CITY COUNCIL

AGENDA

October 6, 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 – Ms. Donna Pezeshki – The Bahá'i Faith 1

ROLL CALL 1

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

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PUBLIC COMMENT 20

CALL TO ORDER

Invocation & Pledge Of Allegiance – Ms. Donna Pezeshki – The Bahá'i Faith

ROLL CALL

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

A-1 Presentation: Proclamation – National Disability Employment Awareness Month – October 2003

PUBLIC HEARINGS

C-1 Parking Variance Request – 2075-2085 W. Big Beaver Road

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

Suggested Resolution
Resolution #2003-10-
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 James Powell of GHA Architects, representing Maggiano's Restaurant for waiver of 23 parking spaces at the development at 2075–2085 W. Big Beaver Road 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 James Powell of GHA Architects, representing Maggiano's Restaurant for waiver of 23 parking spaces at the development at 2075 – 2085 W. Big Beaver Road be **DENIED**.

Yes:
No:

C-2 Preliminary Site Plan Review and Amended Consent Judgment (SP-146) Troy Commons – Northwest Corner of Big Beaver and Rochester Roads – Section 22 – B-2 and B-3

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

(a) Proposed Resolution to Postpone

Suggested Resolution
Resolution #2003-10-
Moved by
Seconded by

RESOLVED, That the Public Hearing for the Amended Consent Judgment between the City of Troy and Troy Commons and the revised Preliminary Site Plan Approval per a revised Consent Agreement for the Troy Commons Shopping Center, located on the northwest corner of Big Beaver and Rochester Roads – Section 22, B-2 and B-3 Zoning Districts is hereby **POSTPONED** until Monday October 20, 2003.

Yes:
No:

(b) Proposed Resolutions to Approve

1) Amendment of Consent Judgment – City of Troy vs. Troy Commons

Suggested Resolution
Resolution #2003-10-
Moved by
Seconded by

RESOLVED, That the Amended Consent Judgment between the City of Troy and Troy Commons is hereby **APPROVED** and the City Attorney is **AUTHORIZED TO EXECUTE** the document, and a copy is to be **ATTACHED** to the original Minutes of this meeting.

Yes:
No:

AND

2) Preliminary Site Plan Approval (SP 146-C – Troy Commons – Northwest Corner of Big Beaver and Rochester Roads – Section 22 – B-2 and B-3 (Consent Judgment)

Suggested Resolution
Resolution #2003-10-
Moved by
Seconded by

RESOLVED, That the revised Preliminary Site Plan Approval per a revised Consent Agreement for the Troy Commons Shopping Center, located on the northwest corner of Big Beaver and Rochester Roads, Section 22 – B-2 and B-3 Zoning Districts, be **APPROVED.**

Yes:
No:

C-3 Standard Resolution #4 for Philatha Paving

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

Suggested Resolution
Resolution #2003-10-
Moved by
Seconded by

WHEREAS, The City Council has caused Special Assessment Roll No. 03.101.1 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 Philatha from Hilmore east; and

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

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

NOW, THEREFORE, BE IT RESOLVED, That Special Assessment Roll No. 03.101.1 in the amount of $25, 539.38 is hereby **CONFIRMED** as prepared by the City Assessor, a copy of which shall be **ATTACHED** to and become a **PART OF** the Minutes of this meeting.

Yes:
No:

POSTPONED ITEMS

D-1 Daley Street Vacation

Suggested Resolution
Resolution #2003-10-
Moved by
Seconded by

RESOLVED, That the following resolution shall be substituted for Resolution #2003-07-341; and

BE IT FURTHER RESOLVED, That the Troy City Council shall take **NO ACTION** on the requested Daley Street vacation until such time a subsequent public hearing can be scheduled on the matter.

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. (Rules of Procedure for the City Council, Article 15 as amended September 22, 2003)

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 September 22, 2003)

E-1 Approval of Consent Agenda

Suggested Resolution
Resolution #2003-10-
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 September 22, 2003

Suggested Resolution
Resolution #2003-10-

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of September 22, 2003 be **APPROVED** as submitted.

E-3 Proposed City of Troy Proclamations:

Suggested Resolution
Resolution #2003-10-

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

(a) National Disability Employment Awareness Month – October 2003
(b) National Breast Cancer Awareness Month – October 2003

E-4 Standard Purchasing Resolution 1: Award to Low Bidders – Snow Removal Rental Equipment Including Operators

Suggested Resolution
Resolution #2003-10-

RESOLVED, That contracts to provide seasonal requirements of snow removal rental equipment including operators with an option to renew for one (1) additional season are hereby **AWARDED** to the following low bidders: Sterling Topsoil & Grading, Inc. and Brooks Landscaping at hourly rates contained in the bid tabulation opened August 1, 2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT RESOLVED, That the award is **CONTINGENT** upon contractors' submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements; and

BE IT FURTHER RESOLVED, That City Staff is authorized to extend the hourly contract prices to other contractors, after the successful bidders have been employed, to speed the snow removal process during times of snow emergencies.

E-5 Standard Purchasing Resolution 1: Award to Low Bidder – Elevator Services Contract

Suggested Resolution
Resolution #2003-10-

RESOLVED, That a contract to provide three (3) year requirements of elevator inspection, maintenance, and repair with an option to renew for two (2) additional years is hereby **AWARDED** to the low bidder, Otis Elevator Company, at an estimated total cost for three years of $19,353.00, at prices contained in the bid tabulation opened September 10, 2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

E-6 Request for Approval of Conditioned Agreement to Purchase for the On-going Sidewalk Gap Project – Christian and Christine Walters – 6545 Livernois – Sidwell #88-20-04-276-018

Suggested Resolution
Resolution #2003-10-

RESOLVED, That the Agreement to Purchase between the City of Troy and Christian and Christine Walters, having Sidwell #88-20-04-276-018 for acquisition of right-of-way in the amount of $20,395.00 plus closing costs, is hereby **APPROVED,** a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-7 Standard Purchasing Resolution 1: Award to Low Bidder - Major Street Pavement Marking

Suggested Resolution
Resolution #2003-10-

RESOLVED, That a two-year contract with an option to renew for one additional year to provide Major Street Pavement Marking is hereby **AWARDED** to the low bidder, P.K. Contracting, Inc., at an estimated total cost of $67,065.26 for the first year and $68,186.90 for the second year and at unit prices contained in the bid tabulation opened September 25, 2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed bid and contract documents, including bonds, insurance certificates and all other specified requirements, and if changes in the quantity of work is required either additive

or deductive, such changes are **AUTHORIZED** in an amount not to exceed 25% of the total project cost.

E-8 Private Agreement for Troy Auto Wash – Project No. 03.917.3

Suggested Resolution
Resolution #2003-10-

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Car Wash Builders, Inc. is hereby **APPROVED** for the installation of paving and sidewalk 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-9 Request for Acceptance of Permanent Easement for Sanitary Sewer at 5871 Hilmore – Section 11 – Sidwell #88-20-11-103-014

Suggested Resolution
Resolution #2003-10-

RESOLVED, That the Permanent Easement from David G. Drouillard, a single man, owner of property at 5871 Hilmore, having Sidwell #88-20-11-103-014 is hereby **ACCEPTED** for the operation, maintenance and repair of sanitary sewer; and

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

E-10 Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder Meeting Specifications – Pager Contract

Suggested Resolution
Resolution #2003-10-

RESOLVED, That a contract to provide three year requirements of pager rentals for the City of Troy and various members of the Tri-County Purchasing Cooperative with the option to renew for up to three years is hereby **AWARDED** to the lowest acceptable bidder meeting specifications, Public Safety Communications, an authorized SBC Paging agent, for an estimated annual cost of $34,530.00 at unit prices contained in the bid tabulation opened July 30, 2003, 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 the contractors' submission of properly executed proposal and agreement documents acceptable to the City of Troy as **AUTHORIZED AND EXECUTED** by the Mayor and City Clerk.

