appropriate. The applicant is proposing a wide range of landscaping types, spread throughout the site.

Existing Landscaping: The majority of the trees on the site will be removed based on the construction of the interior drives and the southern group of buildings. The narrative describing the landscape concept indicates that some of the perimeter vegetation on the north and east boundaries will be preserved and supplemented. Plans indicate that several of the large Norway Spruces on the site will be preserved. However, as indicated, much of the existing vegetation is not high quality.

Greenbelt: The Big Beaver Road greenbelt and landscaping has been provided, and exceeds the required depth of ten (10) feet. The plan includes a mix of berms, flowering and shade trees, and the safety path. In concept, the appearance of this frontage will be excellent and carry across the subject site to include the Fire Station. A greenbelt at the rear of the site also

exceeds the required ten (10) feet. An evergreen hedge along with deciduous trees is proposed along the north and sections of the east property line.

Residential Screening: Although not required by Ordinance, extensive screening is provided between the project and neighboring residences. The east property line includes large evergreens and deciduous trees.

Site Landscaping: Developments requesting PUD approval shall provide substantially more open space area than required for typical developments within the underlying zoning district. As noted in the PUD section, the site plan indicates that nearly forty (40%) percent has been provided for site landscaping.

Details: Details have been provided and are appropriate. Review by the Troy Department Parks and Recreation department is required.

Refuse Container: Trash receptacles are provided along the pathway system and are appropriate. No other refuse containers are proposed.

Other: The revised plan includes a couple of changes that should be noted. Transplanted evergreens have been added along the north property line at the southeast corner of the site. We commend the applicant for this, though the condition of the trees may be a concern (as noted, a number of the site's existing evergreens are currently in poor condition).

Previous plans indicated Urbancrest as a "tree lined street", with each of the trees appearing to be proposed. However, the location of current drainage and existing trees makes this impossible.

Approval for all work within the Big Beaver Road right-of-way will be required.

Items to be Addressed: *None.*

LIGHTING

Conceptual lighting information has been provided. Decorative light fixtures approximately nineteen (19) feet in height will be provided for internal drives. Based on the provided detail, some of the light fixtures will include directional or street signage as well. The applicant has provided a photometric plan which we find to be acceptable.

Items to be Addressed: *None.*

SIGNS

An entry sign is not anticipated. The applicant has provided the location and type of directional signage (indicating one (1) way, do not enter, etc.) on the site.

Items to be Addressed: *None.*

FLOOR PLANS AND ELEVATIONS

Elevations have been provided for the buildings. Commission previously expressed a concern over the appearance of the units. The colored rendering in the Project Report indicated very attractive units with traditional design details. Materials will be a combination of stone and siding. Window and trim details enhance the appearance of the units.

The height of the residential buildings range from twenty-eight feet eight inched (28’ - 8”) to thirty-three feet eight inches (33’ - 8”) and exceed the twenty-five (25) foot height permitted. However, the nature of the use, particularly in relation to the location of the site along Big Beaver Road and the size and type of the various uses along the Big Beaver Corridor, the height increase in justified as part of the PUD approval. In addition, a three-story building of thirty-six (36) feet in height would be permitted in the O-1 District.

The revised plans include elevations and details for the pavilion and mailbox. Based on these elevations, materials and style will be consistent with those of the main buildings on the site.

Items to be Addressed: *None.*

RECOMMENDATIONS

The proposed PUD will provide an attractive and viable use and remove the current obsolete and detractive uses currently on the site. The use will be compatible with the neighboring uses and will provide a transition from the intensive aspects of Big Beaver Road and its uses to the adjacent single-family residential neighborhoods. The quality of the design, including the pedestrian amenities, the central green area, and traffic circulation, are well thought out and are based on the direction presented by the City Planning Department.

Specifically, the project contains the following elements that exhibit exemplary PUD planning and design:

- This is an urban residential concept that emphasizes a community or neighborhood feeling by orienting most of the units to a central “core”, or pocket park.

- The plan has two (2) strong elements: the pocket park that is in line with Urbancrest Street, and the perpendicular green spaces between the units. These features provide open space, as well as serve to provide clear organization for the development.

- The pocket park is the development's main outdoor amenity, giving residents the opportunity to walk to a green area close to their homes. It can also be used for a community gathering space and recreational space for smaller children. The park also provides a significant view for most residents, letting natural light into their homes while buffering them from units directly across the street.

- All units provide for vehicle storage in the rear of the buildings without dominating the building facades with garage doors. This creates a comfortable, pedestrian-scale streetscape. It also provides private "alleyways" that can be used by residents as casual gathering spaces, work spaces, or recreation areas for older children (basketball, roller blades, skateboarding).

- The units that face Big Beaver provide attractive views for vehicles and pedestrians using the roadway. Orienting some units toward Big Beaver, rather than turning their backs on this road, indicates the road's significance.

- In addition to vehicle access off of Urbancrest, the development is also accessible by non-motorized transportation through the pedestrian safety-path proposed along Big Beaver. This pathway will also allow residents of Rochester Commons to walk to the proposed park on the corner of Big Beaver and Rochester roads.

- Stormwater detention will be provided on City owned property by enlarging and enhancing the existing detention facility.

We recommend approval by the City Council of the preliminary site plan and PUD designation.

CARLISLE/WORTMAN ASSOCIATES, INC.

Richard K. Carlisle, PCP

225-02-2201

cc: Nick Donofrio, Tadian Homes, FAX (248) 643-9693
Jim Butler, Professional Engineering Associates, FAX (248) 689-1044
Randy Metz, Grissim, Metz, Andriese Associates, FAX (248) 347-1005

CARLISLE/
WORTMAN
Associates, Inc.

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

February 19, 2003

Mark Miller, Planning Director
City of Troy
500 West Big Beaver
Troy, MI 48084

Re: PUD Option/Rochester Commons

Dear Mark:

You have asked for my opinion on two specific aspects of the PUD option. The first issue relates to consistency with the Master Plan. The second issue is whether all PUD's must be mixed use in nature.

Regarding consistency with the Master Plan, Section 35.10.00.H. states that the intent of the PUD option is to "ensure development that is consistent with the direction of the Master Land Use Plan." The same phrase is repeated in the second sentence of the definition of PUD found in Section 35.20.00 and also in Section 35.40.00. Section 35.50.02 goes on to state the converse of the previous statements that an applicant may request an amendment to the Master Plan if the use is not consistent. The key words throughout the Ordinance are consistent with the intent of the Master Land Use Plan. The Master Land Use Plan is not a Zoning Map, it is a guide to land use policy.

In the case of the Rochester Commons site, the Land Use Plan designation calls for low rise office. The office designation is typically used as a transition between more intense commercial uses and less intense single family residential. The office designation also serves as a transition between major thoroughfares (Big Beaver) and single-family residential areas.

It is evident that the former school site is transitional in nature. Commercial uses along Rochester Road and traffic along both Rochester and Big Beaver form an intense corridor. The proposed Rochester Commons project would achieve the same transitional benefits as office development and, in fact, would be more compatible with the neighboring single-family residential.

It is my opinion that the proposed project is consistent with the direction of the Master Land Use Plan. Therefore, I do not believe an amendment is necessary.

The second issue is whether a mix of uses is required. The definition in Section 35.20.00 refers to a PUD as a development consisting of a "combination of uses wherein the specific development configuration and use allocation is based upon a comprehensive physical plan." While the definition refers to a combination of uses, such consideration is mitigated or tempered by "the specific development configuration and use allocation" as demonstrated by a physical plan. Therefore, the Ordinance contemplates a more narrow allocation of use based upon the constraints of site, as demonstrated by a physical plan.

Eligibility criteria for consideration of a PUD are set forth in Section 35.30.00.C. Providing a mixture of uses is one of seven objectives that may be considered. However, the Ordinance does not require that all seven objectives are met. It states that the "applicant must show that a sufficient number of …. objectives… are met."

The Rochester Commons project meets a number of important objectives, which will be more fully documented in our detailed review. However, I am confident that the project can proceed without the necessity of mixed use or an Ordinance amendment and meet both the letter and intent of the PUD Ordinance.

Please let me know if you have additional questions.

CARLISLE/WORTMAN ASSOCIATES, INC.

Richard K. Carlisle, PCP

225-02-2201

TADIAN HOMES

Your Idea Of A Home

FOREWARD

With the continued population growth in Troy and the subsequent increased need for appropriate residential housing, the city has partnered with Tadian Homes, Inc. to develop a premier residential community called Rochester Commons. This public/private relationship would not only address the need for desirable housing, it would also accommodate the city's intent to responsibly develop 'infill' properties under a Planned Unit Development (PUD) zoning status. The proposed residential development would utilize the PUD zoning status to improve the current use, which includes an abandoned school site and homes in disrepair.

Regarding the review of the PUD zoning status and it's appropriate implementation, the City Manager states in a memo to city staff that the PUD development needs to "*...achieve a fair balance between community benefit and developer output*". He goes on to state that the environment, traffic, durability of design, economics, and public input should be also considered during the city's review process, in addition to the ordinance criterion.

The Rochester Commons development concept addresses the aforementioned considerations through site and architectural design.

The site plan is designed around and within a series of green spaces. Residential properties and a heavily landscaped bikeway along Big Beaver Road encapsulate the development in lush green space providing pedestrian linkages within and to the surrounding neighborhoods. The core green space of the development, of which a majority of the buildings front, is a large central park reminiscent of many urban pocket parks. This park has been designed to act as a central gathering space for the neighborhood and includes a large open pavilion and community green promoting a sense of community.

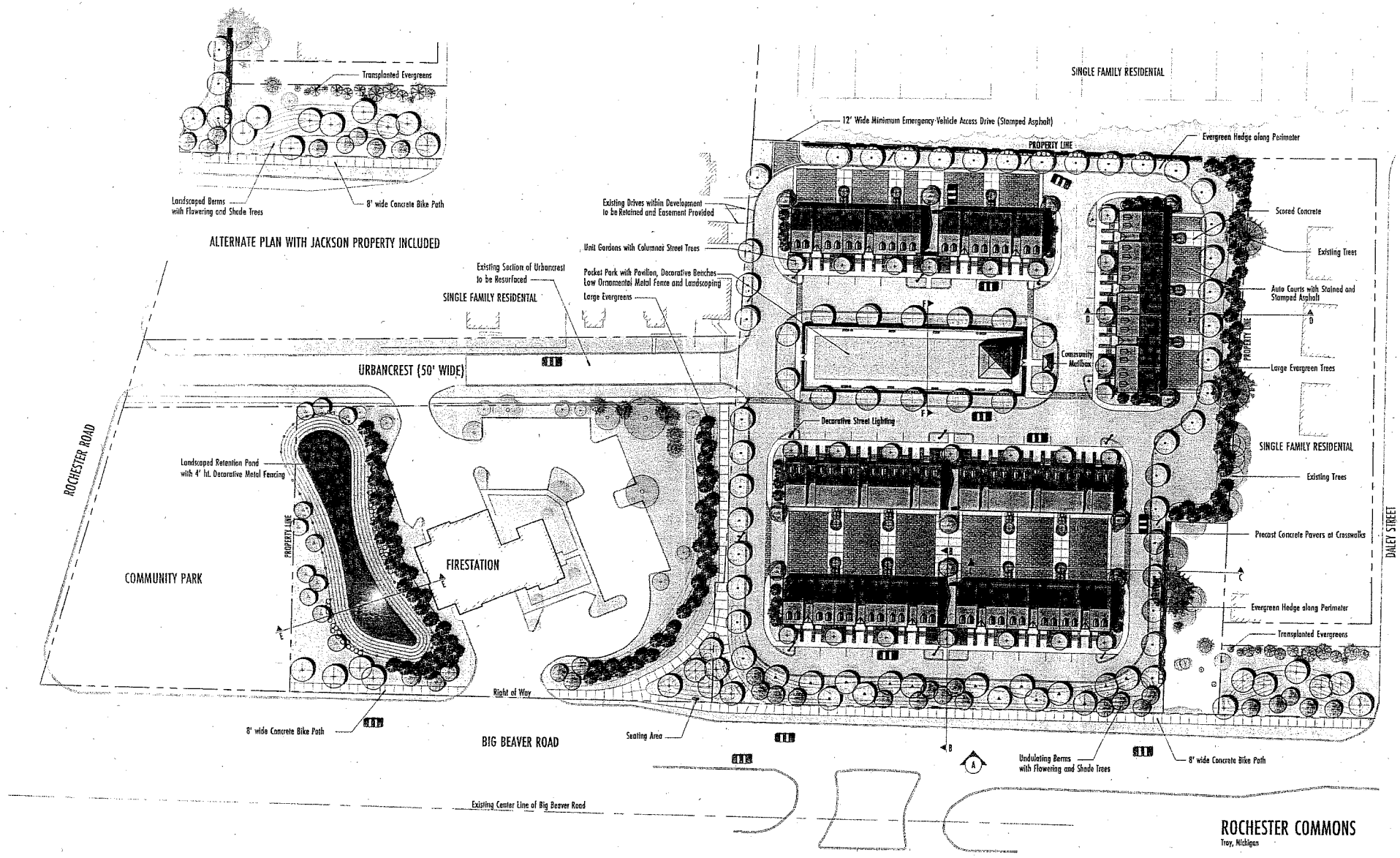
Per the recommendation of the City Planning Department and their Consultant, the entrance into the development is accessed by an existing residential street thus maximizing the greenbelt bikeway and reducing the number of site access points onto Big Beaver Road.

Although the site is currently zoned for R-IE, One Family Residential and master planned for Low Rise Office, the cluster housing concept does provide for a transition in scale from the commercial complexes fronting Big Beaver Road to the surrounding neighborhoods. As Rochester Commons is developed and matures it will become a catalyst and model for other infill projects in and around the City. The adjacent neighborhood will benefit from the Rochester Commons development since storm water retention issues will be mitigated through the expansion for the existing retention basin at the fire station site.

Upon review by the city's Planning Consultant, Carlisle/Wortman Assoc., they had a very favorable response to the proposed development and its proposed PUD zoning. In their correspondence to the city dated March 5, 2003, they stated: The proposed development "*will provide an attractive and viable use and remove the current obsolete and detractive uses (abandoned school and homes in disrepair) currently on the site. The use will be compatible with the neighboring uses and will provide a transition from the intensive aspects of Big Beaver Road and its uses to the adjacent single-family residential neighborhoods. The quality of the design, including the pedestrian amenities, the central green area, and traffic circulation, are well thought out and are based on the direction presented by the City Planning Department.*"

By establishing a strong public/private partnership at the onset of the project and promoting a common goal facilitated by early and ongoing dialogue between the various city agencies, (i.e. Planning Department, City Council and Planning Commission), surrounding neighborhood groups and the developer, Rochester Commons will come to fruition as a desirable, attractive neighborhood contributing to the overall benefit of the Troy Community at large.

(248) 643-9690 *phone* ■ (248) 643-9693 *fax*
2038 West Big Beaver ■ Troy, MI 48084
www.tadianhomes.com



ROCHESTER COMMONS

Troy, Michigan

CONCEPTUAL SITE LANDSCAPE PLAN

February 2003
April 2003

0 15' 30' 60'

NORTH

GRISSIM

TADIAN HOMES

Your Idea Of A Home

DATE: May 23, 2003

TO: Mark Miller, Planning Director of Troy

FROM: Nick Donofrio

RE: Rochester Commons Exterior Color & Materials Selection

Paint: manufacturer: Sherwin Williams

- Trim: SW 7106 "Honied White"
- Siding: SW 2827 "Colonial Revival Stone"
- Doors: SW 284 "Roycroft Bronze Green"
  SW 2801 "Rookwood Dark Red"
  SW 2819 "Downing Slate"
- Garage Doors: SW 6106 "Kilim Beige"
- Shake: SW 6106 "Kilim Beige"

Cultured Stone: manufacturer: Stone Products Corporation

- Cedar Limestone, Cultured Stone CSV-2044

Shingles: manufacturer: IKO

- Style: Traditional Design
- Color: Weatherwood

Front Doors: manufacturer: Therma-Tru

- Premium Steel Door with Crystalline Glass style #: 936

All Other Exterior Doors: manufacturer: Therma-Tru

- Premium Steel Door style #: 212

Fire Doors: manufacturer: Therma-Tru

- Style#: 510

Lighting: manufacturer: Progress Lighting

- For lights above doors: SKU P5667-31
- For lights on side of doors: SKU P5925-31
- For lights under decks: SKU P5745-31
- For hanging pendants: SKU P5066-31

(248) 643-9690 *phone* ▪ (248) 643-9693 *fax*
2038 West Big Beaver ▪ Troy, MI 48084
www.tadianhomes.com

FRONT ELEVATION

TADIAN HOMES

DOMINICK TRINGALI ARCHITECTS

SIDE ELEVATION

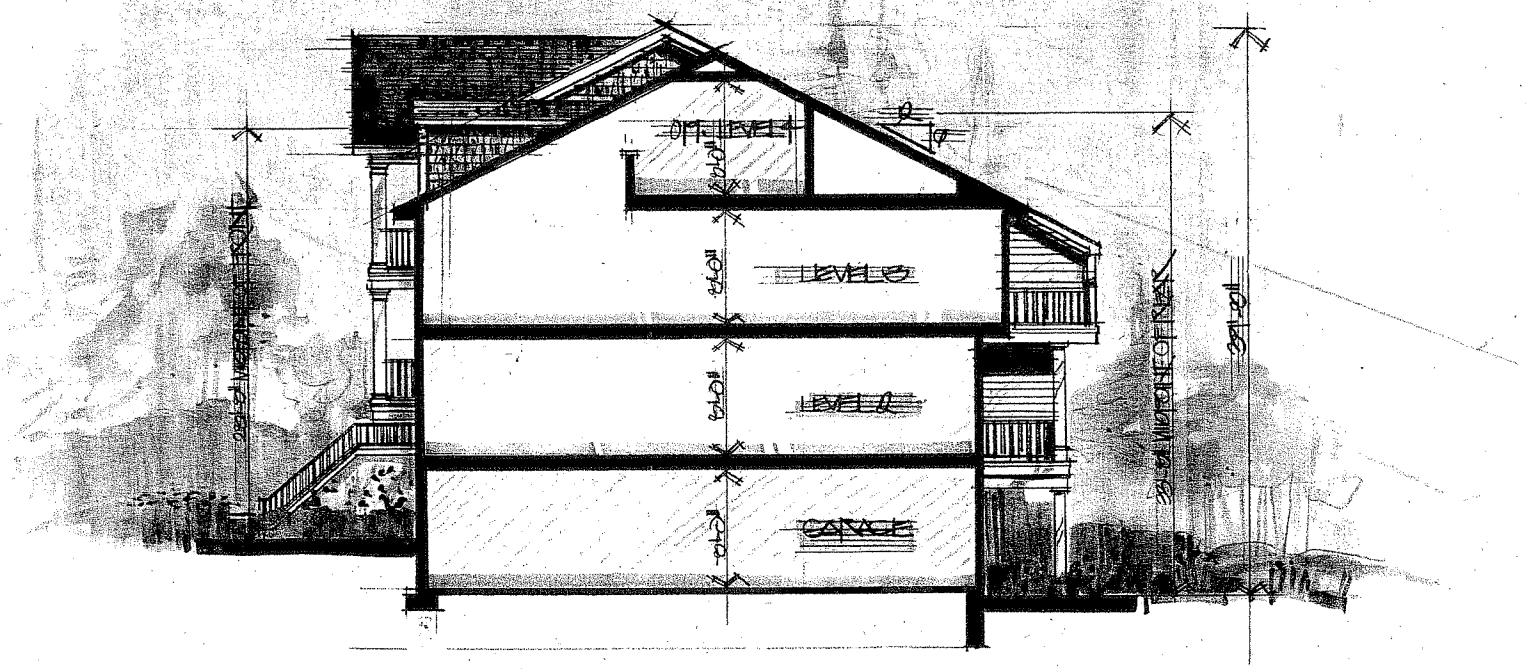
TADIAN HOMES

DOMINICK TRINGALI ARCHITECTS

REAR ELEVATION

TADIAN HOMES

DOMINICKTRINGALI ARCHITECTS

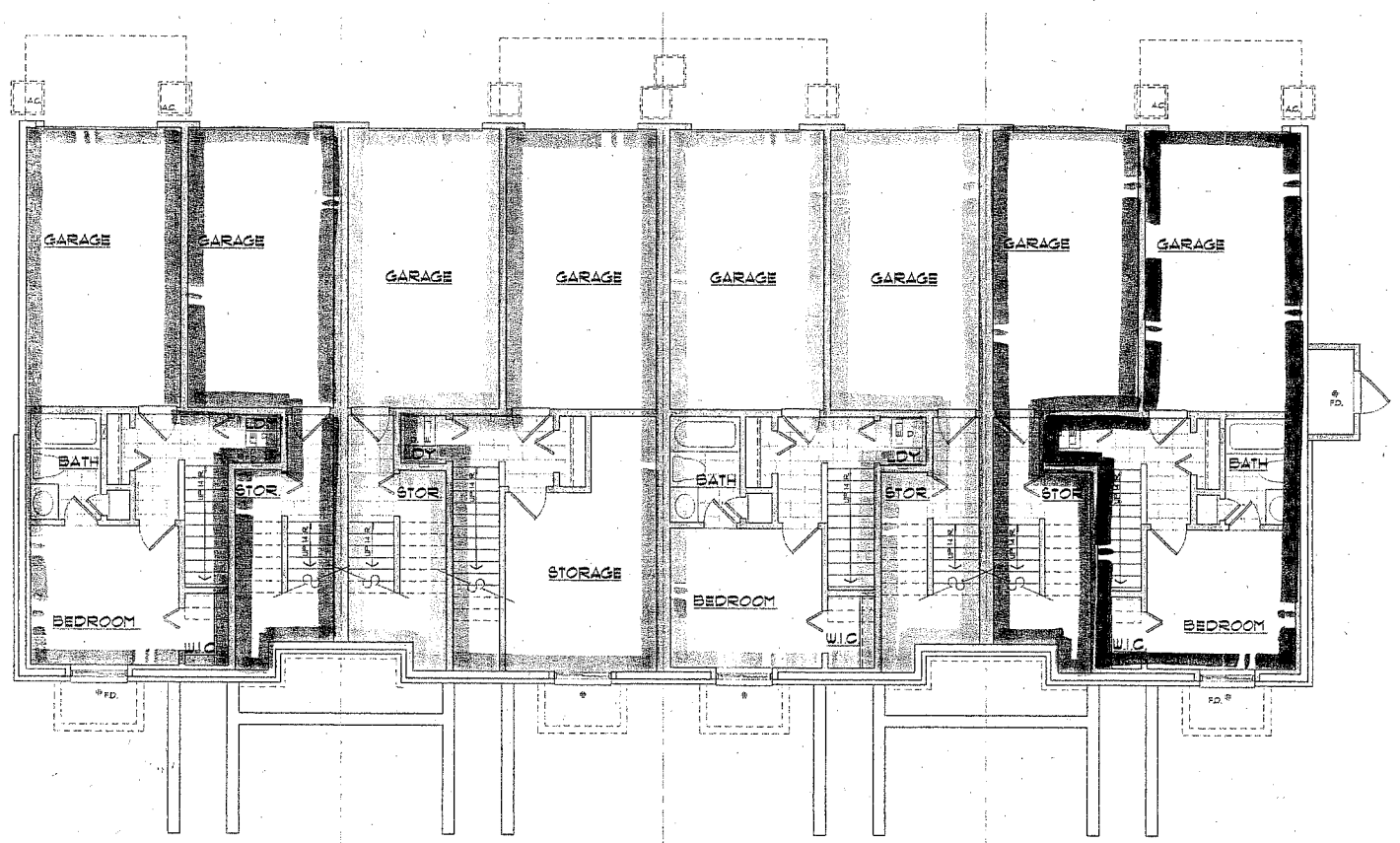


SECTION
1/4" = 1'-0"

DOMINICK TRINGALI ARCHITECTS

LIFESTYLE BY DESIGN

R-4

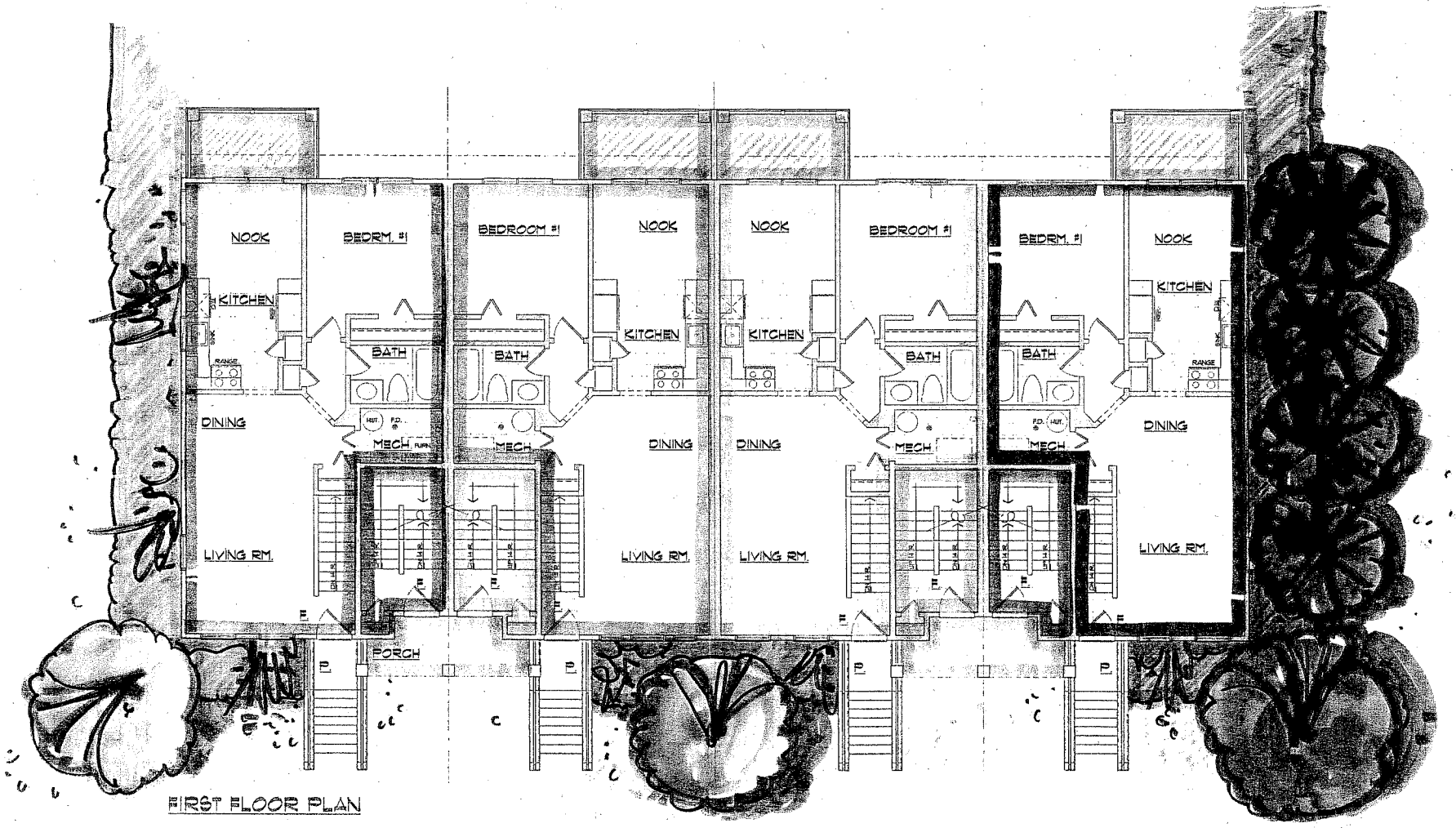


LOWER LEVEL PLAN

tartian homes

DOMINICK TRINGALI ARCHITECTS

LIFESTYLE BY DESIGN



FIRST FLOOR PLAN

lower level:	286 ☐
first floor:	710 ☐
total:	1064 ☐

lower level:	69 ☐
first floor:	774 ☐
total:	843 ☐

lower level:	33 ☐
second floor:	929 ☐

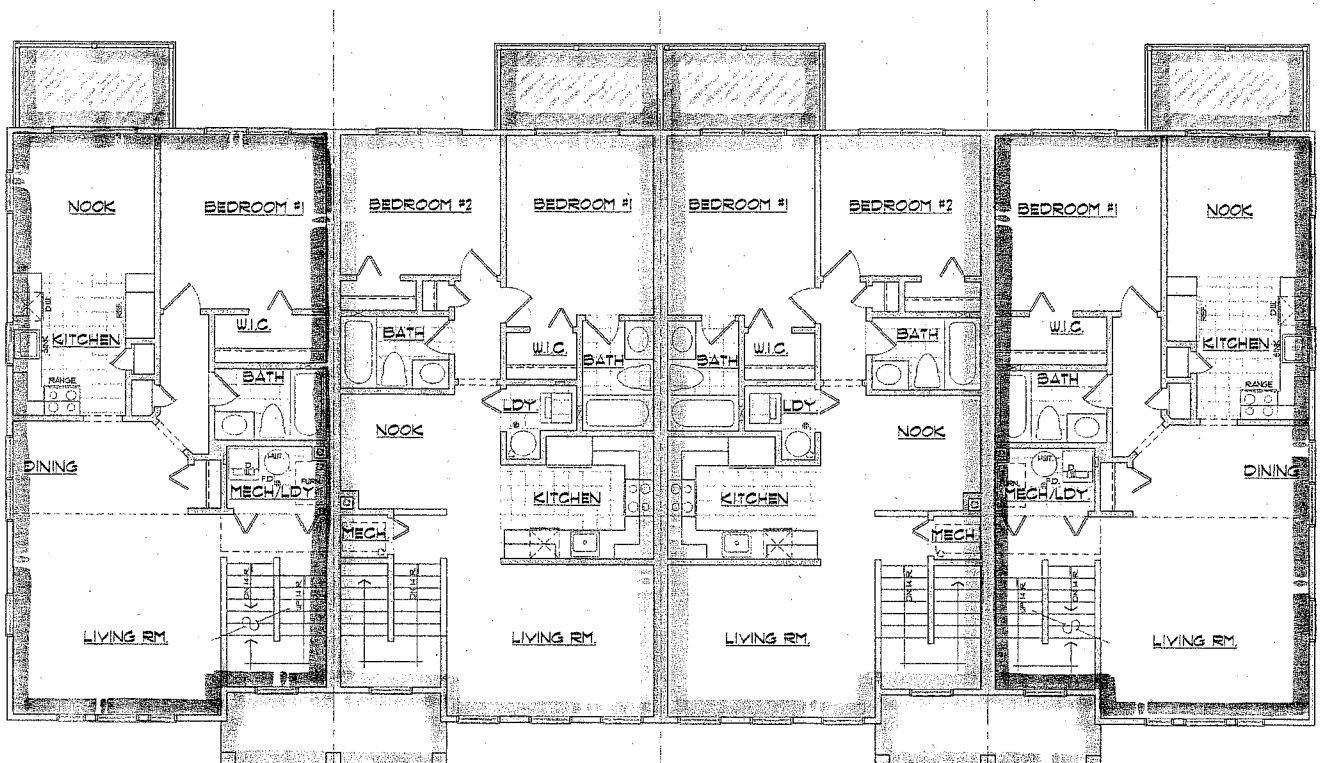
lower level:	32 ☐
second floor:	917 ☐

tadian homes

DOMINICK TRINGALI ARCHITECTS

LIFESTYLE BY DESIGN

homes\VILLAGE AT COR. HE01017 12-plex Bldg. AATRIATER.dwg, 03/25/02 05:17:11 PM, PaulS

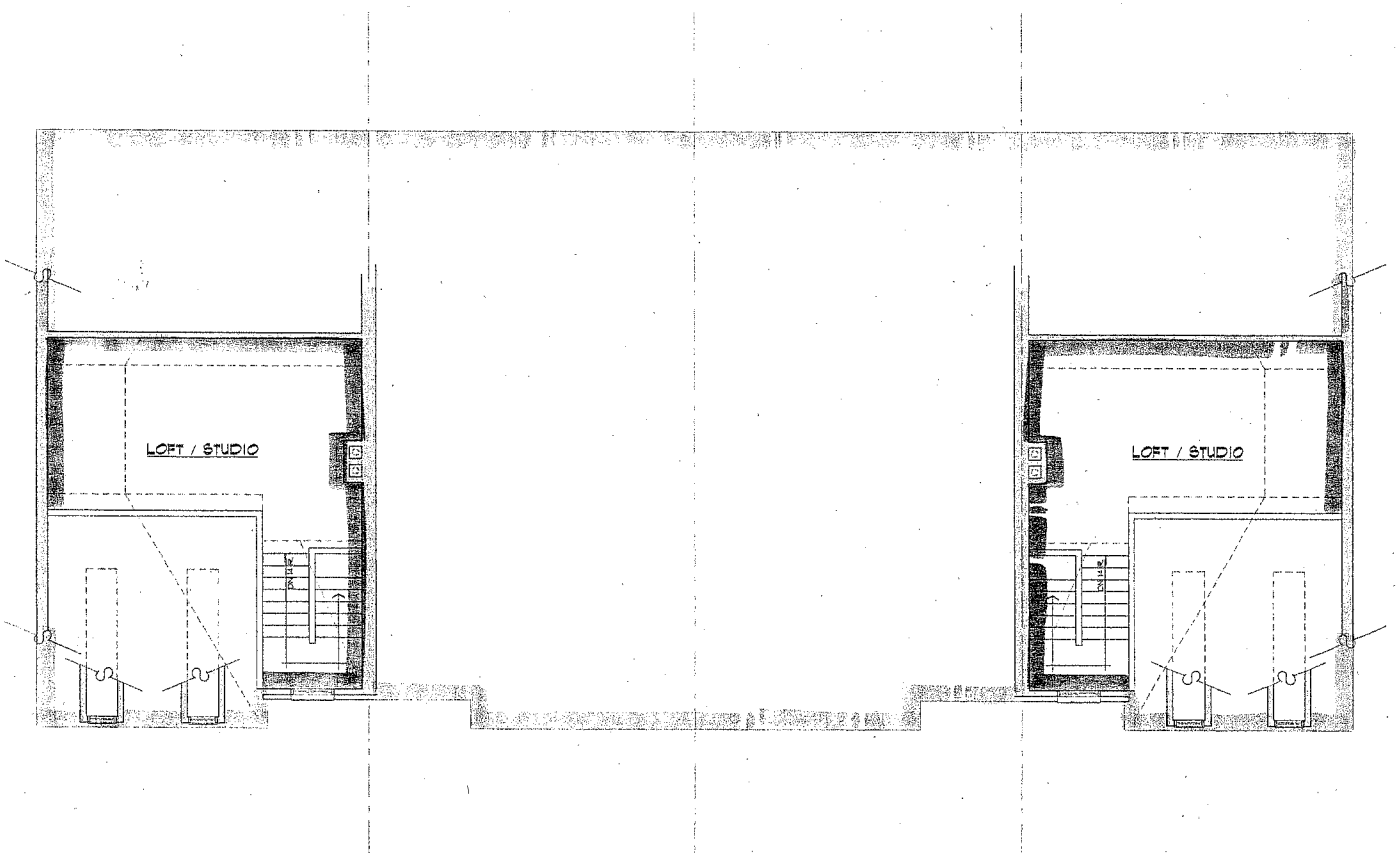


SECOND FLOOR PLAN

tadian homes

DOMINICK TRINGALI ARCHITECTS

LIFESTYLE BY DESIGN



LOFT LEVEL FLOOR PLAN

tadian homes

DOMINICKTRINGALI ARCHITECTS

LIFESTYLE BY DESIGN

© Copyright 2002 Dominick Tringali Architects, Inc.

5. PUBLIC HEARING – PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) – Proposed Rochester Commons, North side of Big Beaver, East of Rochester Road, Section 23 – R-1E

Mr. Miller presented a summary of the Planning Department report for the proposed Rochester Commons PUD.

The Planning Consultant, Mr. Carlisle, gave a brief report on the most recent revisions to the project: resolution of the floodplain delineation; revised walkway as a result of the Big Beaver Road future improvements; substantial improvements to Urbancrest; and emergency accesses per the Fire Department requirements. In summary, Mr. Carlisle said the proposed development is a very good example of a PUD project and recommended approval by the Planning Commission.

Mr. Miller noted the plan has been revised to make no improvements to the adjacent Jackson property so the Jackson's garden area would remain the same, and further noted that the request to vacate the alley between the Jackson property and the City-owned property will be on the June 2, 2003 City Council Regular Meeting agenda. Mr. Miller foresees no problem with the City Council's approval of the alley vacation that would result in one-half of the alley going to the Jackson family and the other half would remain City property.

Mr. Kramer questioned if the designated open space would remain open space, if and once the project is approved.

Mr. Carlisle responded that a development agreement would be required and the only way the open space could be changed is if it came before the Planning Commission as an amendment to the PUD.

Ms. Lancaster confirmed that a change in the open space would come back before the Planning Commission as an amendment to the PUD. She explained that a new site plan would be required, as well as a resolution on the deed restriction and a recorded new planned unit development agreement.

Mr. Kramer questioned the integration of the surface treatment with the pond and landscaped areas.

Mr. Miller responded that no design work has been done at this time, but noted that the intent is to provide a uniform look beginning at Daley Street and continuing along the berm area through to the pond, fire station and park.

Mr. Carlisle agreed that the petitioner should be encouraged to carry the concept all the way to the park.

A brief discussion followed with respect to the alley vacation request and landscape plans for the southern half of the alley, if the vacation is approved.

The petitioner, Nick Donofrio of Tadian Development, 2038 Big Beaver, Troy, was present. Mr. Donofrio said that he is working with the City's Real Estate and Development Director and a landscape architect to arrive at a landscape plan that would provide uniformity throughout the proposed development. Mr. Donofrio briefly reported on the proposed building materials and circulated samples of the building materials to the Commission. Mr. Donofrio discussed the landscape plan along Urbancrest and the property adjacent to the Jackson family. Mr. Donofrio expressed his desire to work with the City and said he is open to suggestions.

PUBLIC HEARING OPENED

Ms. Barbara Jackson of 3035 Daley, Troy, was present. Ms. Jackson provided a letter that cites her major concerns to the proposed development. Ms. Jackson believes the development would have a negative impact on the neighborhood, and noted the neighbors on Hartland are not in favor of the development. Ms. Jackson expressed her appreciation to the Commission for their dedication and hard work on behalf of the City.

Eileen Youngerman of 369 Lange, Troy, was present. Ms. Youngerman said she manages property on Rochester Road, south of Big Beaver, and is familiar with the proposed development. Ms. Youngerman is in favor of the proposed development. She believes it would remove and improve a long-time blighted area as well as continue the Golden Corridor concept for the City. She views the proposed development as an asset to the City.