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 September 22, 2003. 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; and b) Downtown Development Authority AND (2) City Council Appointments: a) Historical Commission; and b) Troy Daze

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

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

(a) Mayoral Appointments

Suggested Resolution
Resolution #2003-10-
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

Stuart F Redpath - Does not wish to be reappointed	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
Victor, Robert	06/03/03-05/2005	06/16/03

Downtown Development Authority

Mayor, Council Approval (13) – 4 years

Stuart Frankel - Wishes to be reappointed	Term expires 09-30-2007
Clarke B Maxson - Does not wish to be reappointed	Term expires 09-30-2007
Carol A Price - Wishes to be reappointed	Term expires 09-30-2007

CURRENT MEMBERS

NAME	TERM EXPIRES
Michael W. Culpepper	09/30/04
Stuart Frankel	09/30/03
Michele Hodges	09/30/05
William Kennis	09/30/06
Alan M. Kiriluk	09/30/04
G. Thomas York	09/30/04
Daniel MacLeish	09/30/05
Clarke B. Maxson	09/30/03
Carol A. Price	09/30/03

Ernest C. Reschke	09/30/06
Douglas J. Schroeder	09/30/06
Harvey Weiss	09/30/05
Matt Pryor	09/30/04
Fred Wong (Student)	07/01/04

INTERESTED APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
Alexander, Larry	06/12/01-05/2003	07/09/01
Baughman, Deborah L	03/29/01-06/18/01-05/2003	04/09/01-07/09/01
Brodbine, Anju C.	08/13/02-08/2004	08/19/02
Calice, Mark A	06/97	
Chang, Jouky	10/02/01-10/2003	10/15/01
Elenbaum, Anita	04/17/02-04/2004	04/22/02
Howrylak, Frank J	04/05/01-06/11/03-05/2005	04/0901-06/16/03
Huber, Laurie G	06/18/01-05/2003	07/09/01
Lang, Victoria	07/09/01-06/16/03-06/2005	07/23/01-07/07/03
O'Brien, Michael	07/28/03-07/2005	08/04/03
Petrulis, Al	02/11/03-02/2005	02/17/03
Pritzloff, Mark	04/17/03-04/2005	04/28/03
Rocchio, James A	04/16/01	04/23/01
Schultz, Robert M	06/19/01	01/22/01-07/09/01
Shah, Jayshree	08/28/01-08/2003	09/17/01
Shier, Frank	02/18/03-02/2005	03/03/03
Shiner, Mary E	11/28/01-11/2003	12/09/01
Silver, Neil S	08/11/00-06/20/01-06/9/03-05/2005	08/21/00-07/09/01-06/16/03
Victor, Robert	06/03/03-05/2005	
Watkins, Patrick N	05/22/00-05/2003	
Wilberding, Bruce J	08/05/99-06/17/03-06/2005	
Wright, Wayne C	01/07/99-06/18/03-06/2005	

Yes:
No:

(b) City Council Appointments

Suggested Resolution
Resolution #2003-10-
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:

Historical Commission

Appointed by Council (7) – 3 years

Term expires 07-01-2004 (Student)

CURRENT MEMBERS

NAME	TERM EXPIRES
Edward Bortner	07/31/05
Roger Kaniarz	07/31/05
Rosemary Kornacki	07/31/05
Sucheta Sikdar **(Student)**	07/31/03
Kevin Lindsey	07/31/06
Terry Navratil	07/31/06
Jack Turner	07/31/04
Brian J. Wattles	07/31/04

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file		

Troy Daze

Appointed by Council (9) – 3 years

Term expires 07-01-2004 (Student)

CURRENT MEMBERS

NAME	TERM EXPIRES
Robert A. Berk	09/30/03
Sue Bishop	09/30/04
Jim D. Cyrulewski.	09/30/04
Cecile Dilley	09/30/04
Kessie Kaltsounis	09/30/05
Richard L. Tharp	09/30/03
William F Hall	09/30/05
Jeffrey Stewart **(Parks & Rec Board Rep)**	09/30/06
Robert S. Preston	11/30/05
Cheryl A Kaszubski	11/30/03
Jessica Zablocki **(Student)**	07/01/03

INTERESTED STUDENT APPLICANTS

NAME	DATE APPLIED	DATE SENT TO COUNCIL
None on file		

Yes:
No:

F-2 Closed Session

Suggested Resolution
Resolution #2003-10-
Moved by
Seconded by

BE IT RESOLVED that the City Council of the City of Troy **SHALL MEET** in Closed Session, as permitted by State Statute MCL 15.268(e): City of Troy v. Richard Rahaut and Helen Nawrocki Trust, and City of Troy v. Jimmy and Bushra Isso, after adjournment of this meeting.

Yes
No:

F-3 Traffic Committee Recommendations

(a) Traffic Control at Andover and Hounds Chase

Suggested Resolution
Resolution #2003-10-
Moved by
Seconded by

RESOLVED, That **NO CHANGES** be made to traffic control at Andover and Hounds Chase.

Yes:
No:

(b) Left Turns from the Shell Station on Crooks

Suggested Resolution
Resolution #2003-10-
Moved by
Seconded by

RESOLVED, That Traffic Control Order #_____ is hereby **APPROVED** prohibiting left turns from the Shell station onto northbound Crooks from 7:00 a.m. to 6:00 p.m.

Yes:
No:

(c) Permanent Four-Way STOP Signs – Town Center and Civic Center

Suggested Resolution
Resolution #2003-10-
Moved by
Seconded by

RESOLVED, That Traffic Control Order #_____ is hereby **APPROVED** for the installation of permanent four-way STOP signs at Town Center and Civic Center.

Yes:
No:

(d) Traffic Control at Lanergan and Paddington & at Lanergan and Newgate

Suggested Resolution
Resolution #2003-10-
Moved by
Seconded by

RESOLVED, That **NO CHANGES** be made to traffic control at Lanergan and Paddington, and at Lanergan and Newgate.

Yes:
No:

(e) Traffic Control on Hidden Ridge at Colebrook

Suggested Resolution
Resolution #2003-10-
Moved by
Seconded by

RESOLVED, That **NO CHANGES** be made to traffic control on Hidden Ridge at Colebrook.

Yes:
No:

F-4 Sole Source – Fire Department Hydraulic Rescue Cutters

Suggested Resolution
Resolution #2003-10-
Moved by
Seconded by

WHEREAS, Apollo Fire Equipment is the sole source provider of Hurst hydraulic rescue cutters in the State of Michigan; and

WHEREAS, The cutters will be used with the Hurst systems currently being used at all fire stations; and

NOW, THEREFORE, BE IT RESOLVED, That a contract to purchase seven (7) Hurst hydraulic rescue cutters is hereby **AWARDED** to Apollo Fire Equipment, the sole source provider at an estimated cost of $27,650.00.

Yes:
No:

F-5 Governor's "Cool" Cities Initiative

Suggested Resolution
Resolution #2003-10-
Moved by
Seconded by

RESOLVED, That a "Cool" City Advisory Group is hereby **ESTABLISHED** whose membership consists of seven members, four from the Youth Council and three from the Ethnic Issues Advisory Board; and

BE IT RESOLVED, That the main objective of this group is to discuss questions posed by the Governor as part of the "Cool" Cities Initiative; and

BE IT FURTHER RESOLVED, That the "Cool" City Advisory Group will meet on October 29, 2003 and their insights will be forwarded to the Governor's staff by November 5, 2003.

Yes:
No:

F-6 Charter Revision Committee Draft Agenda

Suggested Resolution
Resolution #2003-10-
Moved by
Seconded by

(a) Items a-g Recommendation to Forward Items to Charter Revision Committee

RESOLVED, That City Council **FORWARDS** Items a-g to the Charter Revision Committee for their review and recommendation for possible placement on the April 5, 2004 General City Election ballot.