Helen Haas of 1069 Urbancrest, Troy, was present. Ms. Haas, who lives next to the abandoned school, questioned the term "mixed use" and voiced her objections to the proposed development. Ms. Haas stated the petitioner has committed to providing an easement but that there would be certain restrictions. She stated that she cannot afford an attorney to seek legal advice and does not want to sign any documents.

Ms. Lancaster said it would be in the best interest of Ms. Haas to retain an attorney to review the legal documentation related to the easement agreement, but noted that the City would ensure that her interests would be protected as part of the master deed plan.

Mr. Donofrio clarified that the restriction to which Ms. Haas is referring is the parking of her recreational vehicle on the property. He informed Ms. Haas that neither she nor any of her neighbors would be permitted to park recreational vehicles on the property. Mr. Donofrio noted that Ms. Haas would not be responsible for any maintenance nor would she be assessed any association

dues, and further that this would be inherent for any future owners of the Haas property.

Jim Meinershagen of 4657 Heatherbrook, Troy, was present. Mr. Meinershagen is the head of the Scotland homeowners association. Mr. Meinershagen stated that he is in favor of the proposed development because it would be improving the City's principal intersection. He asked that the needs and wishes of neighbors, such as the Jackson family, with respect to landscaping and access be taken into consideration.

David Hornak was present to represent the homeowners at 1115 E. Big Beaver Road, Troy. Mr. Hornak spoke in favor of the proposed development and expressed appreciation to the petitioner for his efforts to work with the neighbors. Mr. Hornak believes the area will be well maintained by the private condominium owners.

Bob Jackson of 3035 Daley, Troy, was present. Mr. Jackson thanked the Commission for their hard work. Mr. Jackson stated that he has maintained the property to the rear for 47 years. He does not think a berm is necessary in this area and suggested to keep the existing trees. He voiced concerns with respect to watering the proposed berm. Mr. Jackson referenced the alley vacation and said there is no way a car will fit on a 10-foot driveway.

PUBLIC HEARING CLOSED

Mr. Waller requested that City staff, the City Attorney's Office and City Council give serious consideration to the wishes of the Jackson family.

Mr. Vleck questioned the proposed storm water retention and the maximum height of an office building if the site was developed under office zoning.

Mr. Miller confirmed that the petitioner is required to provide some method of storm water retention, and noted that the petitioner has proposed an oversized retention pond as a catalyst for future development. Mr. Miller further said that if the property was rezoned to low rise office, a three-story office building at a height of 36 feet would be allowed under the zoning.

Resolution

Moved by Waller Seconded by Schultz

RESOLVED, that the Preliminary Plan for a Planned Unit Development, pursuant to Section 35.60.01, as requested by Tadian Developments, for the Rochester Commons Planned Unit Development (fka Back Bay Village PUD), located on the north side of Big Beaver Road and east of Rochester Road, located in

section 23, within the R-1E zoning district, being 4.86 acres in size, is hereby recommended for approval to City Council.

FURTHER RESOLVED, the proposed PUD meets the location requirements set forth in Section 35.30.00, A and B (2 and 3). The unique layout and location of the site is better served by the flexibility of the PUD ordinance. In addition, the site does have economic obsolescence considerations, based on the vacant school, the current single-family residential zoning and the site's frontage on the highly traveled Big Beaver Road, as demonstrated by the deteriorated condition of some of the existing single family residential homes. The multiple-family residential development would be similar to office use in being a transitional use and a compatible use with Big Beaver Road, the adjacent fire station and adjacent single-family residential uses.

FURTHER RESOLVED, pursuant to Section 35.30.00.C*,* the applicant demonstrated that a sufficient number of objectives are met which would not be accomplished without the use of the PUD.

1. The applicant has demonstrated that the "development quality objectives" in Section 35.30.00.B.2 are met. As the applicant notes in response to the PUD conditions, the site layout is based on a creative design that enhances the use of an obsolete site. It includes a large central open area, provision of a pedestrian network connecting the site to the safety path along Big Beaver Road and the adjacent park and an excellent landscape design. It also includes improvement of the City Fire Department property.

2. The proposed development includes multiple-family residences and associated common recreation areas only, with no other mixed use. However, a mix of uses is not a prerequisite to permit a PUD. The definition in Section 35.20.00 refers to a PUD as a development consisting of a "combination of uses wherein the specific development configuration and use allocation is based upon a comprehensive physical plan." The definition refers to a combination of uses, such consideration is mitigated or tempered by "the specific development configuration and use allocation" as demonstrated by a physical plan. Therefore, the Ordinance contemplates a more narrow allocation of use based upon the constraints of site, as demonstrated by a physical plan.

3. That the eligibility criteria for consideration of a PUD are set forth in Section 35.30.00.C. Providing a mixture of uses is one (1) of seven (7) objectives that may be considered. However, the Ordinance does not require that all seven (7) objectives are met. It states that the "applicant must show that a sufficient number of … objectives … are met."

FURTHER RESOLVED, the use will include screening to buffer the site from adjacent properties above and beyond Zoning Ordinance requirements. The applicant also proposes use of the retention pond adjacent to the fire station, and will have a decorative wet pond appearance. The aesthetic enhancement of the Fire Station with landscaping and reshaping of the detention pond will be a significant benefit.

FURTHER RESOLVED, that the proposed Preliminary Plan demonstrates that the General Development Standards, set forth in Section 35.40.00, and the Standards for Approval, set forth in Section 35.70.00, have been met.

FURTHER RESOLVED, the PUD is consistent with the Future Land Use Plan. The Future Land Use Plan designation calls for low rise office which is used as a transition between more intense commercial uses and less intense single-family residential uses. The office designation also serves as a transition between major thoroughfares (Big Beaver) and single-family residential areas.

FURTHER RESOLVED, it is evident that the former school site is transitional in nature. Commercial uses along Rochester Road and traffic along both Rochester and Big Beaver form an intense corridor. The proposed Rochester Commons project would achieve the same transitional benefits as office development and, in fact, would be more compatible with the neighboring single-family residential.

FURTHER RESOLVED, that the recommendation is subject to the following conditions.

1. The Preliminary Plan consists of a project manual, dated 4/03, which was presented to the Planning Department on April 11, 2003; the manual contains narratives, reduced plans, and full size plans:

<u>Prepared by Grissim, Metz, Andriese Associates</u>

1	Conceptual Landscape Plan
2	Conceptual Building Enlargement Landscape Plans
3	Conceptual Lighting/Street Signage Plan
4	Site Details
5	Site Amenities
6	Photometric Plan

<u>Prepared by Professional Engineering Associates</u>

PSP-3	Site Plan
PSP-3	Grading Plan (Preliminary)
C-2	Topographic Survey
T-1	Tree Survey

FURTHER RESOLVED, that the Planning Department will keep the Planning Commission informed on a written basis on any change or items of merit that occur to this project.

FURTHER RESOLVED, the City of Troy in support of the theme of improvement of this area of Troy will enclose the dumpster located on the parking lot of the Fire Department.

Yeas	Nays	Absent
Kramer	Vleck	Chamberlain
Littman		Storrs
Pennington		
Schultz		
Waller		
Wright		

MOTION CARRIED

Chairman Littman congratulated the petitioner on following the PUD process plan.

Mr. Vleck stated he is not in favor of the motion because he feels the proposal falls short in relation to a PUD project. He cited the proposal has no mixed use; the building material quality is of relatively low standard; and the public benefits are minimal. Mr. Vleck stated that the only precedent being set is for a developer to originally submit a sub-standard plan, make a lot of revisions to show that he/she is going through the PUD process, and receive approval that the proposal qualifies as a PUD project.

Resolution

Moved by Kramer Seconded by Waller

RESOLVED, that the Planning Commission recommend to City Council that City Management be directed to coordinate the development of the corner park with the design intent and development as presented by the petitioner this evening.

Yeas	Absent
All present (7)	Chamberlain
	Storrs

MOTION CARRIED

6. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) – Proposed Rochester Commons P.U.D., North side of Big Beaver, East of Rochester Road, Section 23 – R-1E

Mr. Savidant reported that Mr. Jackson of 3035 Daley brought to the Planning Department's attention that the City proposes to widen westbound Big Beaver, south of the proposed development. The Engineering Department has confirmed that the road widening is projected for the year 2005. As a result, the landscape berm originally designed by the petitioner had to be modified to accommodate the road widening. Mr. Savidant reported that the petitioner has provided to the Commission a revised landscape plan and a user-friendlier grading plan.

The petitioner, Nick Donofrio of Tadian Development, 2038 Big Beaver, Troy, was present. Mr. Donofrio displayed "before and after" landscape renderings, and noted that the proposed widening greatly impacts the landscaping and resulted in a less elaborate landscape plan. Mr. Donofrio also detailed the final grading plan.

Mr. Chamberlain remarked that it is unfair to both the Planning Commission and the petitioner to receive findings such as this at the 11th hour.

Mr. Donofrio circulated various building materials and noted that additional materials would be available for examination at the May 13, 2003 Public Hearing. Mr. Donofrio confirmed that a report relating to homeowner comments would also be available at the May 13, 2003 Public Hearing.

9. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) – Proposed Rochester Commons P.U.D., North side of Big Beaver, East of Rochester Road, Section 23 – R-1E

Mr. Miller reported the most current PUD material has been provided to the Commission and noted that neither the Planning Department nor the Planning Consultant have completed their reviews. Mr. Miller reminded the Commission that the item is scheduled for the May 13, 2003 Regular Meeting.

Mr. Carlisle reported results of the traffic impact study revealed the proposed PUD project would generate one-third less traffic than a potential office site development. Further, the traffic impact study documented that there would be no car stacking concerns on Urbancrest during morning hours. Mr. Carlisle reported that FEMA is in the process of revising its floodplain maps as a result of a drain project, and noted the existing floodplain boundary on the proposed site would be eliminated. He stated the petitioner has provided details on detention fencing and clarification on parking dimensions. In summary, Mr. Carlisle said he is satisfied the petitioner has addressed the majority of issues and the plan looks good.

Mr. Miller stated the PUD ordinance requires the petitioner to have control of the PUD property. Further he reported that the offer to purchase the City's property is before City Council for approval at their April 28, 2003 meeting.

A brief discussion followed with respect to the proposed grades and engineering drawings. The petitioner said he would provide the Commission with a more user-friendly engineering drawing. In addition, the petitioner said that sample building materials would be provided at the May 13, 2003 Regular Meeting.

Mr. Storrs requested the Planning Department provide the Commission with a list of public comments and how the petitioner has addressed them.

There was discussion with respect to the keyhole piece of property owned by the Jackson family. The petitioner stated that he has prepared final landscape plans with two options: one to allow for the possible vacation of the alley and one without the vacation of the alley. Mr. Miller stated that he would confirm if the vacation is a necessary step in the process.

There was a brief discussion on bituminous sidewalks versus concrete sidewalks. The petitioner stated he would provide the type of sidewalk the City desires.

Chairman Littman requested the proposed PUD-2 be placed on the May 6, 2003 Special/Study Meeting agenda.

6. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) – Proposed Rochester Commons PUD (formerly Backbay Village), North side of Big Beaver, East of Rochester Road, Section 23 – R-1E

Mr. Miller noted that a letter from the Jackson's and an updated traffic study was received and distributed to the Commissioners prior to tonight's meeting. He reported that the petitioner has not submitted any revised plans since the Public Hearing on March 11.

The petitioner, Nick Donofrio of Tadian Development, 2038 Big Beaver, Troy, was present.

Chairman Littman questioned the type of materials that would be used for the condominium development.

Mr. Donofrio briefly reviewed the external materials proposed for the development. He stated that cultured stone is proposed for the base and hardy plank is proposed for the shakes, siding, corner boards and trim boards. He noted that standard 30-year shingles will be used and wood pine is proposed for the rails. Mr. Donofrio said that garage doors would be a panel style and balcony decks are proposed to be cedar. Mr. Donofrio noted that the Enclaves development at John R and Wattles was constructed with identical materials that are proposed for Rochester Commons, and suggested interested parties to visit the site. Additional developments constructed with similar materials are Forester Square in Auburn Hills (on Adams Road) and Cherry Hill in Canton. Mr. Donofrio said he would be glad to provide material samples to the Planning Department and at the Public Hearing. Mr. Donofrio said additional stone and more architectural detail has been added along the windows and garages, and noted the buildings would be the same color.

Mr. Kramer questioned the required maintenance of the condominiums with the use of hardy plank.

Mr. Donofrio responded that in an upscale neighborhood hardy plank is a more desirable material than vinyl and aluminum; and confirmed the material would require some maintenance. He noted the maintenance would be covered in association fees.

Ms. Pennington questioned if the proposed development is similar to the development in Lake Orion on Atwater Street.

Mr. Donofrio confirmed that the proposed development would be identical to the Lake Orion development, which is located at the corner of M-24 and Atwater Street and includes an extension of the Paint Creek Trail.

Mr. Chamberlain addressed his concerns with respect to the petitioner's coordination with the Planning Department to have all the required documentation submitted within a reasonable timeframe for Planning Commission approval.

A brief discussion followed.

Mr. Donofrio said that his deadline to submit the final required documentation to the Planning Department is April 15, and noted that all public concerns will be addressed and resolved at such time.

Chairman Littman announced that the proposed PUD will be a discussion item again on the April 22, 2003 Special/Study Meeting, and the Public Hearing is tentatively scheduled for the May 13, 2003 Regular Meeting.

6. PUBLIC HEARING - PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) – Proposed Rochester Commons P.U.D., North of Big Beaver, East of Rochester Road, Section 23 – R-1E

Chairman Littman gave an explanation of a Public Hearing procedure. He requested that the public limit their comments to the scope of the proposed project. Chairman Littman stated that the Commission would consider all public comments presented at tonight's meeting and at a future study meeting and noted that a second Public Hearing will be scheduled for residents. Chairman Littman noted that the Commission is advisory only and that City Council has the final decision on the proposed Rochester Commons PUD.

Mr. Miller announced that the City's Planning Consultant, Richard Carlisle of Carlisle/Wortman Associates, would be making tonight's presentation. Mr. Miller noted that Mr. Carlisle has been working with the petitioner and the Planning Department in reviewing the proposed project and the Planning Consultant's report has been provided to the Commission. Mr. Miller stated that the proposed Rochester Commons PUD is the City's second PUD project and, per a new City policy, a public informational meeting has been held where the developer and City staff were available to answer questions and concerns of the public and to receive public comment.

Mr. Carlisle introduced himself and explained his working relationship with the City. Mr. Carlisle provided a brief overview of what a Planned Unit Development is. He stated that the PUD ordinance does not contemplate a specific style or type of development, but outlines a planning-driven process where the Commission makes an approval based on a specific development plan. Mr. Carlisle explained that a PUD project must meet certain development objectives and ordinance provisions. He cited that the project must be a demonstrated benefit to the community and a demonstrated enhancement that could not otherwise be achieved without application of a PUD.

Mr. Carlisle stated that the proposed PUD is on a site that has remained dormant for a number of years, noting the abandonment of the old public school. He noted that the site is bordered on the north and east sides by single family residential, a mix of commercial and public space is to the west (the City Fire Department), and Big Beaver Road is to the south. The applicant proposes to construct 7 multi story buildings in a multiple family condominium style of development. Mr. Carlisle noted that 80 condominium units are proposed, ranging in size from 1,100 to 1,300 square feet. Mr. Carlisle reported that the total site is 3.9 acres, and that approximately 9 parcels were assembled to accommodate the project. Mr. Carlisle noted that an aerial photograph of the surrounding area has been provided to the Commission.

Mr. Carlisle briefly reported on the natural resources of the development. He stated that the site is bordered on the northern and eastern perimeters by

existing tree cover, and noted that the trees are in reasonably good condition but not of high quality. Mr. Carlisle said that there are no existing wetlands on site and the floodplain delineation is under reconsideration as a result of the recent drain improvements.

Mr. Carlisle stated that a traffic study has been submitted and reviewed by the City's Traffic Engineer and the determination is that there will be no deterioration of the level of service as a result of impact on this project. Mr. Carlisle projected that the total number of trips generated by a project of this nature would be less than what would be generated during a peak period by an office building, should it be located on the site. He noted that generally condominium projects generate fewer trips per day than a standard single family home.

Mr. Carlisle reported that the applicant is proposing Urbancrest to be the main entry as opposed to creating additional curb cuts onto Big Beaver. The applicant further proposed to make improvements to the Urbancrest entry. Mr. Carlisle noted that the site does have access to sewer and water. The applicant is agreeing to utilize and enhance the existing storm water detention basin on the Fire Department area by enlarging, reshaping and landscaping it.

Mr. Carlisle believes the proposed project has a unique location that will be better served by the use of the flexibility of the PUD ordinance. He said the proposed development is an excellent source of an infill project and use of the PUD ordinance. He feels that the project is better designed and will have less of an impact on the area than if the property were developed in the manner that it is specifically master planned.

Mr. Carlisle stated that all of the elements incorporate quality; i.e., materials, design layout, use of park space, landscaping, and architecture. Mr. Carlisle noted that the applicant has put forth great efforts to consolidate the frontage and cooperate with the City. He noted that the entire frontage would be enhanced with landscaped walkways and pathways that will improve the image of the City property and the entire frontage along Big Beaver. Mr. Carlisle reported that the project includes extensive buffering and screening from adjacent properties above and beyond the current ordinance requirements. He believes the project provides an appropriate use of the site now, and that conversion to another use would be extremely difficult.

Mr. Carlisle spoke with respect to the consistency of the proposed project with the intent of the Master Plan. He noted that Section 35.10.00.H. of the Zoning Ordinance reads: "that the intent of the PUD option is to ensure development that is consistent with the direction of the Master Land Use Plan." Mr. Carlisle noted the ordinance is very specific that the Planning Commission can make a determination of consistency with the Master Plan. Mr. Carlisle's opinion is a determination could be made that this particular project is consistent with the guidance that is given in the Master Plan. Mr. Carlisle noted that in most

communities, an office designation is typically used as a transition between more intense commercial uses and less intense single family residential, or between major thoroughfares and single family residential areas.

Mr. Carlisle reported that it is evident that the former school site is transitional in nature and that the Master Plan designation of office was intended as a transitional category between the more intensive potential use of the corner of Rochester and Big Beaver and the less intensive use surrounding it, which is single family in nature. Mr. Carlisle believes that the proposed development provides a superior transitional use because it is residential in nature. He believes in the long run, the proposed development would be less intense and less obtrusive on the surrounding neighborhood than the potential of office use. In summary, Mr. Carlisle said the intent is for a PUD to remain consistent with the City's Master Plan, and the ordinance provides the Planning Commission with the flexibility to interpret consistency with the Master Plan. It is Mr. Carlisle's opinion that an amendment to the Master Plan is not necessary.

Mr. Carlisle reported that parking is proposed in the garages and in spaces behind the garages, as well as on-street parking. A request has been made to the applicant for clarification on dimensional requirements. Mr. Carlisle applauded the proposed pedestrian circulation throughout the development. He noted that the landscape plan meets or exceeds ordinance requirements.

Mr. Carlisle said that overall the proposed PUD is an attractive and viable use of the property that fits the intent of the PUD ordinance and is a good example of an infill project on a very difficult site.

In summary, Mr. Carlisle recommends approval of the preliminary site plan and PUD designation subject to clarification of the following items: flood plain delineation; approval from the City for use of the detention facility; retention pond fencing; explanation of all requested deviations; barrier-free parking; width of on-street spaces; directional signage; emergency access; and height of light fixtures.

Mr. Storrs asked how the density would compare if the proposed property were zoned to allow condominium development, and in what zoning category would it fall.