OR

(b) Items h-bb Recommendation to Forward Items to City Management and the Law Department

RESOLVED, That City Council **FORWARDS** Items h-bb to City Management for staff analysis to determine the organizational ramifications and staffing impact of the proposed amendments and to the Law department for a legal review/analysis of the proposed amendments; and

BE IT FURTHER RESOLVED, That City Management and the Law Department will, after analysis, provide Council with a full report of the proposed amendments with indication if the item should be forwarded to the Charter Revision Committee for their review and recommendation for possible placement on an upcoming election ballot.

Yes:
No:

F-7 Approval of Outside Legal Consultant

Suggested Resolution
Resolution #2003-10-
Moved by
Seconded by

RESOLVED, That the City Attorney is hereby **AUTHORIZED TO EXECUTE** a contract, which shall be **ATTACHED** to the original Minutes of this meeting, retaining Attorney Neil Lehto to provide legal advice on telecommunications matters and other related areas on an as needed basis; and

BE IT FURTHER RESOLVED, That the services of Independent Contract Attorneys, O'Reilly, Rancilio, Nitz, Turnbull & Andrews and also, Loren Allen, as authorized by Resolution #2001-05-232-E-15, are no longer required by the City of Troy and are therefore **TERMINATED.**

Yes:
No:

F-8 Request for Joint Meeting – Planning Commission

Suggested Resolution
Resolution #2003-10-
Moved by
Seconded by

RESOLVED, That a joint meeting is hereby **SCHEDULED** between the Troy City Council and the Troy Planning Commission on _____, 2003 at 7:30 PM at the Fire & Police Training Center.

Yes:
No:

F-9 Cost Participation Agreement with Sterling Heights – Gibson Drain South Lake Cleanout Project

Suggested Resolution
Resolution #2003-10-
Moved by
Seconded by

RESOLVED, That the Cost Participation Agreement with the City of Sterling Heights for the Gibson Drain South Lake Cleanout Project is hereby **APPROVED** and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the agreement. The total estimated cost of the project including construction, administration, management and oversight is $788,640.00 and the estimated cost to the City of Troy shall not exceed $394,320.00 without approval of City Council. Funds are available in the 2003/2004 Capital Drains Fund, Account Number 401516.7989.1000.

Yes:
No:

F-10 Scheduling of Study Sessions Following Adjournment of Regularly Scheduled Council Meetings on the First and Third Mondays

Suggested Resolution
Resolution #2003-10-
Moved by
Seconded by

RESOLVED, That Study Sessions are hereby **SCHEDULED** subsequent to the adjournment of the regularly scheduled Council meetings on the first and third Mondays, **CONTINGENT** upon these Study Sessions commencing no later than 10:15 PM.

Yes:
No:

F-11 Request for Study Session: Goals and Objectives

Suggested Resolution
Resolution #2003-10-
Moved by
Seconded by

RESOLVED, That a study session is hereby **SCHEDULED** for the purpose of discussing City Council's goals and objectives on _____, 2003 at 7:30 PM in the Council Board Room.

Yes:
No:

COUNCIL COMMENTS/COUNCIL REFERRALS

1 Proposed Adoption of "Marriage Protection Amendment Resolution"– Proposed by Council Member Broomfield

2 Discussion Regarding Detroit's Water/Sewer Rate Setting Policy as Analyzed by the Oakland County Drain Office – Requested by Council Member Lambert

REPORTS AND COMMUNICATIONS

G-1 Minutes – Boards and Committees:

(a) Civil Service Commission (Act 78)/Final – January 30, 2003
(b) Liquor Advisory Committee/Draft – July 14, 2003
(c) CATV Advisory Committee/Draft – July 24, 2003
(d) Employees' Retirement System Board of Trustees/Final – August 13, 2003
(e) Animal Control Appeal Board/Draft – September 3, 2003
(f) Ethnic Issues Advisory Board/Draft – September 9, 2003
(g) Planning Commission/Final – September 9, 2003
(h) Civic Center Priority Task Force/Final – September 10, 2003
(i) Employees' Retirement System Board of Trustees/Draft – September 10, 2003
(j) Parks & Recreation Advisory Board/Draft – September 11, 2003
(k) Board of Zoning Appeals/Draft – September 17, 2003
(l) Civic Center Priority Task Force/Draft – September 24, 2003
(m) Civil Service Commission (Act 78)/Draft – September 25, 2003

G-2 Department Report(s):

(a) 2003 Third Quarter Litigation Report

G-3 Announcement of Public Hearings:

(a) Request for Commercial Vehicle Appeal Renewal – 1820 E. Wattles – **Scheduled for October 27, 2003**
(b) Request for Parking Variance Request – 1985 W. Big Beaver Road – **Scheduled for October 27, 2003**
(c) Commercial Vehicle Appeal – 34117 Dequindre – **Scheduled for October 27, 2003**
(d) Rezoning Request (Z-691) 5500 New King Street – West Side of Crooks Road, North Side of New King Street, South of Square Lake Road – Section 8 – R-C to O-M – **Scheduled for October 20, 2003**
(e) Rezoning Application (Z-690) South Side of Maple Road – East of John R and West of Dequindre Road – Section 36 – R-1E to O-1 and E-P - **Scheduled for October 20, 2003**
(f) Proposed Zoning Ordinance Text Amendment for Section 12.50, R-1T – One Family Attached Residential Districts (ZOTA #182) - **Scheduled for October 27, 2003**
(g) Proposed Zoning Ordinance Text Amendment for Section 03.40, Site Plan Review/Approval (ZOTA #199) - **Scheduled for October 27, 2003**

G-4 Proposed Proclamations/Resolutions from Other Organizations:

(a) Resolution of the Council of the City of Berkley, Michigan – Recognizing September 11, 2003 as Patriot Day

G-5 Letters of Appreciation:

(a) Certificate of Appreciation from LTJG Glenn A. Barnes – United States Navy and MSGT Kirby Cashen – Joint Task Force Six to the Troy Fire Department for Their Assistance and Support in Training Federal Law Enforcement Agencies in Trauma Management

(b) Thank You Letter from Ann K. Rupp to the Police Department for Officers Breidenich & Barrows Response to Her 9-1-1 Call

(c) Thank You Note from a Resident to the Police Department in Appreciation of Officer Giorgi and the 911 Service

(d) Thank you Letter from Constance Cress to the Troy Police Department for Their Assistance in Locating Her Car in the Parking Lot at Troy Daze
Letter of Appreciation from Tony DeMeo – Project Manager for the Village at Midtown Square to John Szerlag Thanking Rod Bovensiep, Eric Caloia and Dave Roberts in Their Assistance in Their Development

G-6 Calendar

G-7 Letter from Road Commission for Oakland County to City Manager John Szerlag, Re: 2030 Regional Transportation Plan

G-8 Letter from Ferris State University to Captain Mayer, Re: Thank you for Partnership in the Criminal Justice Summer Internship Program

G-9 Memorandum, (Green) Re: Mailing of the 2004 Calendar/Annual Report

G-10 Letter from Patricia R. Rosen, Executive Director of the Child Abuse and Neglect Council of Oakland County Honoring Chief Charles Crafts Election to the Board of Directors

G-11 Letter from the National Purchasing Institute, Inc., Re: Achievement of Excellence in Procurement Award

G-12 Letter from The Institute of Continuing Legal Education, Re: Zoning Tools for Effective Planning & Development

G-13 Memorandum, Re: Bidcorp On-Line Auction – Closing September 30, 2003 – One (1) Used Motorola Centracom Gold Elite Radio Console with Five (5) Workstations

G-14 Memorandum, Re: Expired License Plate Ordinances

G-15 Memorandum, (Green) Re: Proposed Study Topic: Parks & Recreation Fee Structure

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 (15), as amended May 6, 2002).