Mr. Carlisle responded that if the project were zoned in a multiple family category, its density would be in the middle range of the City's two multiple family categories, and noted that the density of the proposed development is on the lower side. Mr. Carlisle noted that in order to accomplish this project as a multiple family development, a zoning category would have to be achieved.

Mr. Miller stated that the current multiple family zoning district would not allow this type of development. He said that the multiple family district encourages somewhat of an outdated mode of garden-type apartments and that more

modern techniques of construction for multiple family development are not permitted within the City's existing zoning. Mr. Miller asked for comments from the Planning Consultant.

Mr. Carlisle responded that the City's current ordinance requirements are based on formulas and approaches that in reality are probably indicative of the way ordinances were written 25 to 30 years ago.

Mr. Kramer asked for a point of clarification on the density, noting that Mr. Carlisle's report quotes 3.88 acres with 80 units, which would arrive at a density of 21 units per acre.

Mr. Carlisle apologized and said that is an error on his part. The 3.88 acres in the report references only the school site. Mr. Carlisle said that the total project area is 4.86 acres, which would attain a density of 21 units per acre.

Mr. Kramer asked what the width of the proposed sidewalk is along Big Beaver.

Mr. Miller stated that 10 feet is the minimum width for a multi-use safety path on a major thoroughfare.

Mr. Carlisle confirmed that the drawing shows the sidewalk as 10 feet in width. Mr. Carlisle said that his recommendation for a safety path is anywhere between 8 to 10 feet, and noted that sidewalk standards keep going upward. He said that a multi purpose pathway is designated for use by pedestrians, bicycles, inline skaters, etc.

The petitioner, Nick Donofrio of Tadian Development, 2038 Big Beaver, Troy, was present. Mr. Donofrio displayed two renditions of the proposed development. Mr. Donofrio said that because of the nature of the infill project, the proposed development would impact a few long-time residents. He addressed one issue relating to the use of the driveways and the dirt road on the former school property. Mr. Donofrio said that a permanent easement would be granted to those property owners to incorporate their driveways into the neighborhood and the use of the road, and noted that the property owners would not incur any of the maintenance costs.

The second issue Mr. Donofrio addressed was the impact the proposed development would have on the existing landscaping. Mr. Donofrio said that it is proposed to remove the large line of spruce trees along the north property line because of their age and deterioration and stated that they would be replaced with plantings, shade trees and a 6-foot high hedgerow. Mr. Donofrio addressed the trees behind the spruce trees for which an arborist conducted a walk-through along the perimeter and reported that some trees are alive and viable but in need of special care. Mr. Donofrio said that the underside area would be cleaned up and those designated trees given special care. Mr. Donofrio noted that the trees

along the eastern boundary will remain and any other existing trees will be kept if possible. Mr. Donofrio specifically addressed the Jackson home and said it is proposed to enhance the existing landscaping with a 6-foot high evergreen hedge along the perimeter and shade trees. He noted that he would continue to work directly with the Jackson family on other items of concern.

Mr. Kramer asked for further information on the pond with respect to fencing and maintenance.

Mr. Donofrio explained that the pond is planned to be more of a regional pond to service future infill development and because of the size of the pond, it has been recommended by City administration to fence it. He stated that it is proposed to fence the pond with a heavy rod iron design.

Mr. Miller stated that the maintenance of the fence would be the responsibility of the City because it is on City property. Mr. Miller said that the petitioner has met with City staff to insure that the pond is sufficient in size to be capable of retaining storm water when other infill projects are developed, especially to the north. He noted that the petitioner is providing future benefit to the redevelopment of the whole area and suggested the Commission address any issues it may have with respect to fencing the retention pond at this time.

Mr. Vleck requested that the outdoor lighting be limited in brightness and meet City standards, especially with respect to the units on the north and east boundaries.

Mr. Donofrio confirmed that they would work with the City and hope to tie the outdoor lighting into the landscaping and architectural aspects of the project.

Mr. Waller commented on the boundaries of the retention pond that are dictated by the easements of the drains and asked the Commission to keep in mind the considerations of the Drain Commission.

Chairman Littman reminded the public that tonight's meeting would be televised tomorrow, March 12, at 5:00 p.m.

Mr. Storrs commented that it would be more desirable to locate the proposed park nearer to the fire station and locate the water amenity nearer to the intersection of Big Beaver and Rochester. Mr. Storrs' other concern is that it may be a temptation for some residents to cut through the development via the fire station to Urbancrest.

Mr. Chamberlain commented that a special committee is working on a gateway entrance to the City and suggested not to be concerned about the PUD's proposed water amenity.

Mr. Wright mentioned that it appears the park's location is on top of the huge drain and the water amenity cannot be moved because of the concrete below the surface.

Mr. Miller stated that the initial direction of staff and Mr. Carlisle was to put the water amenity near the intersection, but as the realization that the drain became an issue, it was apparent that the water amenity would be placed in the same area as the existing retention.

PUBLIC HEARING OPENED

Barbara Jackson, 3035 Daley, Troy was present. Ms. Jackson expressed her appreciation with the petitioner's approach to their concerns. Ms. Jackson expressed concerns with respect to the proposed development not meeting the City's PUD criteria, the density of the project, the lack of parking within the development, and the City's maintenance of the trees. Ms. Jackson said the project is not a traditional project and not a well thought out plan and asked that the proposed development be given more study.

Chairman Littman announced that the proposed PUD would be discussed at the March 25th Special/Study Meeting and welcomed the public to attend.

Gary Jakubowski of 1120 Hartland, Troy, was present. Mr. Jakubowski expressed concerns with respect to the proposed buffering on the north side of the development and requested a 6-foot high decorative brick wall that would provide a sound barrier, security and eye appeal for the neighbors. He and other neighbors do not want to give up their neighborhood's peace and secluded area for the inevitable construction noise and construction crews that will be there for a one to two year project. Mr. Jakubowski asked if the 25 feet of City property between the proposed PUD and the existing property on Hartland could be deeded to the residents on Hartland so they could maintain the property, and noted that it would provide more of a buffer area to the residents. Mr. Jakubowski expressed concerns with the height of the proposed buildings within the PUD and bright street lighting. For the record, Mr. Jakubowski submitted a letter from the residents addressing their concerns on the proposed PUD development. Mr. Jakubowski questioned if the proposed PUD would landlock his two parcels from further development.

Ann Marie Perkowski of 1168 Hartland, Troy, was present. Ms. Perkowski expressed concern with the spruce trees parallel to Hartland and asked if they could be salvaged, and further asked the height of the trees that are proposed for the development. Ms. Perkowski said that neither her 6-foot privacy fence nor the pine trees would block her view of the project. Ms. Perkowski also questioned the Master Plan with respect to Sprucedale and the potential landlock of other parcels for future development.

Mr. Miller responded that Sprucedale is a small residential local road and is not addressed in the Master Plan. He stated that Sprucedale is both 25 feet and 50 feet wide in that general area, and noted that the piece of property was not platted very well. Mr. Miller explained that if a property owner wanted to develop the property as residential homes, the owner would be required to provide a 60-foot wide road and noted it would be difficult in the area where Sprucedale is only 25 feet.

Mr. Chamberlain, for further clarification, stated that a platted road is not on City plans but only on plats, and that a lot of platted streets that have not been opened.

Mr. Wright questioned if the lots in question would be buildable if the owners donated 35 feet.

Mr. Miller responded that would be a safe assumption, but said he would confirm and report his findings at a future meeting.

Jeff Perez of 1057 Urbancrest, Troy, was present. Mr. Perez expressed his concern with the traffic impact on Urbancrest. He said that it appears the traffic study addresses only Big Beaver and Rochester Roads and does not address the traffic impact on Urbancrest, which he believes would have a huge increase in traffic volume should the development be approved. He asked that the Commission give this serious consideration.

Helen Haas of 1069 Urbancrest, Troy, was present. Ms. Haas requested clarification on the traffic pattern through the proposed development with respect to her house and garage. Ms. Haas expressed concerns with traffic, flooding, water pressure, sewer gas, parking and snow removal. Ms. Haas expressed displeasure in losing the morning winter sun through her windows because the proposed development would block the sun. Ms. Haas stated that the Master Plan is not being looked at very far in advance. Ms. Haas raised another concern of hearing the traffic as a detrimental aspect to the proposed development.

Mr. David Hornak was present to represent his parents who live at 1115 E. Big Beaver Road, Troy. Mr. Hornak stated his parents and he are in favor of the proposed development as opposed to a potential office development. It is their belief that an office development would result in more traffic and congestion and not as nice of a looking development as the proposed condos.

There being no one else present to speak, Chairman Littman announced that the Public Hearing would remain open until the next meeting, and reminded the public that the proposed PUD will be on the March 25th Special/Study Meeting agenda.

Mr. Chamberlain stated that the petitioner should be using churches next to residential as a starting point for its proposed lighting for the development.

Mr. Donofrio suggested that the earliest date he could address all concerns and issues would be the May regular meeting.

Resolution

Moved by Chamberlain Seconded by Waller

RESOLVED, that the Preliminary Plan for a Planned Unit Development, pursuant to Article 35.60.01, as requested by the Tadian Developments, for the Rochester Commons Planned Unit Development (FKA Backbay Village PUD), located north of Big Beaver and east of Rochester Road, section 23, within the R-1E zoning district being 4.86 acres in size, be postponed to the May 13, 2003 Planning Commission meeting, to allow the developer to respond to the Planning Department's, Planning Consultant's, and Planning Commission's comments.

Mr. Kramer requested that the petitioner address the snow removal issue, and further requested the City to address what process might be in place to assure both the City and residents that the development is built per the proposed plan.

Yeas:	Nays:	Absent:
Chamberlain	Storrs	Pennington
Kramer		Schultz
Littman		
Vleck		
Waller		
Wright		

MOTION CARRIED

Mr. Storrs said he voted no because he would have preferred that the resolution include the public comments voiced during the Public Hearing.

5. PROPOSED PLANNED UNIT DEVELOPMENT (PUD-2) – Proposed Rochester Commons P.U.D. (formerly Backbay Village), North side of Big Beaver, East of Rochester Road, Section 23 – R-1E

Mr. Miller stated that this project has taken on a new name of Rochester Commons. He stated that the developer has worked with Mr. Carlisle, the Planning Department and City management to fine-tune the project since the Commission last looked at it. Mr. Miller said the major change is eliminating the main entrance off of Big Beaver and moving it to Urbancrest. Mr. Miller reported the Fire Department has expressed concerns with traffic to the fire station and emergency access driveways, and assured the Commission that the Planning Department is working with the Fire Department to resolve these issues.

The developer, Nick Donofrio of Tadian Development, 2038 W. Big Beaver, Suite 200, Troy, was present.

Mr. Carlisle commented that the central focus of the development is the open space. He complimented the developer on the landscaping and the excellent overall plan in creating a great visual amenity to the City.

Discussion followed. The Commission expressed favorable comments to the developer with respect to the community park and the landscaped screening.

Mr. Donofrio noted that the price range for the condominiums is approximately $185,000 per unit and that the homes will most likely appeal to buyers in the age range of 25 to 35 years. Mr. Donofrio noted that square footage of the units is approximately 1,150 to 1,200 square feet and that each unit has a one-car garage.

Mr. Miller stated the City's intent is to hold a public informational meeting for residents prior to holding a public hearing.

Chairman Chamberlain encouraged the developer to meet with the Planning Department with respect to providing the City with the appropriate PUD documentation.

From: Barbara and Robert Jackson
3035 Daley
To: Planning Commission
Re: Planned Unit Development at old Big Beaver School

This PUD was brought to the neighbors in Feb. 2003 by the planning department. Supposedly it was 3 years in the making and was brought to you under the PUD. Rules. The first major error in the plan was called to their attention at that time.
The landscape along Big Beaver went through private property, owned by us, which was not part of the developer property. Since then, the developer has said more than once that he is not interested in buying our property, yet the city people are pressuring us to give up our garden lot. For a lot of reasons{including 3 lbs. of morel mushrooms that we found in the garden, last week end} we will not give up our garden lot. It seems the city people think our property is vital to the development.
You are familiar with the second major error. How could they not know that Big Beaver was scheduled to be widened to 3 west bound lanes at that point. When we asked at the April 24 meeting we were told that there was no plan to widen by the city planning dept. We went to engineering the next morning and were told otherwise. This caused big changes in the plan.
HOW MANY OTHER ERRORS ARE THERE IN THIS PLAN?
We believe that the traffic studies are not a true reflection of the impact on this neighborhood. There are almost 80 new homes coming in the wetland development at the end of Hartland. Plus all the homes on Hartland, Boyd, Daley and Daley Ct. will be competing with Urbancrest for access to Rochester Rd.
Neighbors are panicking and talking of selling. Most believe that there will be a serious negative impact from this PUD.
This development does not meet the INTENT of the PUD.
This development does not result in "improvements to the public health, safety and welfare in the area."*
This plan is not compatible with adjacent uses"*
The plan does not "preserve significant natural features, provide greater amount of open space, provide extensive pedestrian facilities and amenities…of enhance or replace those which would otherwise be provided by entities. (e.g. recreation, transportation, safety and security}" *

"These are all quotes from the PUD Zoning Ordinance and there are many other inconsistencies in this development plan. We hope you will not give approval to the plan the way it is written at this point.

ROCHESTER COMMONS PLANNED UNIT DEVELOPMENT
PUBLIC INPUT SESSION

February 11, 2003, 7:30PM

SIGN-IN SHEET

	NAME	ADDRESS
1	BERT JUNE WALTERS	1184 HARTLAND, TROY, MI 48083
2	GREG FORESTER	1096 HARTLAND TROY, M. 48083
3	ALISS LOZZI	1125 + 1135 E. BIG BEAVER
4	GARY + DONNA JAKUBOWSKI	1120 HARTLAND TROY, MI 48083
5	DAVE HURNAH SHEILA NEWTON	1115 E. BIG BEAVER
6	Robin + Dick Beltramini	6614 Parkview Dr. 48098
7	Bob + Bud Jackson	3035 Valley 48083
8	Carolyn Thomas	1130 Hartland 48083
9	Steven Jordano	1125 Hartland
10	JEFF PEREZ	1057 URBANCREST DR 48083
11	Dennis BRINKER	WAGON Wheel Saloon
12	Helen H[illegible]	1069 Urbancrest TROY
13	Carol Tayuiff	
14	[illegible]	1130 Hartland Dr. Troy

Paula P Bratto

From: Greatout2001@aol.com
Sent: Wednesday, March 12, 2003 1:05 PM
To: planning@ci.troy.mi.us
Subject: Rochester Commons Development

Dear Mark Miller,
My name is Kirk Kibby I own the property located at 3107 Parkton. I am sending you this e-mail after talking on the phone with Brent. My only issue with the proposed condo complex is the closing of Parkton St. in front of my property which is located at 3107 Parkton. I must say that the overall site plan looks great and I offer no opposition in the development other than the closing of Parkton St. Parkton St. is a legal road that has been in existence over 75 years,it has been maintained by both the County and also the City of Troy. Parkton St. is labeled with a street sign and is also on the map! Again I think that the site plan looks great and I feel it would be a great addition to the City of Troy. I do not wish to seek legal action to keep the road open.
Thank you for your time and consideration: Kirk Kibby
(586)254-5263

Recieved MAR 11 200
@ Planning Commissio
Meeting

March 11, 2003

Troy City Council/Planning Department:

This letter is in response to the building of Rochester Commons Planned Unit Development. We, the homeowners on Hartland Street, have some privacy, noise and security issues that we would like to see resolved. They are as follows:

Since a road will be constructed adjacent to the property line, we propose that a minimum 6 foot high brick wall be put along the property line. Such wall would be constructed before any type of development begins. This includes the demolition process. This would provide both a sound barrier, security, and eye appeal between the property and adjoining street.

The project also shows the constructing of several street lights a minimum of 10 foot or higher. This would also light up our property leaving us with a minimum of privacy. The light fixtures should be no more than 6 foot in height and shields be provided on the Hartland side.

There is also the matter of 25' of city property between the existing home owners and the new development. The homeowners on Hartland would like the city of Troy to deed the land to the homeowners. It would still be a city easement, but the homeowners would maintain such property. This would also give homeowners an extra buffer between them and the proposed development.

We feel that these are just a few small adjustments to the proposed development. However, they will give peace of mind to all parties concerned. We hope that some kind of agreement concerning these matters can be met. Your cooperation and attention to these concerns is greatly appreciated.

Sincerely,

Greg & Lisa Forester
1112 & 1096 Hartland

Gary & Donna Jakubowski
1120 Hartland

Kent & Carolynn Thomas
1130 Hartland

Paula P Bratto

From: Nancy Negohosian [nnegohosian@hms-group.com]
Sent: Thursday, February 06, 2003 12:09 PM
To: planning@ci.troy.mi.us
Subject: Tadian Homes/Big Beaver School Project

Please let this correspondence serve as the HMS Products Co. 1200 and 1230 E. Big Beaver Road endorsement of the Tadian Homes Project that will be discussed Tuesday February 11, 2003 at 6:00PM.
The look of East Big Beaver from the current Fire Station to Daley Road would be greatly improved by the Tadian condominium development. I think the empty nesters and professionals of Troy will welcome this style of community specially with the park like setting.
If further information is required of our company, please contact me.

Sincerely,
Nancy Negohosian
Vice President
HMS Products Co.
1200 E. Big Beaver Road
Troy, MI 48083
(248) 689-8120

Mark F Miller

From: Paula P Bratto
Sent: Tuesday, February 11, 2003 12:35 PM
To: Mark F Miller
Subject: FW: PUD for big beaver school site

Paula Preston Bratto
Planner
(248) 524-3365

-----Original Message-----
From: Mike Young [mailto:bmwmay@wideopenwest.com]
Sent: Tuesday, February 11, 2003 10:47 AM
To: planning@ci.troy.mi.us
Subject: PUD for big beaver school site

I am unable to attend the meeting regarding the Big Beaver School development tonight, but was hoping you could answer a question for me.

Will this new condo development only have access to Rochester Road via Urban Crest?
I live at 1081 Hartland (facing parkton street) and am very concerned of increased traffic if this 80 unit complex will be able to use Parkton as a through street. As I'm sure you are aware, we also have a new single family home subdivision being built at the end of Hartland off Daley Street which will add lots of traffic to Hartland as its access to Rochester Road.

If this new condo complex will not increase traffic on my street, I am in complete support.
Thank you for your prompt response.
Rebecca Young

PLEASE NOTE THE PHONE NUMBER 248.534.3364 IS "BEING CHECKED FOR TROUBLE". I CAN NOT REACH YOU VIA TELEPHONE. (2-11-03 10:45 AM)

TROY
SCHOOL DISTRICT

Janet H. Jopke, Ed.D., *Superintendent of Schools*

4400 Livernois Road
Troy, Michigan 48098-4799
248.823.4000
248.823.4013 Fax

Michael M. Adamczyk, *Assistant Superintendent Business Services*

March 7, 2003

RECEIVED
MAR 11 2003
CITY OF TROY
CITY MANAGER'S OFFICE

REC'D
MAR 12 2003
PLANNING DEPT.

Mr. John Szerlag, City Manager
City of Troy
500 West Big Beaver Road
Troy, MI 48083

Dear Mr. Szerlag:

The Troy School District is very much in support of the proposed Tadian Development Project at our Big Beaver site. As you know the Tadian Development Company has made an offer to purchase this property from the Troy School District for the purpose of constructing a multi-unit residential development. This development would be a benefit to the Troy School District by bringing in additional students and would also benefit the city of Troy by increasing its tax base.

Please share this letter with the Troy Planning Commission that we understand is having a hearing on this subject Tuesday, March 11, 2003. If you would like to discuss this matter in more detail, please do not hesitate to contact me.