Respectfully submitted,

John Szerlag, City Manager

A-01a &
E-03a

PROCLAMATION
NATIONAL DISABILITY EMPLOYMENT AWARENESS MONTH
OCTOBER 2003

WHEREAS, All citizens should have the right to live and work in dignity and freedom and in October we take the time to honor Americans with disabilities who are a part of our vital workforce; and

WHEREAS, This year marks the 13th anniversary of the Americans with Disabilities Act; and

WHEREAS, The American with Disabilities Act has allowed persons with disabilities to participate more fully in society by removing barriers, improving employment opportunities, regulating public accommodations and other benefits; and

WHEREAS, There is still much to be accomplished to achieve the Americans with Disabilities Act's goals of promising an equality of opportunity, independent living, and economic self-sufficiency to persons with disabilities; and

WHEREAS, Every year since 1945, the President of the United States has declared National Disability Employment Awareness Month to recognize persons with disabilities who have contributed to the American work force; and

WHEREAS, The City of Troy would like to honor all of our citizens with disabilities who are a part of our workforce and encourage them to realize their full potential and achieve their dreams;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy does hereby recognize **the month of October as National Disability Employment Awareness Month** in the City of Troy.

Signed this 6th day of October 2003.

DATE: September 26, 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 Parking Variance Request
2075 – 2085 W. Big Beaver Road

We have received an application from James Powell of GHA Architects, representing Maggiano's Restaurant, to demolish the existing Rio Bravo Restaurant and construct a new restaurant in it's place at 2085 W. Big Beaver Road. The new restaurant will have a seating capacity of 420 persons. This capacity, along with the area of the attached office building at 2075 W. Big Beaver, requires that at least 483 parking spaces are available on the site per Sections 40.21.31 and 40.21.71 of the Troy Zoning Ordinance. The plans submitted with the application indicate that there will be only 460 parking spaces available. The permit application for this work has been denied. In response, the petitioners have filed an appeal of the parking requirement.

A Public Hearing has been scheduled for your meeting of October 6, 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 and floor plans of the facility for your reference. We will be happy to provide additional information regarding this request if you desire.

Attachments:

RECEIVED
SEP 09 2003
BUILDING DEPARTMENT

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

TO TROY CITY COUNCIL

DATE: 9-8-03

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: MAGGIANO'S Phone: 972-770-3272

Address: 6820 LBJ FREEWAY DALLAS, TX 75240

Address of Property: 2055 W. BIG BEAVER RD. TROY, MI 48084

Lot # _____ Subdivision: _____

Zoning District: O-S-C- Sidwell # _____

Owner of Property: FINSILVER/FRIEDMAN Phone: 248-324-2030

Address: 34975 W. 12 MILE RD., FARMINGTON HILLS, MI 48331

This appeal is made on a determination by the Director of Building & Zoning, in the enforcement of the Zoning Ordinance, in a letter dated: SEPT. 5, 2003

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

and particulars _____

REASON FOR VARIANCE:

Dimension of Stall? _____ Parking Spaces Required: 483

Number of Stalls? ✓ Parking Spaces Provided: 460

Other Dimensions? _____ Variance Requested: 23 SPACES

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

SEEKING RELIEF FROM CHAPTER 39, ARTICLE XI, SECTIONS 40.21.01, 40.21.30 + .31, 40.21.70 + .71. REPLACING EXISTING RIO BRAVO WITH A MAGGIANO'S. EXISTING SITE CONTAINS 460 SPACES AND DOES NOT HAVE CAPACITY FOR EXPANSION.

PLOT PLAN OF SITE ATTACHED HERETO

STATE OF ~~MICHIGAN~~ TEXAS)
)
COUNTY OF DALLAS)

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: 9-8-03 James E. Powell JAMES E. POWELL
(Signature of Applicant)

Signed and Sworn to before me this 8TH day of SEPTEMBER 2003

Connie Howard
Notary Public

CONNIE HOWARD
Notary Public, State of Texas
My Commission Expires 04-04-05

My Commission Expires: 04-04-2005

Filing Fee $200.00	Date Paid

REV:2/2002

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

September 5, 2003

RECEIVED
SEP 09 2003
BUILDING DEPARTMENT

Jim Powell, AIA
Gerdes Henrichson & Associates
14110 Dallas Parkway, Suite 100
Dallas, TX 75240

Dear Sir:

We are in receipt of your application for a Building Permit to construct a new Maggiano's restaurant in the location of the existing Rio Bravo restaurant at 2085 W. Big Beaver.

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 development of the new restaurant in conjunction with the existing office building will result in a required minimum number of parking spaces of at least 483. Plans submitted by you for this development show that only 460 parking spaces would be available.

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
Director of Building & Zoning

MS/pp

EASEMENTS

EASEMENTS SHOWN ARE PER TITLE POLICY
PHILIP R. SEAVER TITLE COMPANY, INC.
COMMITMENT No. M-208020-O FA
EFFECTIVE DATE APRIL 15, 1998

SCHEDULE B EXCEPTIONS

ITEM 4. CITY OF TROY, DECLARATION OF TAKING, RECORDED IN L.15657, P.729 HAS BEEN SHOWN

ITEM 5. CITY OF TROY, DECLARATION OF TAKING, RECORDED IN L.15657, P.733 HAS BEEN SHOWN

ITEM 6. DETROIT EDISON COMPANY,RIGHT-OF-WAY, L.15401, P.216, HAS BEEN SHOWN. (AFFECTS PARCEL I). L.15401, P.213, HAS BEEN SHOWN. (AFFECTS PARCEL II).

ITEM 7. DECLARATION OF RECIPROCAL CROSS-EASEMENT RECORDED IN L.12325, P.409 HAS BEEN SHOWN.

ITEM 8. DETROIT CELLULAR TELEPHONE COMPANY, RECORDED IN L.15435, P.486 ROOF TOP LEASE FOR ANTENNAS, HAS NOT BEEN SHOWN.

ITEM 10 LICENSE AGREEMENT REGARDING PARKING AREAS RECORDED IN L.12472, P.330 AND L.12475, P.627 HAS NOT BEEN SHOWN.

ITEM 11. SIGN LEASE AGREEMENT RECORDED IN L.14303, P.020 HAS NOT BEEN SHOWN.

ITEM 12 MICHIGAN BELL TELEPHONE COMPANY, RECORDED IN L.6321, P.541 HAS BEEN SHOWN.(LIES WITHIN THE BIG BEAVER ROAD R.O.W.)

ITEM 13 MICHIGAN BELL TELEPHONE COMPANY, RECORDED IN L.6321, P.543 HAS BEEN SHOWN.

ITEM 14. EASEMENT GRANTED TO CASA LUPITA RESTAURANTS,INC., RECORDED IN L.8765, P.332 HAS BEEN SHOWN.

ITEM 15. EASEMENT TO THE CITY OF TROY, RECORDED IN L.6646, P.109 HAS BEEN SHOWN. (EASEMENT IS CENTERED ON WATERMAIN)

DEVELOPMENT DATA

ZONING = OSC, OFFICE-SERVICE-COMMERCIAL

LAND AREA, PARCELS I, II, III = 6.234 ACRES OR 271,553.3 S.F.

MAGGIANO'S = 13,656 G.S.F.
2075 W. BIG BEAVER ROAD
USE = RESTAURANT, PERMITTED USE SUBJECT TO SPECIAL CONDITIONS

EXISTING OFFICE BUILDING = 46, 200 U.S.F.
2075 W. BIG BEAVER ROAD
USE = OFFICE, PERMITTED USE
USE = OFFICE

REQUIRED LANDSCAPING
10% OF NET SITE = 27,155 S.F.
USE = OFFICE, PERMITTED USE
USE = OFFICE

EXISTING PARKING SPACES:

REGULAR SPACES = 446
HANDICAP SPACES = 14

TOTAL = 460 SPACES

REQUIRED PARKING SPACES: 487 SPACES

RESTAURANT = 1 SPACE PER 2 SEATS, PLUS 1 EMPLOYEE SPACE PER 10 SEATS

TOTAL SEATS = 420

TOTAL REQUIRED = 256 SPACES

OFFICE BUILDING = 1 SPACE PER 200 USABLE S.F.
OFFICE BUILDING = 46,200 U.S.F.

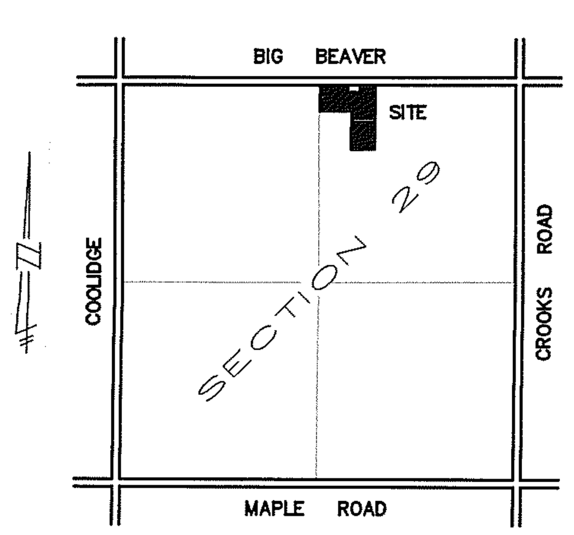
TOTAL REQUIRED = 231 SPACES

2075/2085 BIG BEAVER

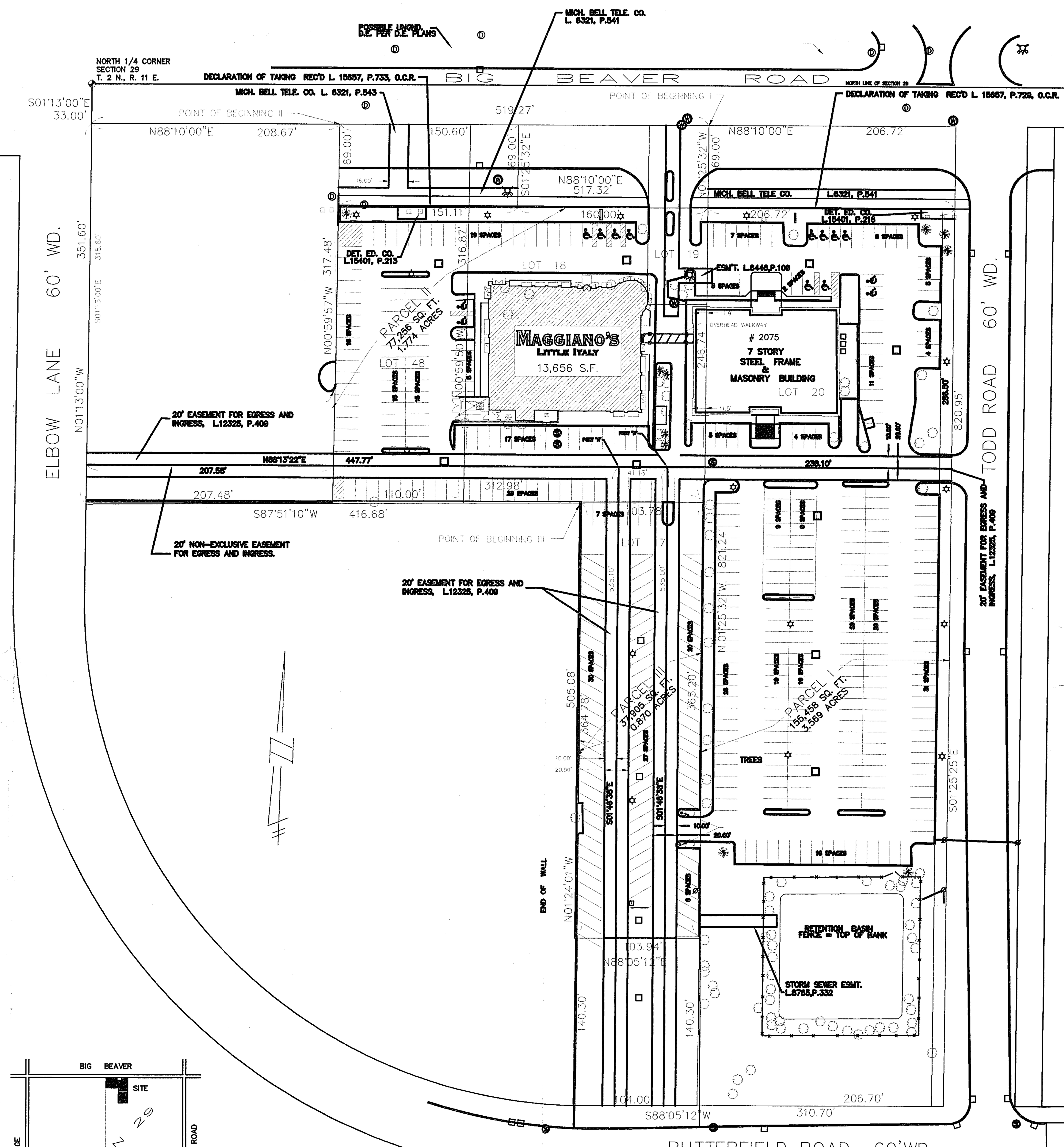
SECTION 29, T. 2 N., R. 11 E.
CITY OF TROY
OAKLAND COUNTY MICHIGAN

LANDLORD:
FINSILVER/FRIEDMAN MANAGEMENT
34975 W. 12 MILE ROAD
SUITE 100
FARMINGTON HILLS, MI. 48331
PHONE 248.324.2030

LANDLORD:
FINSILVER/FRIEDMAN MANAGEMENT
34975 W. 12 MILE ROAD
SUITE 100
FARMINGTON HILLS, MI. 48331
PHONE 248.324.2030



LOCATION MAP
SCALE: 1" = 2000'



THE INFORMATION RELATED TO EXISTING CONDITIONS ON THIS SITE PLAN IS TAKEN FROM AN UPDATED ALTA SURVEY PROVIDED BY MILLETICS AND ASSOCIATES, L.L.C. 248-473-7880 40399 GRAND RIVER AVENUE SUITE 110 NOVI, MI. 48375-2123 UPDATED 8-4-03.

01 SITE PLAN
SCALE: 1" = 50'

Parcel I:

Lot 20, Supervisor Plat of Walker Farms, a subdivision of part of the Northeast 1/4 of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, as recorded in Liber 65 on Page 36 of Plats, Oakland County Records, being more particularly described as: Commencing at the North 1/4 corner of said Section 29; thence South 01 ' 13 ' 00 " East, 33.00 feet along the North and South 1/4 line of said Section 29; thence North 88 ' 10 ' 00" East, 519.27 feet, along the Southerly Right-of-Way line of Big Beaver Road (33.00 foot Right-of-Way), to the Northwest corner of said lot 20 and the Point of Beginning; thence continuing North 88 ' 10 ' 00 " East, 206.72 feet, along the Southerly Right-of-Way of said Big Beaver Road, to the Northeast corner of said Lot 20; thence South 01 ' 25 ' 25 " East, 820.95 feet, (previously recorded as 822.00 feet), along the Westerly Right-of-Way of Todd Road (60 feet wide), to the Southeast corner of said Lot 20; thence South 88 ' 05 ' 12 " West, 206.70 feet (previously recorded as 206.72 feet), along the Northerly Right-of-Way of Butterfield Road (60 feet wide) to the Southwest corner of said Lot 20; thence North 01 ' 25 ' 32" West, 821.24 feet (previously recorded as 822.00 feet), along the Westerly line of said Lot 20, to the point of beginning. EXCEPTING therefrom the Northerly 69.00 feet taken by the City of Troy as recorded in Liber 15657 on Page 729, Oakland County Records. All of the above containing 3.569 Acres.