Very truly yours,

Michael M. Adamczyk

Michael M. Adamczyk
Assistant Superintendent
Business Services

Cc: J. Jopke

May 23, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Doug Smith, Real Estate & Development Director
Steve Vandette, City Engineer
Mark F. Miller, Planning Director

SUBJECT: ANNOUNCEMENT OF PUBLIC HEARING – JUNE 16, 2003 - STREET VACATION APPLICATION (SV-182) – A section of alley located south of Chopin and north of Maple, Section 27.

CITY MANAGEMENT AND PLANNING COMMISSION RECOMMENDATION

The Planning Commission recommended approval of the street vacation request as submitted, with the condition that the City retain existing easements for utilities.

Upon further investigation, it was determined that the commercial business abutting the alley to the east does not have an on-site parking area. A conversation with an employee of this business indicates that employees park in a two-space parking area west of the alley. Access to this parking area is from the alley. There is no room on the parcel for visitor parking. The parking area for the residence abutting the alley to the east is also accessed from the alley. It appears that vacating the alley would eliminate access to off-street parking areas for both parcels abutting the alley to the east.

City Management would recommend approval of vacation of the alley provided the vacation was associated with a site plan application involving improvement to the parcels that would alleviate parking problems for both parcels. If the alley vacation were approved without redevelopment of the parcels, it would exacerbate two off-street parking problems. City Management agrees with the Planning Commission recommendation that the City retain existing easements for utilities when the alley is vacated.

GENERAL INFORMATION

Name of applicant(s):
Maple Road Properties, L.L.C.

Location of property owned by applicant(s):
The applicant owns 26 Chopin and 35 Maple, which abut the alley to the east.

Length and width of right-of-way.
The section of alley proposed to be vacated is approximately 18 feet wide by 222.54 feet long, between Chopin and Maple.

Current use of adjacent parcels:
North: Baskin Robbins and single family residence.

South: Subway restaurant.

East: Commercial uses and single family residence.

West: Clark gas station and Pizza Hut restaurant.

Zoning classification of adjacent parcels:
North: B-1 Local Business and R-1E One Family Residential.

South: B-2 Community Business.

East: B-1 Local Business and R-1E One Family Residential.

West: B-1 Local Business.

ANALYSIS

Reason for street vacation (as stated on the Street/Alley Vacation Application):
The application states that it is required "to acquire unused alley for development".

Impact on access to existing lots or buildings (including emergency service vehicles):
Currently, the two structures have parking access from the alley. The petitioner owns these parcels, and future redevelopment would eliminate the need for alley access.

Existing utilities located within the right-of-way:
There are no City sewer, storm or water easements located within the right-of-way.

Future need for easements within the right-of-way:
The City does not have a need for easements within the right-of-way. There may be utilities other than City utilities that require easement retention.

Proposed ownership of vacated street/alley:
The eastern 9 feet of the alley would revert to the applicant, who owns both abutting lots east of the alley. The western 9 feet would revert to the abutting lot owners west of the alley.

Future Land Use Designation:
The area is designated on the Future Land Use Plan as Non-Center Commercial.

cc: Applicant
File/SV-182

G:\STREET VACATION\SV 182 Alley btwn Chopin & Maple Sec 27\Public Alley Sec 27 City Council Announcement.doc

7. PUBLIC HEARING – STREET VACATION REQUEST (SV-182) – 18 Foot Alley, between Chopin Road and Maple Road, Abutting Lots 78 through 90 and 589 of Addison Heights Subdivision, North of Maple, East of Livernois, Section 27

Mr. Miller presented a summary of the Planning Department report for the proposed street vacation request. Mr. Miller reported that it is the recommendation of the Planning Department to approve the street vacation request as submitted with the condition that retention of easements for utilities is provided.

Matt Ray of 3384 W. 12 Mile Road, Berkley, was present to represent the petitioner. Mr. Ray stated that the petitioner wishes to improve the property for future development.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Savidant clarified that the City does not require easements for City utilities (storm, water and sewer) but the recommended condition is to require easements for other potential utilities such as telephone, cable, etc.

Mr. Miller reported there were no responses from affected residents who received notification of the proposed street vacation.

Resolution

Moved by Vleck Seconded by Wright

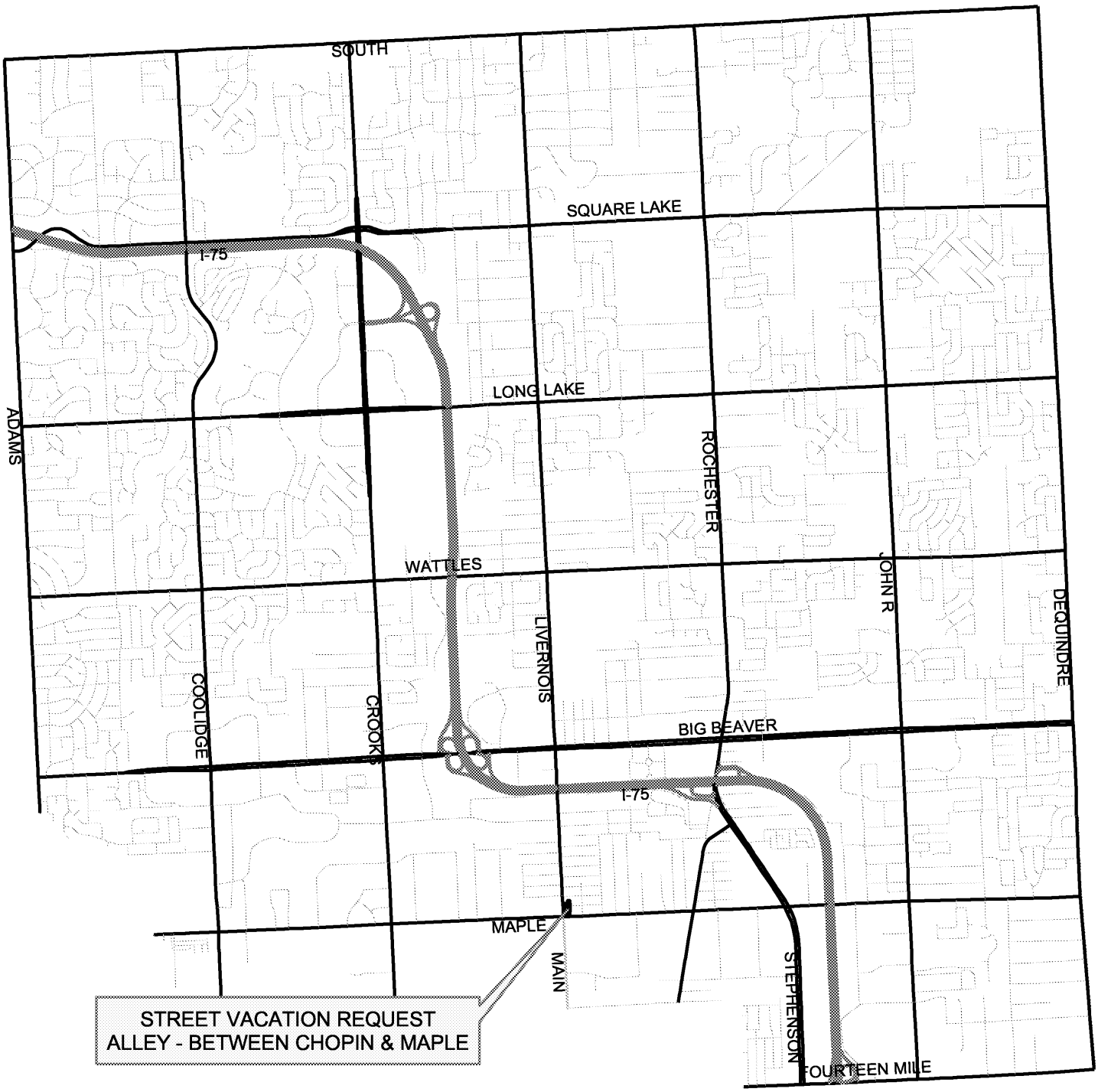
RESOLVED, that the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted for the alley, between Chopin Road and Maple Road, located within the Addison Heights Subdivision, abutting lots 78 through 90 and 589, being approximately 222.54 feet in length and 18 feet in width, in Section 27, be approved subject to the following condition:

1. Retention of easements for utilities.

Yeas	Absent
All present (7)	Chamberlain
	Storrs

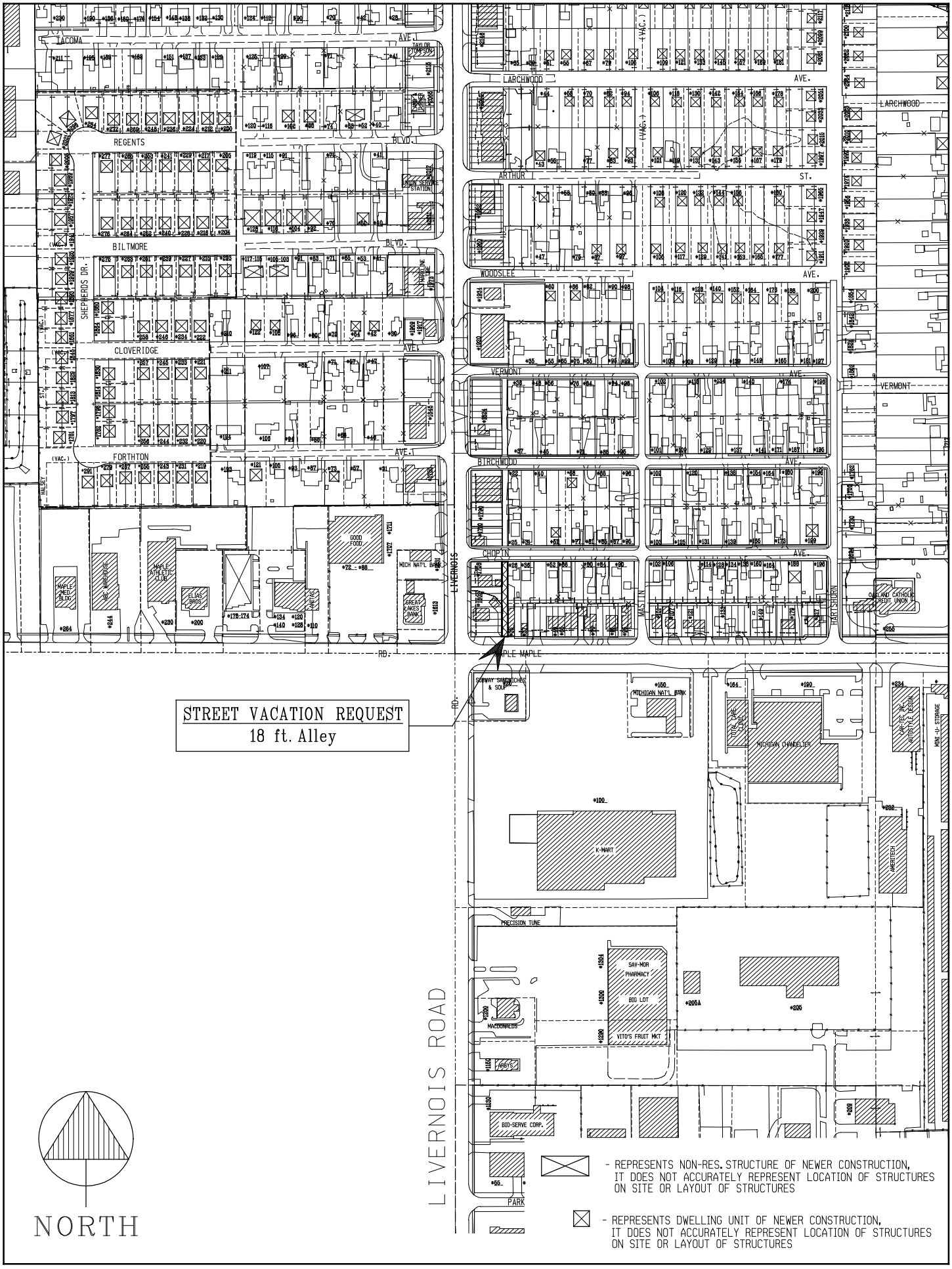
MOTION CARRIED

CITY OF TROY

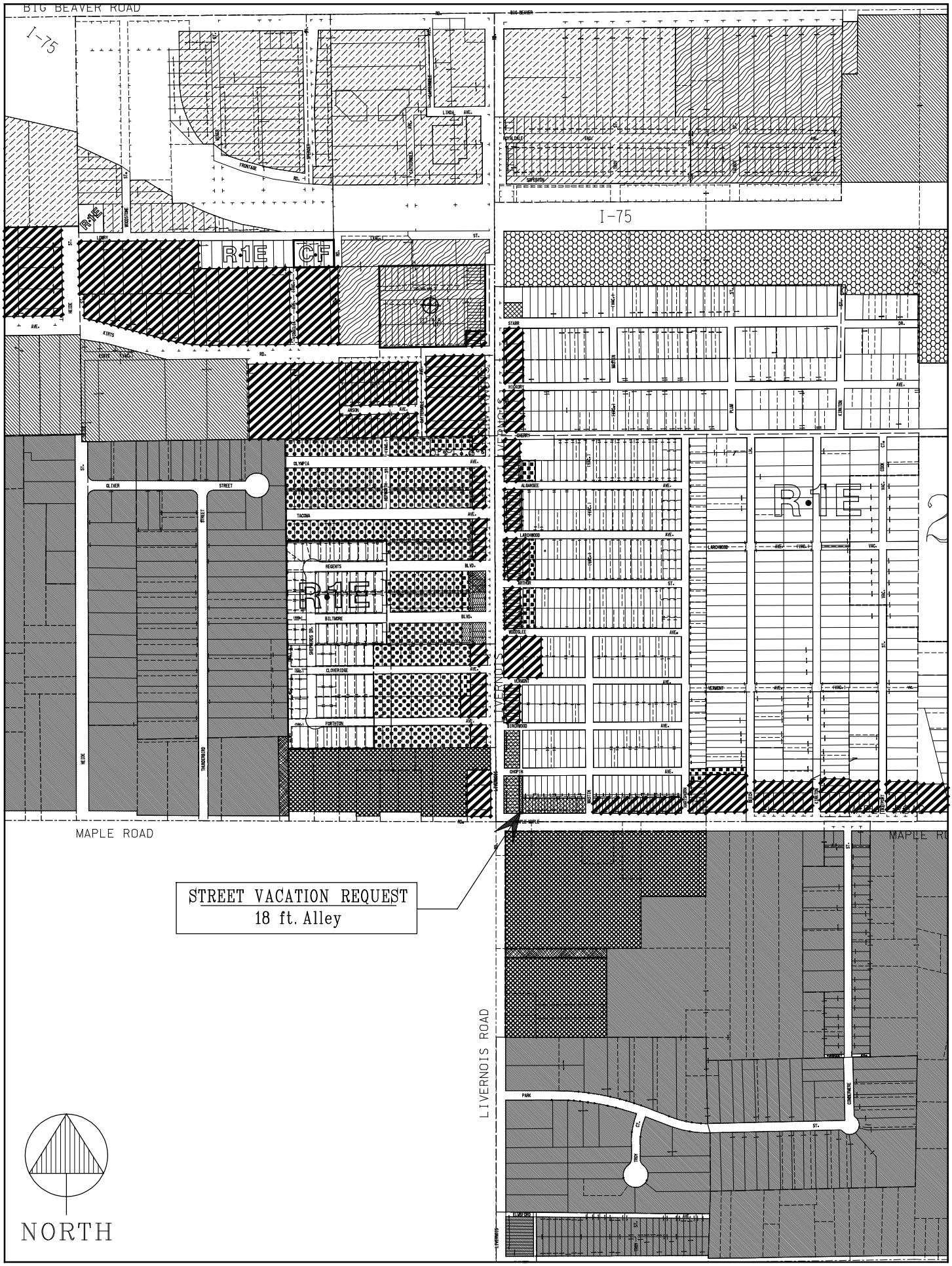


N

PREPARED BY CITY OF TROY PLANNING DEPT.



SV-182 / SEC. 27 / 04-11-03


BIG BEAVER ROAD
I-75
R-1E
C-F
MAPLE ROAD
LIVERNOIS ROAD
STREET VACATION REQUEST
18 ft. Alley
NORTH

STREET VACATION REQUEST
18' ALLEY E OF LIVERNOIS,
BTWN CHOPIN & MAPLE
SEC. 27 R-1E, & B-1 (SV-182)
FORTHTON
BIRCHWOOD
MASTIN
STREET VACATION REQUEST
18' ALLEY
LIVERNOIS
CHOPIN
W MAPLE
E MAPLE
MAIN
N
0 50 100 200 300 400 Feet

RECEIVED

MAY 08 2003

CITY OF TROY
CITY MANAGER'S OFFICE

May 6, 2003

Mr. John Szerlag, Manager
City of Troy
500 West Big Beaver Road
Troy, Michigan 48084

Mr. Szerlag:

I wanted to make you aware of excellent customer service I received on multiple visits to the city offices.

Recently I learned that I needed to obtain green safety registration cards for firearms and I was directed by the County of Oakland to the Troy City Offices. On multiple visits I first applied for the appropriate clearance to obtain a registration permit and then, on follow-up visits returned to have the permits processed and then the firearms inspected and the green cards issued.

Obviously accuracy is very important in this process and I dealt with Nancy in the Police Records Bureau. She was polite, efficient and most helpful even when the records area was very busy.

I'm sure many residents have few opportunities to visit the City Offices and are quick to complain about taxes, so I wanted to share my satisfaction with the excellent service provided. Given the effort required to make this transaction, I was even more surprised to find no fees required for the service.

Please thank Nancy for the excellent service she provides. It is very much appreciated.

Sincerely,

Daryl Jamison

1785 Hallmark Drive
Troy, Michigan

MADISON HEIGHTS POLICE DEPARTMENT

280 West Thirteen Mile Road • Madison Heights, Michigan 48071

248-585-2100 • Fax 248-585-8090 • Administration 248-837-2729

KEVIN M. SAGAN
Chief of Police

DONALD A. ROESKE
Deputy Chief of Police

G-05b

May 9, 2003

Chief Charles Craft
Troy Police Department
500 West Big Beaver Road
Troy, MI. 48084

Dear ~~Chief Craft~~ Charlie,

I would like to thank the men and women of Troy Police Department for their hard work, skill and determination during the search for Jenna Hart after her abduction from the Toys R Us store in Madison Heights on Saturday, May 3, 2003. Especially noteworthy, were the Troy Police Dispatchers who alertly answered the initial call for assistance that was mistakenly called into your station and relayed information to our police dispatchers. Their quick action to this call helped our department's response to this very important call.

In addition, Sgt. John Schaufler, Supervisor of the Crime Suppression Task Force helped us during our initial and on-going search for the suspect in this abduction case. Sgt. Schaufler's dogged determination in intelligence gathering and experience in criminal fraud have filled in some gaps that might have otherwise gone unchecked in this investigation.

These individuals were just the beginning of the support we received and I am sure many others contributed hours of work behind the scenes. Thank you to each and every one of these fine people. Thanks again for your entire department's support during the initial search leading to Jenna's recovery and the continued support during this on-going investigation. This is the type of response that we have come to expect from the Troy Police Department and we are always thankful for your department's caring people and continued support to our operation, especially in times of need, like this one.