RE: 2075 West Big Beaver
Tax Item No. 20-29-201-016

Parcel II:

Lot 48, Supervisors Plat of Butterfield Farm a, subdivision of part of the Northeast 1/4 of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, as recorded in Liber 48, on Page 44 of Plats, Oakland County Records; and also , part of Lots 18 and 19, Supervisors Plat of Walker Farms, a subdivision of part of the Northeast 1/4 of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, as recorded in Liber 65, on Page 36 of Plats, Oakland County Records, being more particularly described as: Commencing at the North 1/4 corner of said Section 29, thence South 01 ' 13 ' 00 " East, 33.00 feet, along the North and South 1/4 line of said Section 29, thence North 88 ' 10 ' 00 " East, 208.67 feet, along the Southerly Right-of-Way line of Big Beaver Road (33.00 foot Right-of-Way), to the Northwest corner of said Lot 48 and the Point of Beginning; thence continuing North 88 ' 10 ' 00 " East, 150.60 feet,along the Southerly Right-of-Way of said Big Beaver Road; thence South 01 ' 25 ' 32 " East, 69.00 feet; thence North 88 ' 10 ' 00 " East, 160.00 feet to a point on the Easterly line of said Lot 19, (said point being South 01 ' 25 ' 32 " East, 69.00 feet from the Northeast corner of said Lot 19); thence South 01 ' 25 ' 32 " East, 246.74 feet, along the Easterly line of said Lots 18 and 19, to the Southeast corner of said Lot 18; thence South 87 ' 51 ' 10 " West, 312.98 feet, (previously recorded as 313.22 feet), along the southerly lines of said Lots 18 and 48, to the Southwest corner of said Lot 48; thence North 00 ' 59 ' 57 " West, 317.48 feet, along the Westerly line of said Lot 48, to the point of beginning. EXCEPTING therefrom the Northerly 69.00 feet taken by the City of Troy as recorded Liber 15657 on Page 733, Oakland County Records. All of the above containing 1.774 Acres.

RE 2085 West Big Beaver
Tax Item No. 20-29-201-015

Parcel III:

North portion of Lot 17: A part of Lot 17, Supervisors Plat of Walker Farms, a subdivision of part of the Northeast 1/4 of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, as recorded in Liber 65, on Page 36 of Plats, Oakland County Records, being more particularly described as: Commencing at the North 1/4 corner of said Section 29; thence South 01 ' 13 ' 00 " East, 351.60 feet, along the North and South 1/4 line of said Section 29 and the Easterly line of Elbow Lane (60 feet wide); thence North 87 ' 51 ' 10 " East, 416.68 feet, (previously recorded as 416.70 feet), to the Northwest corner of said Lot 17 and the Point of Beginning; thence North 87 ' 51 ' 10 " East, 103.78 feet, (previously recorded as 104.00 feet), along the Northerly line of said Lot 17, to the Northeast corner of said Lot 17; thence South 01 ' 25 ' 32 ' East, 365.20 feet, along the Easterly line of said Lot 17; thence South 88 ' 05 ' 12 " West, 103.94 feet, to the Westerly line of said Lot 17, thence North 01 ' 24 ' 01 " West, 364.78 feet, along the Westerly line of said Lot 17, to the point of beginning. All of the above containing 0.870 Acres.

Tax Item No. 20-29-201-021

Non-Exclusive Easement Description:

Together with a non-exclusive easement for ingress and egress described as follows: A 20 foot wide easement for ingress and egress located within Lot 49, Supervisors Plat of Butterfield Farm, a subdivision of part of the Northeast 1/4 of Section 29, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan, as recorded in Liber 48, Page 44 of Plats , Oakland County Records, the centerline of said easement being more particularly described as: Commencing at the North 1/4 corner of said Section 29 ; thence South 01 ' 13 ' 00 " East, 318.80 Feet, along the North and South 1/4 line of said Section 29, and the Easterly Right-of-Way of Elbow Lane (60 feet wide), to the Point of beginning; thence North 88 ' 13 ' 22 " East, 207.58 feet, to the point of ending. (said point located South 00 ' 59 ' 57 " East, 286.01 feet from the Northeast corner of said Lot 49.)

LEGEND

+100.00	EXISTING ELEVATIONS
～	EXISTING CONTOURS
——	EX. WATER MAIN
——	EX. STORM SEWER
——	EX. SANITARY SEWER
○	MANHOLE
□	CATCH BASIN
⊛	G.V.&W
	HYDRANT
	UTILITY POLE
——	GUY WIRE
☆	LIGHT POLE
—x—	FENCE
□	DETROIT EDISON/CABLE BOX
○	TREE (DECIDUOUS)
✱	TREE (CONIFEROUS)
●	FD. IRON
○	SET IRON

RECEIVED
AUG 2 6 2003
BUILDING DEPARTMENT

GHA
Architecture / Development
Parkway Plaza I
14110 Dallas Parkway
Suite 100
Dallas Texas 75240
Ph: (972) 239-8884
Fax: (972) 239-5054

MAGGIANO'S
LITTLE ITALY
TROY, MI

DO NOT SCALE DRAWINGS
CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS AND DIMENSIONS-NOTIFY ARCHITECT OF ANY DISCREPANCIES PRIOR TO BEGINNING CONSTRUCTION