Sincerely,

Kevin

Chief Kevin M. Sagan
Madison Heights Police Department

RECEIVED
Chief of Police
5/12/2003 CTC

G-05c

BRINKS

Brink's U.S.
A Division of Brink's, Incorporated
555 Dividend Drive
Suite 100
Coppell, Texas 75019-4959 U.S.A.
Tel: (469) 549-6000
Fax: (469) 549-6232

A Subsidiary of The Pittston Company

May 6, 2003

Chief Charles Craft
Troy Police Department
500 W. Big Beaver
Troy, MI 48084

RE: Officer Andy Breidenich

Dear Captain Craft:

I was in Troy on April 30, 2003 conducting company business.

While there, I had to meet with family members of a decedent to resolve an auto liability claim. One of the family members, [redacted] has made verbal threats to our company and employees. On this day, Mr. [redacted] arrived at the mediation late and caused a disturbance and left the building. He went to his truck and was in the parking lot. You can review Officer Andy's report # 03-12840 for more details. We called your department to make sure Mr. [redacted] would not do anything to us upon our departure from the building. Officer Andy and his partner arrived and got the details of the incident and our concerns. At no time did he or his partner minimize the severity of our concerns and in my opinion acted as a true professional. I wanted to express my appreciation for his professional conduct and willingness to make me feel secure. Police officers have a difficult job and often receive negative feedback. I felt compelled to write this note of appreciation and express me gratitude for the department, Officer Andy and his partner.

Sincerely,

Terry Self

RECEIVED
Chief of Police
5/12/2003

OFF. BREIDENICH
OFF. BARROWS

May 12, 2003

G-05d

1635 East 13 Mile Road
Apt. #107
Madison Hts, MI 48071

City of Troy
Police Station
Attention: Police Chief
500 W. Big Beaver Road
Troy Michigan 48064

Dear Troy Police Chief:

I sent the attached letter to one of your outstanding police officers. Thank you for selecting quality officers to help the people in your community.

Sincerely,

Donna M. St.John

RECEIVED
Chief of Police
5/14/2003 CTC

May 12, 2003

1635 East 13 Mile Road
Apt. #107
Madison Hts, MI 48071

City of Troy
Police Station
Attention: Officer Sewell, Badge #83
500 W. Big Beaver Road
Troy Michigan 48064

Dear Officer Richard Sewell:

I want to thank your for your help and support during my car troubles on I 75 on Monday May 5, 2003. You were very professional, yet friendly, and thorough in the handling of my accident; your attitude was very considerate and empathetic which helped me to accept my loss, frustration and anger.

I do want to commend you again for your efficiency in handling this accident; I felt reassured, safe and protected in a very stressful situation. It is indeed a pleasure to meet a calm, kind, and model police officer who knows how to skillfully handle people and causalities in times of stress and danger.

Sincerely,

Donna M. St.John

cc: police chief

RECEIVED
Chief of Police
5/14/2003 CK

Dear Officers and Support Staff -

Our family appreciates the sacrifices that you make to keep us safe in our Troy home. Because of you we are able to feel safe as we sleep, work and enjoy the good city we chose as our home. Thank you for taking care of us.

I am the sister of fallen officer Mac J. Donnelly Jr. Lansing P.D. End of Watch 6/16/77

Concerns of Police Survivors, Inc., joins millions of Americans in honoring and remembering all law enforcement officers for the difficult jobs they have protecting America's streets.

RECEIVED
Chief of Police
5/16/2003 CR

G-05e

This year it is especially important to our family to let you know we have always appreciated the heroic actions of officers in your agency. Long before September 11, 2001, we knew officers worked on a daily basis to keep America safe and free. The "silent majority" of citizens in America just haven't expressed their thanks to law enforcement often enough.

We wish for officers and employees of your law enforcement agency a safe, peaceful holiday season. Please know that we care.

Sincerely -

Kathleen Martin

JONNA MANAGEMENT GROUP

G-05f

RECD
MAY 20 2003
PLANNING DEPT.

May 19, 2003

Ronald Figlan
Planning Department
500 West Big Beaver
Troy, MI 48084

Dear Mr. Ronald Figlan:

Thank you for your suggestions and help on improving **Long Lake and John R.** I am sure that you will be pleased to know that I was approved.

Once again, I appreciate the time and effort you gave into this project. It was very valuable and greatly appreciated.

Sincerely,

Laith Jonna

cc: City Council
SP-893
Personnel File/Figlan

2360 Orchard Lake Road Suite 110 Sylvan Lake, MI 48320
(248) 683-7355 Fax.(248) 683-7366

G-05g

Chief Charles T. Craft
500 W. Big Beaver Rd.
Troy, Michigan 48084

RECEIVED
Chief of Police
5/5/2003 CTC

May 2, 2003

Mr. William J. Bratton, 292694
c/o Alpena Co. Detention Facility
320 Johnson Street
Alpena, Michigan 49707

Dear Chief Craft,

I am writing you today for two reasons, the first is to offer my sincere thanks and appreciation to you and your staff for the professionalism and respect they showed me while I was there, and for the exception they made, and sent me my money, passport and drivers license, it was so kind of you and your staff to do that, I truly thank you for that.

I have always believed that in any operation there is a trickle down effort, and the actions of those subordinates, reflect the top, from my experience you are doing a fine job, and it shows, thank you for the treatment I recieved.

The second reason for this letter, I am unsure if you can help me, I wanted simply like to know if you can check your records or computer and let me know if there are any current pending charges against me in the City of Troy.

I cannot get the information here until I am being released, and if there is a pending charge I would be unable to resolve it while I am here.

As I said, I am unsure if you can assist me, but maybe you can, and I would greatly appreciate that.

Finally, let me not forget to thank Ms. Scherlinh for her help, I am truly thankful for all you did on my behalf, thank you, I will anxiously await a response if you can assist me with the pending charge information.

Respectfully,
William J. Rosato

G-05h

TROY HIGH SCHOOL

Counseling Department
4777 Northfield Pkwy
Troy, Michigan 48098
Phone: 248/823-2841 • Fax: 248/823-2888

George O'Brien
Counselor

May 19, 2003

Dear Ms Sachner,

I am writing to compliment you and your staff for the critical part you played in the successful implementation of our Advanced Placement Program. Your staff particularly Mr. Milton Richards deserve much praise for their extra efforts to make a stressful time very enjoyable and pleasant. Our proctors and our teachers received favorable comments from the students particularly in regards to the comfort of the rooms and the quiet atmosphere.

You were a great contact person and you handled our arrangements as a true professional would. Mr. Richards was very cordial and did his very best to see that our testing needs and quirks were handled in a way that would most benefit the kids who were in that stressful situation. I realize that when something goes wrong, you often hear about it in not so nice ways. For us, everything went great and everyone, students, proctors, and administration were pleased and satisfied. Please accept our thanks and our appreciation for the efforts of the Troy Community Center Staff and we look forward to working with you in the future.

Sincerely,

George O'Brien

George O 'Brien
Advanced Placement
Coordinator

G-06

June 2003

June 2003

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

July 2003

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					June 1
2 7:30pm City Council-Regular (Council Chambers)	3 7:30pm Planning Commission-Study (Lower Level)	4 8:30am Building Code Board of Appeals (Lower Level) 7:00pm Adv Comm Pers w/Disabilities (City Hall)	5 10:00am Sr Citizen Advisory Committee (Community Center)	6	7 8
9 School Election 7:30pm Liquor Committee (C)	10 7:30pm Historical Society (Community Center) 7:30pm Planning Commission-Regular (Council Chamber)	11 3:00pm Retirement System Board of Trustees (C)	12 7:30pm Library Board (Library) 7:30pm Parks & Recreation Board (Community Center)	13	14 15
16 7:30pm City Council-Regular (Council Chambers)	17 7:30pm Board of Zoning Appeals (Council Chamber) 7:30pm Historic District Commission (City Hall)	18 7:30am Downtown Development Authority (Lower Level) 7:30pm Traffic Committee (Lower Level)	19	20	21 22
23	24 7:30pm Historical Commission (Museum) 7:30pm Planning Commission-Study (Lower Level)	25 7:00pm Youth Council Meeting (Conference Room LL)	26	27	28 29
30					

6/2 PH Park. Var.-208 W. 14 Mile
6/2 PH Comm. Veh. App.-1093 W. Wattles
6/2 PH Prop. Zoning Text Amend.
6/2 PH Asphalt Pav. & 2 Sp. Bumps-Chestnut & Walnut Hill
6/2 PH Comm. Veh. App.-4101 Cherrywood
6/2 PH Vac. Pub. Alley ROW-Daley/Schroeders Sub.

July 2003

July 2003

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

August 2003

S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
	July 1	2	3	4	5
	7:30pm Planning Commission-Study (Lower Level)	8:30am Building Code Board of Appeals (Lower Level)		Independence Day-City Offices Clos	6
7	8	9	10	11	12
7:30pm City Council-Regular (Council Chambers)	7:30pm Historical Society (Community Center) 7:30pm Planning Commission-Regular (Council Chambers)	3:00pm Retirement System Board of Trustees (C)	7:30pm Library Board (Library)		13
14	15	16	17	18	19
7:30pm Liquor Committee (C)	7:30pm Board of Zoning Appeals	7:30am Downtown Development Authority (Lower Level) 7:30pm Traffic Committee (Lower Level)	3:00pm Brownfield Redevelopment Authority 7:00pm CATV		20
21	22	23	24	25	26
7:30pm City Council-Regular (Council Chambers)	7:30pm Historical Commission (Museum) 7:30pm Planning Commission-Study (Lower Level)	7:00pm Troy Youth Council (Lower Level)			27
28	29	30	31		

August 2003

August 2003

S	M	T	W	T	F	S
					1	2
3	**4**	**5**	**6**	7	8	9
10	**11**	**12**	**13**	**14**	**15**	16
17	**18**	**19**	**20**	21	22	23
24	25	**26**	**27**	28	29	30
31						

September 2003

S	M	T	W	T	F	S
	1	**2**	**3**	**4**	5	6
7	**8**	**9**	**10**	**11**	**12**	13
14	15	**16**	**17**	18	19	20
21	**22**	**23**	24	25	26	27
28	29	30				

Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
				August 1	2
					3
4	5	6	7	8	9
7:30pm City Council-Regular (Council Chambers)	7:30pm Planning Commission-Study (Lower Level)	8:30am Building Code Board of Appeals (Lower Level) 7:00pm Adv Comm Pers w/Disabilities			
					10
11	12	13	14	15	16
7:30pm Liquor Committee (C)	7:30pm Historical Society (Community Center) 7:30pm Planning Commission-Regular (Council Chambers)	3:00pm Retirement System Board of Trustees (C)	7:30pm Library Board (Library)	8:00am CC-Study Session (Council Board Room)	
					17
18	19	20	21	22	23
7:30pm City Council-Regular (Council Chambers)	7:30pm Board of Zoning Appeals (Council Chamber)	7:30am Downtown Development Authority (Lower Level) 7:30pm Traffic Committee (Lower Level)			
					24
25	26	27	28	29	30
	7:30pm Historical Commission (Museum) 7:30pm Planning Commission-Study (Lower Level)	7:00pm Troy Youth Council (Lower Level)			
					31

May 16, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Doug Smith, Real Estate and Development Director

SUBJECT: Joel Garrett Property – Section 11

City management has been working with Joel Garrett in his attempts to develop property he owns in Section 11, south of Square Lake and west of John R. This is the property that has the Fetterly Drain and proposals evolved from our discussions, which would provide for a Linear Park, east of the drain between Square Lake Road and Jaycee Park, and the ability for Mr. Garrett to develop the property west of the drain.

As you are aware, Mr. James Bennett's property does divide the property the City and the Garrett's own, and makes the entire proposal a bit more difficult. Staff continues to be in discussions with Mr. Bennett about the possibilities of him selling part or all of his property, or providing easements so the park can be developed. Mr. Bennett's property does not have as many implications for Mr. Garrett as it has for ultimately the Linear Park.

Attached are two letters from April 14th and May 13, 2003, which relates the position that Ladd's Inc, which is Mr. Garrett's development company has in terms of the desire to develop this area and what would be necessary from the City. For this project to move forward, the City would be asked to:

1. Transfer a 5-acre parcel on Square Lake Road, west of the Fetterly Drain (yellow on attached map)
2. Provide $350,000 to Garrett for their estimated difference between the above City parcel and approximately 12 ½ acres (in green on map) of developed owned property east of Drain and
3. Provide approximately $150,000 in additional drain improvements beyond the boundaries of the development.

Management would seek Council's direction on proceeding in this matter.

DS/pg

LADD'S, Inc.
Real Estate & Development - SINCE 1906

5877 LIVERNOIS, SUITE 103, TROY, MI 48098
VOICE: 248-828-1726 • FAX: 248-828-3573

May 13, 2003

RECEIVED
MAY 13 2003
CITY OF TROY
CITY MANAGER'S OFFICE

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

Re: Proposed Oak Forest Subdivisions, Proposed Linear Park, Section 11

Honorable Mayor and Members of the Council:

I am writing to follow up on my correspondence of April 14, 2003. As I stated in that letter, the proposed trade of property to establish the linear park would leave us with eight lots fewer than our current plan.

We would be giving up approximately thirteen acres and receiving approximately five acres, leaving us a deficit of roughly eight acres. If one takes into account the fact that all storm water detention basins and wetland mitigation areas would be located on the future city-owned land, the net buildable area that we would be losing is less than eight acres. Using appraisals of properties in this area that were commissioned by the City of Troy, we estimate that this buildable area required to make up the shortfall of eight lots would have a value of $380,740.00.

We have already stated that we would pay the costs of improving the Fetterly Drain over our property to service our development. After the land trade we would have an extra 990 lineal feet of drain to improve. We estimate that this would cost us approximately $150,000.00 more for this extra section of drain improvement.

Additionally, as the subdivision is currently configured we would have to construct two crossings over the Fetterly Drain. Our engineer estimates that these would cost $36,720.00. If the land trade is executed and the linear park built, then these crossings would be unnecessary. This would represent a cost savings to us.

The total of the value of the deficit of eight lots plus the extra drain improvement costs minus the cost of the drain crossings comes to $494,020.00. To make the concept of the linear park viable for us, we would have to be compensated for this amount, either in cash or by other vacant property that the city owns.

Sincerely,

Dale E. Garrett

LADD'S, Inc.
Real Estate & Development - SINCE 1906

5877 LIVERNOIS, SUITE 103, TROY, MI 48098
VOICE: 248-828-1726 • FAX: 248-828-3573

April 14, 2003

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

Re: Proposed Oak Forest Subdivisions, Proposed Linear Park,
Section 11

Honorable Mayor and Members of the Council:

As you know, we have been attempting for some time to develop our property in Section 11, south of Square Lake Road and west of John R Road. Since 1994 we have been attempting to get the Fetterly Drain improved. On June 3, 2002 City Council authorized Hubbell, Roth, and Clark, Inc. to study the feasibility of several alternatives for improving the Drain, some of which contemplated the possibility of establishing a linear park between Square Lake Road and Jaycee Park.

For this park to become reality the city must acquire the property between Jaycee Park and the city-owned property on Square Lake Road. The majority of this property is owned by us.

We have always been willing to cooperate with the city to establish this new park. A trade was proposed whereby we would exchange that part of our property that lies east of the Fetterly Drain for the property owned by the city that is west of the Fetterly Drain, establishing a contiguous strip of land owned by the city east of the Drain for the park. The areas required for storm water detention and wetlands mitigation for our development would be located in this future park. This concept has been presented previously to the City Council in conjunction with options for the improvement of the Fetterly Drain.

We have voluntarily delayed our development plans and expended resources in order that the concept of the linear park be studied further. We and city staff have met with the Michigan Department of Environmental Quality and presented two options regarding the improvement of the Fetterly Drain, including the open channel with regional detention facility. MDEQ stated that either concept would be workable. It is now our desire to begin the improvement of drain and commence development of our property.

We would propose that City Council approve the proposed trade of property. We would then construct the improved the Drain, at our expense, with an open channel and regional

04/14/03

detention pond. Storm water detention and wetlands mitigation for our development would be on the east side of the Drain, and the new subdivision on the west side. This option would have the benefits of no enclosed drain and preserving an open channel, no drain crossings, and providing a larger contiguous area for wetlands and wildlife habitat. This design would also improve the quality of the storm water runoff. The pond and the adjoining wetlands areas could be considered the "first phase" of the new park/nature area. Other improvements and amenities, such as pathways and observation areas, would be done by the city at a later time.

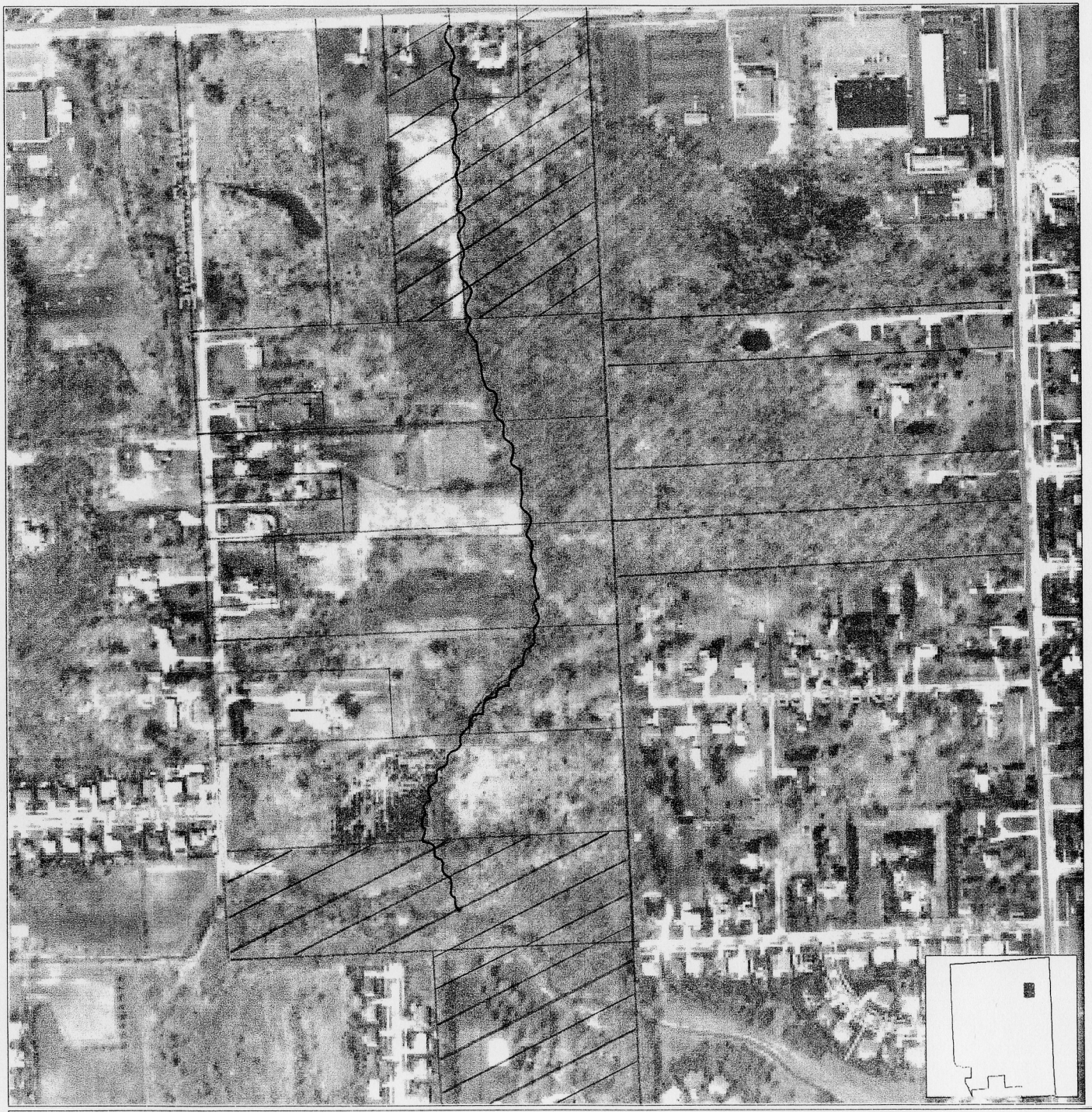
In order for us to go through with the trade, it has to make economic sense to us. This means that the number of lots must remain the same. The current number of lots in our proposed developments is 96. Due to the fact that we would give up substantially more area than we would get in return, we estimate there would be a deficit of eight lots after the land trade. Somehow we would have to be compensated for this deficit, either by cash or other vacant property owned by the city.