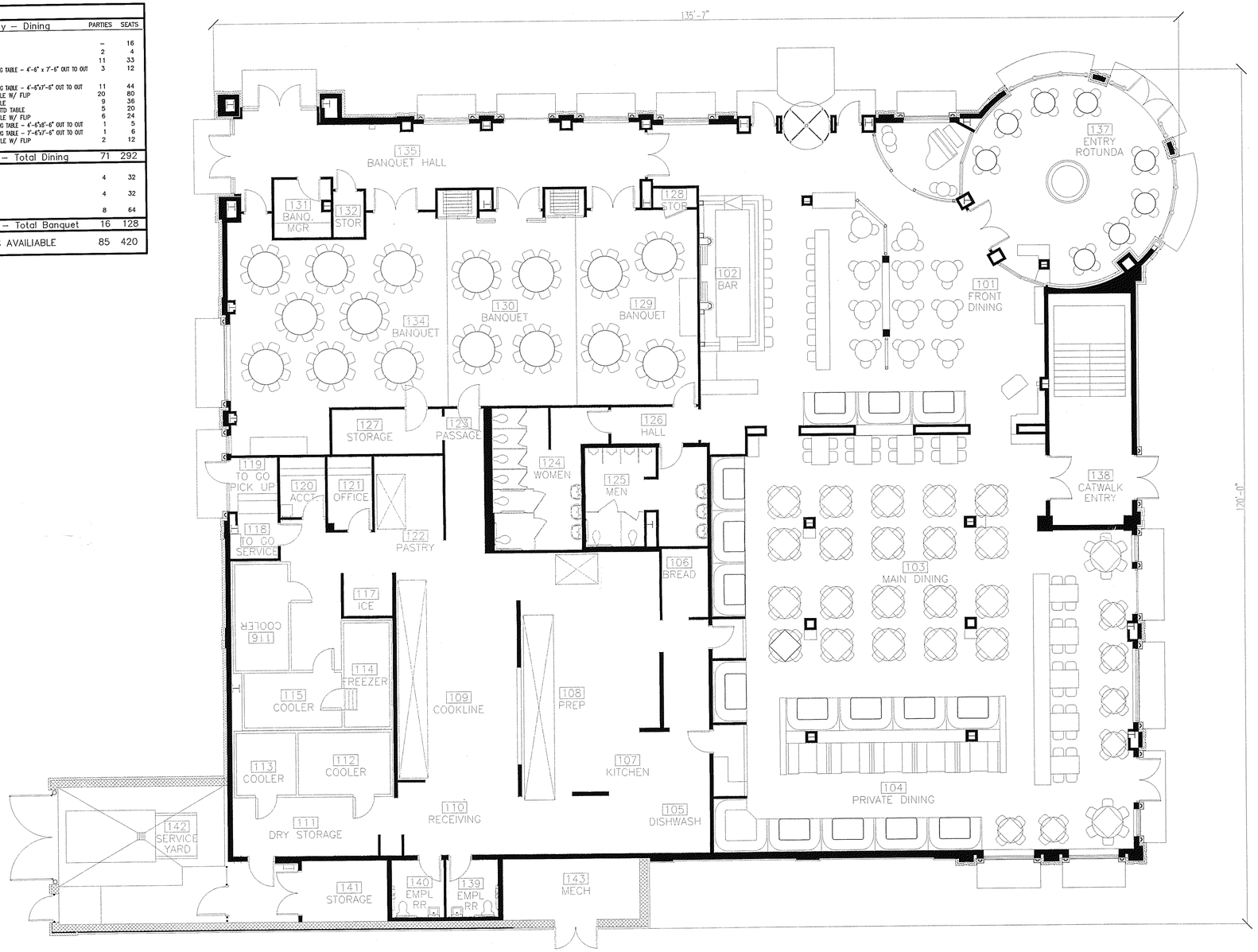
NO REVISION

PROJECT NUMBER

SHEET NUMBER
SP1
OF 3 SHEETS

ORIGINAL ISSUE DATE - 3-21-03
DATE OF THIS PRINTING - 3-21-03

SEATING CALCULATIONS:		
Maggiano's – Little Italy – Dining	PARTIES	SEATS
FRONT DINING:		
COUNTER SEATS	–	16
2 TOP – 24"ø FREESTANDING TABLE	2	4
3 TOP – 36"ø FREESTANDING TABLE	11	33
4 TOP "U" SHAPED BOOTHS W/ FREESTANDING TABLE – 4'-6" x 7'-6" OUT TO OUT	3	12
MAIN DINING:		
4 TOP "U" SHAPED BOOTHS W/ FREESTANDING TABLE – 4'-6"x7'-6" OUT TO OUT	11	44
4 TOP – 36"x36" FREESTANDING TABLE W/ FLIP	20	80
4 TOP – 30"x48" FREESTANDING TABLE	9	36
4 TOP BOOTH – 30"x48" BRACKET MTD TABLE	5	20
4 TOP – 30"x30" FREESTANDING TABLE W/ FLIP	6	24
5 TOP "U" SHAPED BOOTHS W/ FREESTANDING TABLE – 4'-6"x8'-6" OUT TO OUT	1	5
6 TOP "U" SHAPED BOOTHS W/ FREESTANDING TABLE – 7'-6"x7'-6" OUT TO OUT	1	6
6 TOP – 38"x38" FREESTANDING TABLE W/ FLIP	2	12
Maggiano's–Little Italy – Total Dining	71	292
BANQUET ROOM '1'		
8 TOP – 60"ø FREESTANDING TABLE	4	32
BANQUET ROOM '2'		
8 TOP – 60"ø FREESTANDING TABLE	4	32
BANQUET ROOM '3'		
8 TOP – 60"ø FREESTANDING TABLE	8	64
Maggiano's–Little Italy – Total Banquet	16	128
BUILDING TOTAL SEATS AVAILIABLE	85	420



N
NORTH

01 FLOOR / SEATTING PLAN
SCALE: 1/8" = 1'-0"

GHA
Architecture / Development
Parkway Plaza I
14110 Dallas Parkway
Suite 100
Dallas Texas 75240
Ph: (972) 239-8884
Fax: (972) 239-5054

MAGGIANO'S LITTLE ITALY
TROY, MI

DO NOT SCALE DRAWINGS
CONTRACTOR TO VERIFY
ALL EXISTING CONDITIONS AND
DIMENSIONS–NOTIFY ARCHITECT
OF ANY DISCREPANCIES PRIOR
TO BEGINNING CONSTRUCTION

NO REVISION

PROJECT NUMBER

SHEET NUMBER
A 101
OF 3 SHEETS

ORIGINAL ISSUE DATE – 3-21-03
DATE OF THIS PRINTING – 3-21-03

September 30, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager/Services
Doug Smith, Real Estate and Development Director
Mark Stimac, Building and Zoning Director
Mark F. Miller, Planning Director

SUBJECT: PUBLIC HEARING - PRELIMINARY SITE PLAN REVIEW AND AMENDED CONSENT JUDGMENT (SP 146-C) – Troy Commons, Northwest Corner of Big Beaver and Rochester Roads, Section 22 – B-2 and B-3 (Consent Judgment)

RECOMMENDATION

The Planning Commission recommended approval of the preliminary site plan at their September 9, 2003 meeting. Further, the Planning Commission recommended that the 5-foot wide connecting sidewalk be relocated and the City Traffic Engineer reviews the Rochester Road entrance. Based upon Planning Commission input, a site plan revision indicates the connecting sidewalk as requested. The proposed restaurant uses are compatible with the surrounding uses and are appropriate given their location. City Management recommends that the Consent Judgment be amended to accommodate the proposed development.

In addition, the signage package includes two ground signs both set back approximately 10 feet from either Rochester or Big Beaver Roads. Both of the signs are 24 feet in height and include 686 square feet of face area.

The City Attorney will submit the amended consent agreement.

GENERAL INFORMATION

Name of Owner / Applicant:
The applicant is Stuart Frankel of Stuart Frankel Development Company.

Location of Subject Property:
The property is located on the northwest corner of Big Beaver Road and Rochester Road, in section 22.

Size of Subject Parcel:
The parcel is approximately 13.2 acres in area.

Proposed Use of Subject Parcel:
The Troy Commons Shopping Center is approximately 534,677 square feet (12.27 acres) in area. The applicant has acquired a City remnant parcel abutting the property to the east that is approximately 40,360 square feet in area. The applicant is proposing to demolish an existing stand-alone restaurant in the southeast corner of the development and construct a 6,000 square foot stand-alone restaurant and a 11,700 square foot retail building on the east side of the property. The Consent Judgment must be amended by City Council to add the remnant parcel to the Troy Commons Shopping Center and expand the size of the development on the property.

Parcel History:
The use of the property is controlled by a Consent Judgment, as ordered by the Court of Oakland County on May 2, 1985 and amended on January 7, 1998. The Consent Judgment permits the property to be used for the Troy Commons Shopping Center. The Consent Judgment restricts the size of the development to 140,000 square feet (including the bank to the west of the parcel, which was included in the Consent Judgment but has been split from the parcel). The applicant proposes a total development of 140,967 square feet (including the bank). The Consent Judgment needs to be amended by City Council to permit this additional development, following a recommendation from the Planning Commission.

Current Use of Subject Property:
The property is presently used as the Troy Commons Shopping Plaza.

Current Zoning Classification:
The Troy Commons property is zoned B-2 Community Business and B-3 General Business. The proposed restaurants will be located on the portion that is zoned B-3.

Current Use of Adjacent Parcels:
North: Woodside Bible Church, single family residential and detention area.

South: Troy Market Place and Burger King Restaurant.

East: Troy Fire Station No. 1, Mr. Pita and Springwood Square Shopping Center.

West: First of America Bank.

Zoning Classification of Adjacent Parcels:
North: P-1 Vehicular Parking, B-3 General Business and R-1E One Family Residential.