We have been working for almost ten years now to get our property in this area developed. We are willing to incur the additional expense of redesigning the subdivision to accommodate the linear park and the open channel drain improvements. However, if the city decides it does not want to proceed with the linear park, then we will go forward with our plans as currently configured.

We respectfully ask the City Council to now reach a decision regarding the proposed linear park.

Sincerely,

Dale E. Garrett



City of Troy

CVTSight SnapShot

Enter Map Title

Enter Map Description

Map Legend:

	BOUNDARY LINE
	MAJOR ROADS
	I-75
LABEL	SIDWELL NUMBER
LABEL	LOT DIMENSIONS
LABEL	LOT ID
LABEL	ROAD NAMES
	PARCEL

N

Map Scale: 1" = 482'

Map Date: February 18, 2002

Data Date: May 2001

PlanSight LLC GIS UNLEASHED

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 and is not intended to be used as one. Users of this data are hereby notified that the information sources mentioned above should be consulted for verification of the information.

May 16, 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: The Sanctuary Golf Club Tour

The next regularly scheduled Parks and Recreation Advisory Board meeting will take place on Thursday, June 12, 2003 at the new golf course site. Attendees will tour the site beginning at 7:30 p.m. Please consider this an invitation to join the tour.

You can enter the site from South Boulevard. We will tour the course in golf carts and will begin in front of the pro shop.

If you plan to attend, please contact me no later than Monday, June 9, 2003 so that there are enough golf carts for all in attendance.

If you have any questions, please feel free to contact me at 248-524-3484.

Memorandum

To: Mayor and City Council
From: John Szerlag, City Manager
John M Lamerato, Assistant City Manager/Finance and Administration
Tonni L. Bartholomew, City Clerk
Date: May 27, 2003
Subject: Council Rule Confirmation

The City Clerk's Office has discovered a discrepancy between the adopted Council Rules of Procedure and the current Council Agenda format. The agenda format currently lists approval of the Consent Agenda after the first opportunity for Public Comment. Council Rules indicate placement should be prior to the first Public Comment opportunity. Following is Council Rule Number 5 as adopted:

5. ORDER OF BUSINESS

At each regular meeting of the Council, the business to be considered shall be taken up for consideration and disposition in the following order.

1. Call to Order
2. Invocation
3. Pledge of Allegiance
4. Roll Call
5. Certificates of Appreciation
6. Carryover Items
7. Public Hearings
8. Postponed Items
9. Consent Agenda
10. Public Comment
    A. Council will suspend the Rules of Procedure to move forward all of the items on which members of the audience would like to address
    B. Items not on the Agenda
11. Regular Business
    Address Remaining F Items
12. Council Referrals
    Action items brought forward by Mayor and Council
13. Council Comment
14. Reports and Communications
15. Public Comment – Limited to people who have not addressed Council during the 1st Public Comment Section
16. Adjournment

After discovery of the conflict, I researched the supporting documentation from Council Member Howrylak from 2002 when the Council Rules were amended to the current format

allowing for Public Comment. I found that Council Member Howrylak's communication indicated placement of the Consent Agenda as indicated in the adopted Rules.

It is my recommendation that this conflict be removed by one of the following mechanisms:

1. Amend current Agenda format to mirror adopted Council Rules of Procedure

or

2. Amend Council Rules of Procedure to mirror current Agenda format

I will, absent any comments from Council, amend the current Agenda format to mirror the adopted Council Rules of Procedures, effective with the June 16, 2003 Agenda.

I have attached Council Rules Number 6 and 7 for Council's convenience while reviewing this memorandum.

6. 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 ask a question regarding an item as well as speak in opposition to the recommended action by removing 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 portion of the agenda have been heard.

7. VISITORS

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 under item 10A. 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.

May 28, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Doug Smith, Real Estate and Development Director

SUBJECT: SmartZone LDFA

Attached is Oakland County's resolution approving the creation of the Joint Local Development Finance Authority and the County's participation in the governance of the LDFA.

DS/pg

REPORT (MISC. #03116) **May 8, 2003**

BY: Finance Committee, Chuck Moss, Chairperson

In Re: **Planning and Economic Development Services Division - Resolution Approving the Creation of a Local Development Finance Authority Between the City of Southfield and the City of Troy Pursuant to Act 281 of 1986**

To the Board of Commissioners

Chairperson, Ladies and Gentlemen:

The Finance Committee, having met on May 1, 2003, recommends approval of the above-titled Planning and Building Resolution with an amendment to the NOW THEREFORE BE IT RESOLVED paragraph to insert the words "for a duration of 15 years", as follows:

> NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners approves the creation of a Local Development Finance Authority **for a duration of 15 years** between the City of Southfield and the City of Troy pursuant to Public Act 281 of 1986.

Chairperson, on behalf of the Finance Committee, I move acceptance of the foregoing report.

FINANCE COMMITTEE

Chuck Moss

FINANCE COMMITTEE

Motion carried unanimously on a roll call vote.

May 8, 2003

MISCELLANEOUS RESOLUTION #03 116
BY: Planning & Building Committee, Charles E. Palmer, Chairperson
IN RE: PLANNING & ECONOMIC DEVELOPMENT SERVICES – RESOLUTION APPROVING THE CREATION OF A LOCAL DEVELOPMENT FINANCE AUTHORITY BETWEEN THE CITY OF SOUTHFIELD AND THE CITY OF TROY PURSUANT TO ACT 281 OF 1986

To the Oakland County Board of Commissioners

Chairperson, Ladies and Gentlemen:

WHEREAS P.A. 281 of 1986, as amended by PA 248 of 2000, authorizes one or more municipalities located within the same county to establish a joint authority which may exercise its powers as a certified technology park and to capture taxes from property within the authority area; and

WHEREAS the Planning and Economic Development Services Division has been advised by the Cities of Southfield and Troy that they wish to create a multi-jurisdictional Local Development Finance Authority under Public Act 281 of 1986; and

WHEREAS once this authority is established, the Cities of Southfield and Troy plan to seek approval from the Michigan Economic Development Corporation ("MEDC") for the area within the authority to be designated as a Smart Zone: and

WHEREAS P.A. 281 of 1986 requires approval by resolution from the governing body of the County in which a majority of the authority district will be located.

NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners approves the creation of a Local Development Finance Authority between the City of Southfield and the City of Troy pursuant to Public Act 281 of 1986.

BE IT FURTHER RESOLVED that the County Clerk is hereby directed to provide certified copies of this resolution to the Clerk of the City of Southfield and to the Clerk of the City of Troy.

BE IT FURTHER RESOLVED that this Local Development Finance Authority shall become effective upon the filing with the Secretary of State resolutions from the City of Southfield and the City of Troy approving the establishment of this joint authority as required by MCL 125.2154(7).

Chairperson, on behalf of the Planning & Building Committee, I move the adoption of the foregoing resolution.

Planning & Building Committee

Planning & Building Committee Vote:
Motion carried on a roll call vote with McMillin voting no

May 28, 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: Cricket Field - Resident Concerns

On May 13, 2003 staff met with approximately 25 - 35 residents living near the Nelson Drain area concerned about the development of the cricket field in this area. Concerns included:

1) Increased noise
2) Parking on public streets
3) Restroom availability
4) Property value decline
5) Future expansion or added amenities (restrooms, lights, etc.)
6) Safety of abutting residents

On May 9, approximately 138 letters were sent to property owners within 300 feet of the site notifying owners of the impending development (see attached). The concerns were addressed as follows:

1) The noise ordinance is in effect for this area.
2) The cricket players, spectators, etc. are not to park on public streets. This is stated in the agreement. Parks staff will survey the streets nearby to check compliance. A parking agreement with the nearby day care center has been secured.
3) The cricket players are aware there is no restroom on site.
4) There is no known reason to believe property values will decline.
5) There are no plans to put restrooms or lights on the site.
6) The cricket pitch is no closer than 450 feet from any property line. Batters stand on the pitch and excellent batters can hit the ball 300 ft.

Several members of the Michigan Cricket Association were in attendance. The members are aware of the concerns by residents. Staff will continue to monitor the use of the facility and will take action to alleviate any problems.
After the season, another meeting will be held with residents, staff and the cricket Association board members to address any additional concerns.

May 8, 2003

Dear Resident:

The City of Troy has formed an agreement with the Oakland County Drain Commission for the use of the Nelson Drain area near your sub-division. A new Cricket field is being installed on the site, just to the north of the creek that runs through the property. The field will consist of a concrete pad measuring approximately 10' x 80' located in the center of the playing field, which measures 450' x 500'. The remainder of the 32-acre site will remain open space. The field is being developed jointly by the City of Troy and the Michigan Cricket Association. There are no plans for field lights, fencing, or a parking lot at this time. The Michigan Cricket Association will schedule games on weekends during daylight hours and/or weekdays from 6:30 pm until nightfall.

The Michigan Cricket Association has secured an agreement with one of the private businesses located on Rochester Road to utilize their parking lot after business hours and we anticipate little impact to the surrounding neighborhood with regard to related traffic or on-street parking.

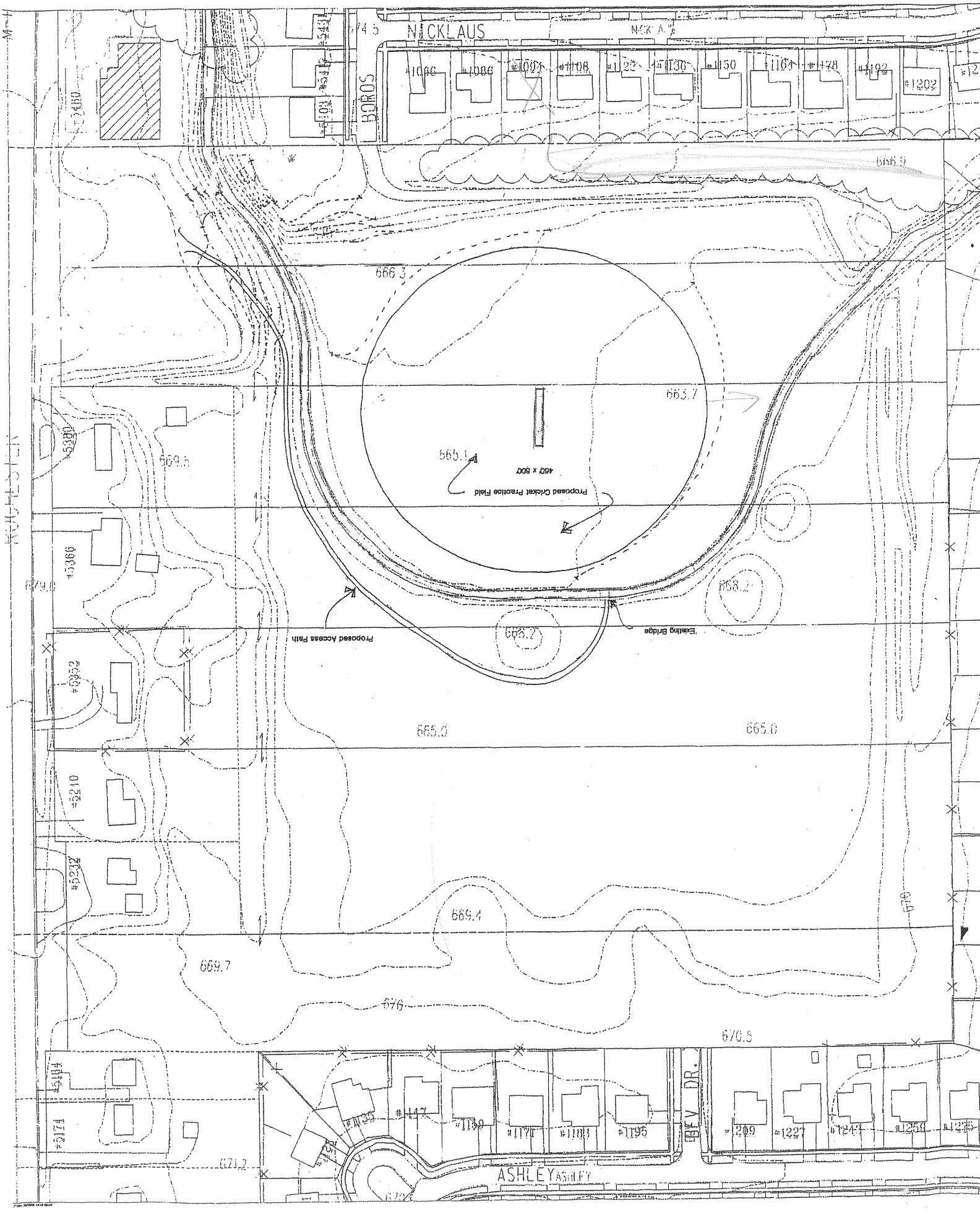
Cricket is a game that is enjoying increased popularity in the area and the City is pleased to be able to offer those interested in the sport a suitable location.

Attached is a proposed layout of the Cricket field on the Nelson Drain site. Please feel free to contact the Parks Department at 248-524-3484, or by email at bieglerjj@ci.troy.mi.us if you have any questions.

Sincerely,

Jeffrey J. Biegler
Superintendent of Parks
City of Troy, Parks and Recreation

Cc: Gary A. Shripka, Assistant City Manager
Carol K. Anderson, Parks and Recreation Director


NICKLAUS
BOROS
Proposed Cricket Practice Field
460' x 500'
Proposed Access Path
Existing Bridge
665.1
665.7
666.3
666.9
665.0
665.0
669.4
669.7
676
670.5
671.2
ASHLEY
ASHLEY DR.

RECEIVED

MAY 27 2003

CITY OF TROY
CITY MANAGER'S OFFICE

May 21, 2003

State Attorney General's Office
P. O. Box 30213
Lansing, MI 48933

RE: A contractual agreement between the City of Troy, The Oakland County Drain Commission, and The Michigan Cricket Association executed without my knowledge as a citizen of Troy, near my home.

Dear Attorney General:

I am writing this correspondence to you to express my displeasure with how the City of Troy, The Oakland County Drain Commission and The Michigan Cricket Association entered into a contractual agreement without the knowledge of the citizens whose homes border the perimeter of the Drain.

To begin, I received the attached correspondence on Saturday, May 10, 2003 in my mailbox. Realizing that my personal address had been identified on the architectural drawing, I became angry as no arrangements had been made by any of the identified parties listed above to discuss this "agreement" with me as a citizen of Troy. To that end, I immediately contacted Mr. Biegler, Superintendent of Parks, City of Troy, by telephone. As he was unavailable, I left a brief message expressing my discontent. At the end of my message, I requested a follow-up call from him that was never returned. Therefore, I followed up with him on yesterday, May 20, 2003. At that time, he stated to me and I quote, "Mrs. Williams, I will take your concerns and file them in a folder along with the other concerns expressed by residents. But, an agreement has already been signed." Feeling that he not only was disinterested in my concerns but validated such feelings by not returning my call (given the fact that at least two weeks had passed since I made the initial contact), I therefore requested the phone numbers of the Attorney, City of Troy and the President, Troy City Council which he willingly provided. I immediately contacted Mrs. Lori Bluhm, Attorney, City of Troy. After expressing discontent with how this situation was handled, she stated to me and I quote, "Legally, we don't have to inform the residents of a meeting as the City Council meetings are open to the general public." I then stated and I quote, "It appears to me then that this agreement was entered into "underhandedly" without the citizen's knowledge, knowing that they would disagree with it as we were not there." She, and I quote, "respectfully disagreed" and stated that the use of the term "underhanded" was "harsh." Having no desire to debate the issue, I then asked if an injunction could be filed. To this, she responded, "I cannot advise you legally. But, you can call the Oakland County Bar Association and you will have to pay for it." I immediately followed up but the office was closed. I also attempted to contact the Oakland County Drain Commission but they were also closed as well. I then called the President (Mayor Pro-Tem) of The Troy City Council, Mr. David Lambert. He stated that there had been some discussion at the council meeting regarding notification to residents. However, the Council elected to vote on the issue. He, however, assured me that he would look into the matter and that I could follow up with him at a later date.

It is for all of the above reasons that I write to you. I am most disconcerted as The Michigan Cricket Association obviously approached the City of Troy who contacted the Oakland County Drain Commission requesting use of a parcel of land for Cricket game activity. To this end, The City Council, without informing its citizens in advance of it's plans to enter into such an agreement, chose to address it at the City Council meeting and furthermore, execute a vote. It is my understanding that the vote was "unanimous." I should also mention that this "vote" included that of the Mayor Pro-Tem, Mr. Lambert who had planned to "look into the situation" on my behalf.

As a citizen of Troy, I consider it "morally insensitive" to me as a citizen to think that the very "Council" which is suppose to have the best interest of "all" its citizens at heart, would knowingly choose not to inform me and yet, at the same time, determine that which they think is best for me. In my estimation, this is a violation of my rights as a citizen. As a citizen, I am therefore requesting that an investigation into my

allegations be made and that all plans, including the area that was "staked" on today, **cease** until a meeting is held for all citizens identified in the architectural drawing as soon as possible. I ask this as I strongly feel that all of those who voted for this arrangement did it "underhandedly," as I stated to Mrs. Bluhm, knowing that if we had prior knowledge, this "agreement" would not have been executed nor executed so expeditiously.

As a citizen, I have a right to be made aware of anything that directly affects my property and me in advance of execution. And, furthermore, if the City of Troy can put up "green zoning signs" when they plan to make changes to an area allowing residents an opportunity to express their feelings, how much more important to extend this same opportunity to citizens who already occupy an area. I am also concerned that if they build on this area, what will become of the wildlife that make the Drain their home. On many days, especially when the water table is high, one will see at least 75 to 100 ducks and geese outside of their window. What will ultimately become of them?

A City Council meeting is scheduled for Monday, June 2, 2003 at 7:30p.m. And, it is my hope that I will hear from your office at the address listed below at your earliest convenience.

Thank you for your time and immediate attention to this urgent matter.

Sincerely,

Mrs. Rachell A. Williams
1275 Ashley DR
Troy, MI 48085

cc: City Council of Troy
Oakland County Drain Commission
City of Troy, Parks and Recreation
City Attorney of Troy
Michigan Human Rights Commission
American Civil Liberties Union
Michigan Department of Natural Resources Wildlife Division

TO: Mayor & City Council

FROM: John Szerlag, City Manager
John Lamerato, Asst City Manager/Finance and Administration
Cindy Stewart, Community Affairs Director

RE: Videography Services at Community Center

DATE: May 27, 2003

A few local companies have approached the Community Center staff regarding the availability of videography services for their upcoming meetings. Since we have part-time staff and the video equipment, we will now be offering this service as a way to generate revenue from companies reserving the Community Center facilities.

When private companies or groups make their reservations for renting conference room space within the community center, they will receive a listing of the costs for video services. All City events and programs will take priority over outside events.

May 27, 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: Naming of Public Lands

At the May 8, 2003 Parks and Recreation Advisory Board meeting, action was taken recommending to the City Council that the Parks and Recreation Advisory Board be given the opportunity to make recommendations when public lands are named (see attached).

Attached is the policy for naming public lands adopted by the City Council June 6, 1986. At the July 9, 2001 City Council meeting, the same policy was sent to the Council (see attached).

As information, there was no formal adoption of names for either the Community Center or Aquatic Center.

May 16, 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: Naming of Public Lands

At the May 8, 2003 meeting of the Parks and Recreation Advisory Board, the following action was taken:

A motion by John Goetz, supported by Kathleen Fejes, to recommend to City Council that, the Parks and Recreation Advisory Board be given the opportunity to make recommendations for names for public lands before a name is chosen.

Ayes: All Nays: None
MOTION CARRIED

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/Finance & Admin.
Cindy Stewart, Community Affairs Director

SUBJECT: Naming Troy Parks

DATE: June 29, 2001

The policy for naming public parks was adopted by the City Council June 2, 1986 with Resolution 86-559. As part of the bond issue passed in April 1999, the City has purchased and will continue to purchase property for future parks. Although the properties have not yet been completely planned, when established as parks, they will need to be named, as well as the Community Center and proposed Section 1 golf course. We are proposing to ask our residents to submit names for the parks, community center and golf course with Council making the final decisions. We will promote this via local newspapers and Troy Today.

The criteria for naming a park are:

1) A past or present resident of the City of Troy or a group located in Troy.
2) Dedicated to the improvement, advancement and furtherance of the facility and/or the Troy Community which is or has been of significant consequence; and
3) Within the Park Naming Policy as recommended by the Parks and Recreation Board which is hereby adopted:

a) Submittal of a communication to the City Council, which explains the request and justification for same. Representatives submitting on behalf of organizations must include excerpts of organizational minutes approving the request.

b) Communications suggesting an organizational name must be accompanied by background information on the organization, its affiliation with the community, its contributions to the community and evidence of same including its charter, photographs of projects and photo copies of independent information sources (e.g. news articles, awards, etc.) confirming community efforts.

c) Communications proposing the name of an individual must be accompanied by background information including a complete biography of the individual and evidence of community contributions, including photos, photocopies of independent information sources (e.g. news articles, awards, testimonials) all of which must be acceptable to the City Council.

d) Upon receipt of a request and accompanying background information the City Council will cause same to be on display and available for public inspection at public places selected by the City Council for not less than one hundred – eighty (180) days during which time the public will be given the opportunity to submit written comments regarding the proposed name.

e) After expiration of the 180-day period for public review and comment, the City Council will reserve an additional 90 days for public review of comments received after which time the matter will be available for consideration by the City Council.

f) During its consideration, the City Council may refer the request, all supporting material and public comments to any advisory board or committee so designated by the City Council.

g) The City Council may, at its discretion, postpone a final conclusion of its deliberations for not less than one year from the date the request is received.

F-10 Resolution for Mayor and Council's Attendance of the 103rd Annual MML Conference - Continued

(b) Designation of Voting Delegates at Annual Meeting

RESOLVED, That Robin Beltramini is hereby designated as Voting Delegate and Martin Howrylak is hereby designated as the Alternate Voting Delegate to cast the vote of the City of Troy at the Annual Meeting of the Michigan Municipal League to be held September 12 through September 14, 2001 at Battle Creek, Michigan.

Yes: All-7

F-11 Skate Park Location

Suggested Resolution
Resolution #2001-07-
Moved by
Seconded by

RESOLVED, That the City Council of the City of Troy approves the skate park location at the southwest corner of Livernois and ~~Troy~~ Town Center.

Resolution to Postpone

Resolution #2001-07-344
Moved by Kaszubski
Seconded by Pryor

RESOLVED, To **POSTPONE** the proposed skate park location at the southwest corner of Livernois and Town Center until City Administration has developed the footprint for the site.

Yes: All-7

F-12 Study Session with Troy Daze Advisory Board

Resolution #2001-07-345
Moved by Pallotta
Seconded by Howrylak

BE IT RESOLVED, That a study session is hereby established for August 6, 2001 at 6:30 p.m. prior to the Regular City Council Meeting to discuss the proposed mission statement as well as long-term goals and future needs for the festival.

Yes: All-7

F-13 Naming Troy Parks

Resolution #2001-07-346
Moved by Pallotta
Seconded by Schilling

BE IT RESOLVED, That the policy for naming public parks and facilities was adopted by Council on June 2, 1986 by Resolution #86-559. With the passage of Bond Issue in April, 1999, there are a number of new parks as well as the new Community Center and future Section 1 golf course that will need names.

BE IT FURTHER RESOLVED, That we will promote to our residents the need for new names for our parks, community center, and golf course.

BE IT FINALLY RESOLVED, That Troy City Council will make a final decision as to the naming of new locations based on the criteria established with Resolution #86-559.

Yes: All-7

F-14 Salary Increase

Suggested Resolution
Resolution #2001-07-
Moved by Pryor
Seconded by Lambert

RESOLVED, That the compensation for Lori Grigg Bluhm, Acting City Attorney, shall be increased as of July 9, 2001 to $77,833.00; and

BE IT FURTHER RESOLVED, That an evaluation for Lori Grigg Bluhm will be scheduled for Closed Session on August 20, 2001.

Resolution to Amend Main Motion

Resolution #2001-07-347
Moved by Kaszubski
Seconded by Pryor

RESOLVED, That the salary increase for Lori Grigg Bluhm be amended to become effective retroactive to July 1, 2001.

Yes: All-7

City Council Meeting – June 6, 1986

b) Policy Governing the Naming of Public Places

Resolution **#86-559**
Moved By Liebrecht
Supported by Pallotta

WHEREAS, The City Council of the City of Troy reserves onto itself the authority and responsibility of naming public places including, but not limited to public grounds and buildings; and

WHEREAS, It is the desire of the City Council to establish procedures or criteria for carrying out this responsibility;

NOW, THEREFORE, BE IT RESOLVED, That the following criteria are hereby established with regard to community groups or persons for whom names are proposed. The City Council must be satisfied that they are or have been:

a) A past or present resident of the City of Troy or a group located in Troy.

b) Dedicated to the improvement, advancement and furtherance of the facility and/or the Troy Community which is or has been of significant consequence; and

c) Within the Park Naming Policy as recommended by the Parks **and Recreation Board which is hereby adopted.**

BE IT FURTHER RESOLVED, That the following procedures are hereby established for the submission of names for consideration by the City Council:

a) Submittal of a communication to the City Council which explains the request and justification for same. Representatives submitting on behalf of organizations must include excerpts of **organizational minutes approving the request.**

b) Communications suggesting an organizational **name must be accompanied** by background information on the organization, its affiliation with the community, its contributions to the community, and evidence of same including its charter, photographs of projects, and photo copies of independent information sources (e.g. news articles, awards, etc.) confirming community efforts.

c) Communications proposing the name of an individual must be accompanied by background information including a complete biography of the individual and evidence of community contributions, including photos, photo copies of independent information sources (e.g. news articles, awards, testimonials) all of which must be acceptable to the City Council.

d) Upon receipt of a request and accompanying background information the City Council will cause same to be on display and available for public inspection at public places selected by the City Council for not less than one hundred-eighty (180) days during which time the public will be given opportunity to submit written comments regarding the proposed name.

e) After expiration of the 180-day period for public review and comment, the City Council will reserve an additional 90 days for public review of comments received after which time the matter will be available for consideration by the City Council,

f) During its consideration, the City Council may refer the request, all supporting material and public comments to any advisory board or committee so designated by the City Council.

g) The City Council may, at its discretion, postpone a final conclusion of its deliberations for not less than one year from the date the request is received.

BE IT FINALLY RESOLVED, That all records, documents, photographs and papers emanating from this process shall be forever retained in the records of the City of Troy and its archives.

Yeas: Husk, Liebrecht, Pallotta, Schilling, Taucher
Nays: Stine
Absent: Doyle

TO: Mayor & City Council

FROM: John Szerlag, City Manager
John Lamerato, Asst City Manager/Finance and Administration
Cindy Stewart, Community Affairs Director

RE: City Calendar Program Review

DATE: May 27, 2003

Attached you will find a program review for the City of Troy Calendar pursuant to the Budget Study Session discussions. We would like to release the RFP for the 2004 Calendar by June 20 in order to have adequate time to review the specs and award the bid. This project is very time sensitive.

We will bring this item back on the June 16 City Council meeting as a regular business item in order to get your approval for the 2004 City Calendar.

Program Review
Troy City Calendar

I. Goal: Communicating with residents

The charge of the Community Affairs Department is to inform the public about the City services, news and information related to their City government. These efforts strive to fulfill the City's obligation to give the public the knowledge they need to be aware of and take advantage of the services that their tax dollars support.

Using multiple types of media
Residents collect and absorb information in different ways. The Community Affairs Department uses multiple forms of media to reach residents and get City messages across to the public including:

- Electronic Media (email and Internet)
- **Printed collateral materials (brochures, newsletters, calendars, flyers, water bill messages)**
- Television (WTRY, Troy's Government access television)
- News Media (via Press Releases, Press Interviews & Press Conferences and ongoing relationships with local media representatives)

II. Troy City Calendar/Annual Report

The *Troy City Calendar/Annual Report* is a foundation element of the City's "Printed collateral materials" communication tools. Many key informational elements are condensed into this single product. Listed here are major categories of information contained in Troy's City Calendar (See ***Appendix A*** for a more detailed summary):

- Important Dates from all City Departments
- Elected Official Info
- Annual Message from the Mayor & City Manager
- Budget Summary Info
- Monthly Highlighted City Services
- City Map
- Facility Locations & Descriptions
- Board & Committee Membership
- Important Phone Numbers

III. Keys to a successful Calendar project

The keys to the City Calendar/Annual Report project being a successful and quality document include:

- **Overall attractive look and feel** – like anything consumers receive in the mail, if it looks interesting and attractive, they are more likely to take time to look at it and retain it. This is an essential step for citizens to discover the contents and valuable resources contained within. Elements to achieve this include:
    - **Photographs** – Good photographs are crucial to a quality calendar. Good photographs also communicate a lot about the quality of life and reinforce the positive image of the community. It gives Troy residents a sense of identity and pride about their community.
    - **Design** – both consciously and subconsciously, quality graphic design has a significant impact on how reliable, valuable and up-to-date we perceive a publication to be. The design component is included in the printing bid to ensure a competitive price for this service.
    - **Paper** – balancing economy with quality, Troy's calendar is printed with the lightest weight paper that will resist bleed-through of ink. It is relatively durable for a calendar piece. Current paper stock is glossy, 80# text & 80# cover.

- **Delivery** – the City bulk mails 36,500 calendars to all home and business addresses in the City limits. An additional 2,500 copies are made available at City buildings, enclosed in Community Affairs' New Resident Welcome Packets, Real Estate & Development's Business Recruitment Packets, Police and Human Resources' Employment Recruitment Packets and shared with the Chamber of Commerce for their new member packets.

- **Timing -** people look for calendars for the upcoming year in December. The Troy City Calendar is delivered at a time of the year when people need it, and are more likely to keep it.

IV. Return on Investment

The Troy City Calendar/Annual Report return on investment is qualitative in nature. The investment is both funds approved in the City's annual budget and staff time to carry out the project (See appendix C for a budget summary). The money, time and energy invested in this annual publication achieves the following:

- **Reinforces overall communication plan through repetition** – Some information in the calendar will be repeated in documents. For example, City Department phone numbers are listed in both the calendar and the *Troy Today* quarterly newsletter. Much of the calendar information is also available on the city website. The general *Rule of Repetition* is basic: marketing communication is most effective when it is repeatedly brought to the attention of your target market.

- **Maintains a positive image** – In addition to furnishing a large amount of information, the calendar reinforces the positive image of the community. Photographs feature Troy's people, events, landscapes, infrastructure, business sector and amenities. The quality design reinforces the perception of professionalism and quality services provided by the City. The thoroughness of the content, the photography, and the physical quality of the finished product all contribute to Troy's strong, positive image.

- **Delivers a strong message** - The annual Message from the City Manager and Mayor sets the tone for the sincerity and professionalism of the City operations. For the many citizens who often don't following the day-to-day operations of their City government, it provides them with a comforting overview of recent accomplishments and goals for the coming year. It resembles a public corporation's annual report to stockholders.

- **Ensure residents have current information** – The Calendar serves residents with an annual update on City services, facilities, and resources available to them via their City government. The Calendar fulfills one of the City's key goals – keeping residents informed and providing access to basic City information.

- **Strong marketing piece** – The calendar serves as an impressive welcome and valuable resource. It is a strong sales piece for prospective new residents and businesses. The Calendar contributes to the image and appeal of the City to prospective residents and businesses. Beautiful photos of Troy's many assets reinforce the strong, vibrant image of the city. Maintaining a strong, positive image is good for the community. It is much harder to resurrect a positive image than to maintain one.

V. Benchmarking

The City of Troy Calendar/Annual Report project is not unique or unusual. Many cities make use of this type of publication and use it as a workhorse to disseminate information to residents.

Troy's calendar project is comparable to several area cities. These calendars are published in full color on glossy stock. All contain at least the same number of pages (32) as Troy, with the exception of Sterling Heights that has 36.

Of seven other area city calendars collected, Troy's contained the base number of pages (32). Some other documents contained additional pages as well as advertising pages.

Troy's calendar, by comparison is a more sophisticated in appearance, although it is made of the same essential materials and content as most other calendars. This can be attributed to quality design and photographic content.

See *Appendix B* for a chart comparing elements of these and other Michigan municipal calendar projects.

VI. Possible ways to reduce cost

- **Eliminate Inserted Reply Card** – This would save approximately $2,185 in printing and less than $200 in business reply postage costs.
- **Eliminate delivery to business addresses** (reduce postage costs) – This would possibly save $1,000 while alienating a significant taxpaying segment of the community.
- **Advertising**.* Some cities sell advertising to supplement their calendar projects. Adding advertising pages, logically, would increase the number of total pages. This would increase postage and printing costs. It would also require increased staff time to conduct advertising sales, design and technical art support to clients, billing, collections, as well as increased proofing and layout reviews. Advertising may have a negative impact on the appearance and presentation of the document. Another concern should be the possible perception that the City is endorsing advertisers and their services. The costs, both financial and otherwise, may outweigh the benefits.

*The Community Affairs Department has some samples of City Calendars that contain advertising for viewing.

VII. Evaluation of Troy Program to date

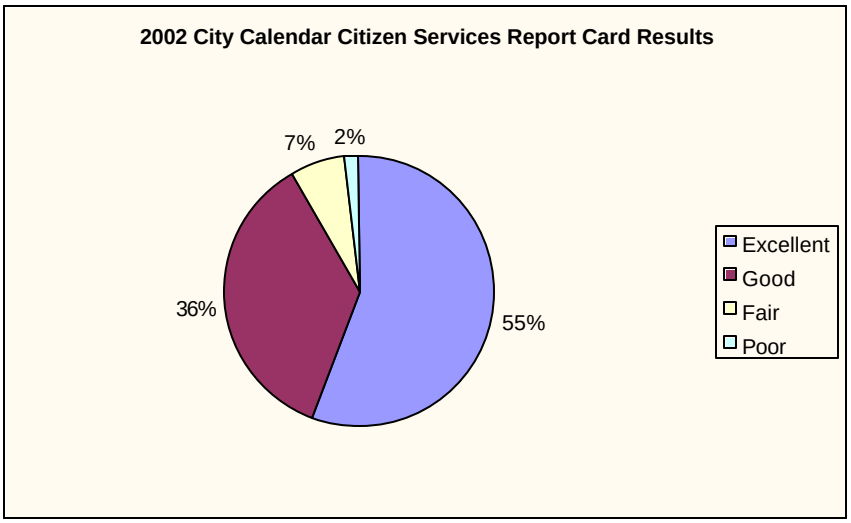
The Troy City Calendar/Annual Report has served as an asset to the City's communication and marketing efforts.

As an annually published document, it furnishes the core information and service detail that any residents and businesses need to communicate with their local government.

Residents were provided the opportunity to give their opinion about the calendar on the postage paid "Rate Your City Services" reply card enclosed in the 2002 publication. The results were strongly favorable, 91% rated the calendar as either Good or Excellent. The remaining ratings were 7% - Fair and 2% Poor.

The Reply card survey is not a scientific random sampling. Members of the entire population may self-select themselves to be respondents. Because of this, we should not generalize the results to the entire population of Troy. However, it does give a good indication of the public sentiment.

Also, because subjects self-select themselves to respond, we typically expect to receive a greater percentage of strong, negative opinions. Citizens wishing to air negative experiences with their city services are more likely to respond than satisfied residents. Because of this human tendency, we interpret these results as a strong, positive indication that residents feel the City Calendar/Annual Report is an Excellent/Good product.



Total responses received, 518.

Appendix A

Detailed listing of information included in the Troy City Calendar/Annual Report

- Important City Dates
  - Board & Committee Meetings & Deadlines
  - City Office Closings
  - Community Summer Concert series
  - Council Meetings
  - Elections
  - Filing dates (tax forms, voter registration, etc.)
  - Library events
  - Museum events
  - Nature Center events
  - Parks & Recreation Registration Dates
  - Parks and Recreation events
  - Refuse Collection delays
  - Tax due dates
- City Facility Info
  - Description of services/facilities
  - Locations (Map)
  - Office Hours for all buildings
  - Parks, Fire Stations, Museum, Nature Center, etc.
- Board & Committee Members
  - All representatives are listed. This is the only community-wide public acknowledgement that all board & committee volunteers receive
- Important Phone Numbers/Contact Information
  - City Council Members
  - City Departments
  - County Representatives
  - Federal Representatives
  - Local Newspapers
  - Nonprofit, Service Club and Community Organization annual events
  - Service Clubs/Organizations
  - State Representatives
  - Utilities

Appendix B

Comparison of other area City government calendar projects

City	Color	# of pages	Advertising	Response Card
Birmingham	2 Color (Full color cover only)	32 Calendar pages	No, but Winter Newsletter enclosed (28 additional pages)	N
Dearborn	Full Color	32	N	N
Troy	Full Color	32	N	Y
Westland	Full Color	32	N	N
Novi	Full Color	36	Y (12 additional pages advertising, 2-color)	N
Sterling Heights	Full Color	36	N	Y
Southfield	Full Color	40	Y (16 additional pages advertising, 2 color)	N
Grosse Pointe Woods	Full Color	48	N	N

Appendix C

Troy City Calendar/Annual Report Project Budget (2003)

o Printing (Quantity 39,000) Includes high resolution scans of photos, graphic design services, printing, mail house bundling and delivery to US Post Office	$ 36,470
o Postage for 36,500 calendars* Includes delivery to all home and business addresses at Bulk Government Postage Rate	$ 7,753
o Insert - City Services Report Card	$ 2,185
▪ TOTAL	$ 46,408

Other Resources drawn upon internally:

- Photographs are used from the City's photographic services contract. This contract is utilized for a wide variety of promotional products including the website, brochures, creating displays for various departments, documenting special and historical events, and taking city portraits.
- All departments submit important calendar dates related to their operations and relevant to residents
- The Community Affairs Department creates a master list of calendar dates submitted by departments & prepares/coordinates all other copy
- Community Affairs is also responsible for proofreading and press checks

*After the main mailing, the remaining 2,500 calendars are distributed year round from City Hall, Library, Community Center, and Chamber of Commerce. It is included in City employment recruitment packets, Real Estate & Development business recruitment packets and approximately 900 new resident packets a year.