South: H-S Highway Service, B-1 Local Business and O-1 Office Building.

East: C-F Community Facility and B-3 General Business.

West: O-M Office Mid-Rise.

Future Land Use Designation:
The property is designated on the Future Land Use Plan as Regional Center.

ANALYSIS

Signage
Two ground signs are proposed. One is along the Big Beaver Road frontage in the location of the existing sign with a setback of less than 10 feet. The other sign is along the Rochester Road frontage and is proposed to be located south of the current entrance drive with a setback slightly more than 10 feet.

The Sign Ordinance, in Section 8.01.02, states that each side of a sign shall be counted individually when the faces are more than 24" apart. The signs proposed have faces that are approximately 48" apart. Since each side of the sign has a calculated area of 343 square feet, the ordinance would determine that the size of each of these two signs to be 686 square feet. The signs are both 24 feet in height.

The Sign Ordinance, in Section 9.02.04, allows one major ground sign in accordance with Table B. An additional 36 square foot ground sign is also permitted in these districts. The sign ordinance limits the size of the major ground sign based upon the setback of the sign from the right-of-way line. The following is Table B from the Sign Ordinance establishing the maximum ground sign size.

Setback Range	Height Maximum	Area Maximum
0 ft. - 20 ft.	10 ft.	50 sq. ft.
20 ft. - 30 ft.	20 ft.	100 sq. ft.
30 ft +	25 ft.	200 sq. ft.

With the setbacks proposed, if the sign on Big Beaver were the major ground sign, it would be limited to 10 feet in height and 50 square feet. If the sign on Rochester were the major ground sign, it would be limited to 20 feet in height and 100 square feet in area.

Compliance with area and bulk requirements of R-C district and Consent Judgment:
Lot Area: N/A in B-3 Zoning District.

Lot Width: N/A in B-3 Zoning District.

Height: 3 stories or 40 feet.

Setbacks: Front: 40 feet required. The applicant has required 77 feet.
Side: (least) 10 feet required. The applicant has provided 66 feet.
Rear: 30 feet required. The applicant has provided 77 feet.

The applicant meets the area and bulk requirements of the B-3 district and the Consent Judgment.

Off-Street Parking and Loading Requirements:
Under the provisions of the Consent Judgment, the applicant is required to provide at least 625 off-street parking spaces.

Based on the Zoning Ordinance, the parking requirements are as follows:
Shopping Center: 699 spaces
Bank: 28 spaces
New Retail: 69 spaces
New Restaurant (225 seats): 136

The required parking spaces based on Zoning Ordinance requirements are 932 spaces. The applicant has provided 672 spaces.

A loading/unloading area for each business is provided next to the drive on the north side of the shopping center.

Vehicular and Non-motorized Access:
Vehicular access is provided by three (3) two-way entry drives on Big Beaver and one (1) entry drive (with boulevard entrance) on Rochester Road.

Non-motorized access has been provided by an 8-foot wide sidewalk along Big Beaver and Rochester Roads. A five (5) foot wide sidewalk is proposed to connect the restaurant with the Big Beaver and Rochester Road sidewalks, however this sidewalk is located on the east side of the entry drive on Big Beaver. An additional 5-foot wide sidewalk connection to the restaurant is needed at the Big Beaver/Rochester Road intersection to improve pedestrian access to the restaurant and the retail uses.

Storm Water Detention:
The applicant is proposing to utilize the existing regional detention basin, which abuts the property to the northwest.

Natural Features and Floodplains:
The Natural Features Map indicates there are no natural features located on the property.

cc: Applicant
File/ SP-146 C

G:\SITE PLANS\SP 146 Troy Commons\Troy Commons Public Hrg CC Memo.doc

STUART FRANKEL DEVELOPMENT COMPANY
2301 WEST BIG BEAVER ROAD - SUITE 510
TROY, MI 48084
248/649-2924 FAX: 248/649-2373

October 1, 2003

Via Facsimile: 248/524-3259

TO: Lori Grigg Bluhm, City Attorney
City of Troy

FROM: Stuart Frankel

RE: Troy Commons Consent Decree

Dear Lori:

Please be advised that I will be out of the city October 6, 2003. I hereby request postponement of the Troy Commons hearing from October 6th to October 20th.

Thank you for having this item placed on the Agenda for October 20th.

Sincerely,

Stuart Frankel

SF/jc

STATE OF MICHIGAN

OAKLAND COUNTY CIRCUIT COURT

CITY OF TROY, a Michigan
Municipal Corporation,

Plaintiff

Vs.

Case No. 82-235070 CC
Hon. Gene Schnelz
(Parcel 60)

TROY COMMONS, a Michigan
Co-partnership,

Defendant.
_____/

Lori Grigg Bluhm (P46908)
City Attorney, City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084
(248) 524-3320

_____/

STIPULATION AND SECOND ORDER AMENDING CONSENT JUDGMENT

At a session of said Court
Held in the Courthouse in the
City of Pontiac, Oakland County, MI
on: _____

PRESENT: HONORABLE GENE SCHNELZ, CIRCUIT JUDGE

The parties hereby stipulate and agree to this second amendment to the First Amended Consent Judgment as to Parcel 60 dated January 7, 1998, which replaced the Consent Judgment as to Parcel 60 entered on May 2, 1985, as set forth below:

WHEREAS, Plaintiff initiated this case to acquire right of way from Defendant for drainage purposes and to widen Big Beaver Road; and

WHEREAS, the Parties resolved a portion of the condemnation case by entry of a consent judgment on May 2, 1985; and

WHEREAS, the parties negotiated a final settlement of the case, which was reduced to the First Amended Consent Judgment as to Parcel 60, which was entered by the Court on January 7, 1998, and which replaced the consent judgment entered on May 2, 1985; and

WHEREAS, this Court has retained jurisdiction over this action, including any matters arising out of the performance of the First Amended Consent Judgment As to Parcel 60;

NOW THEREFORE,

IT IS HEREBY ORDERED that the First Amended Consent Judgment As to Parcel 60, is further amended as follows:

1. The Plaintiff has acquired additional property (approximately 40,360 square feet in area), thereby necessitating the revision of the Property Description in the attached Exhibit 1.

2. Paragraph 6 shall be eliminated, and replaced with the following language: As part of just compensation, Defendant shall be permitted to expand the Troy Commons Shopping Center (Center) as depicted in the Site Plan attached as Exhibit 2, which has been approved by the Troy City Council. Under no circumstances may the Center exceed 142,000 square feet of gross floor area (measuring from the exterior faces of the exterior walls). This gross floor area includes the gross floor area of the unattached buildings that are presently occupied by First Federal of Michigan Bank

and Big Boy Restaurant, even though the building occupied by First Federal of Michigan Bank has been split from the Center.

3. Paragraph 11 shall be eliminated, and replaced with the following language: Defendant shall be required to maintain a minimum of 672 parking spaces on the Center site, as depicted in the Site Plan, attached as Exhibit 2. The parking spaces shall be striped, 9.5 feet in width, and 19 feet in length.

4. Defendant shall be permitted to have ground signage for the Troy Commons Shopping Center as depicted on the Troy Commons Retail Center Sign Elevations and Details, attached as Exhibit 3.

5. Except as specifically provided, the First Amended Consent Judgment as to Parcel 60 shall otherwise remain in full force and effect, and without further modification. Any reference to the Consent Judgment includes all properly executed amendments to the Consent Judgment.

6. The Court shall continue to retain jurisdiction over the matter.

7. The Consent Judgment, as amended, shall be recorded with the Oakland County Register of Deeds.

IT IS SO ORDERED.

_____
HONORABLE GENE SCHNELZ
OAKLAND COUNTY CIRCUIT COURT

APPROVED AS TO FORM AND CONTENT:

CITY OF TROY

_____

Matt Pryor, Mayor

_____

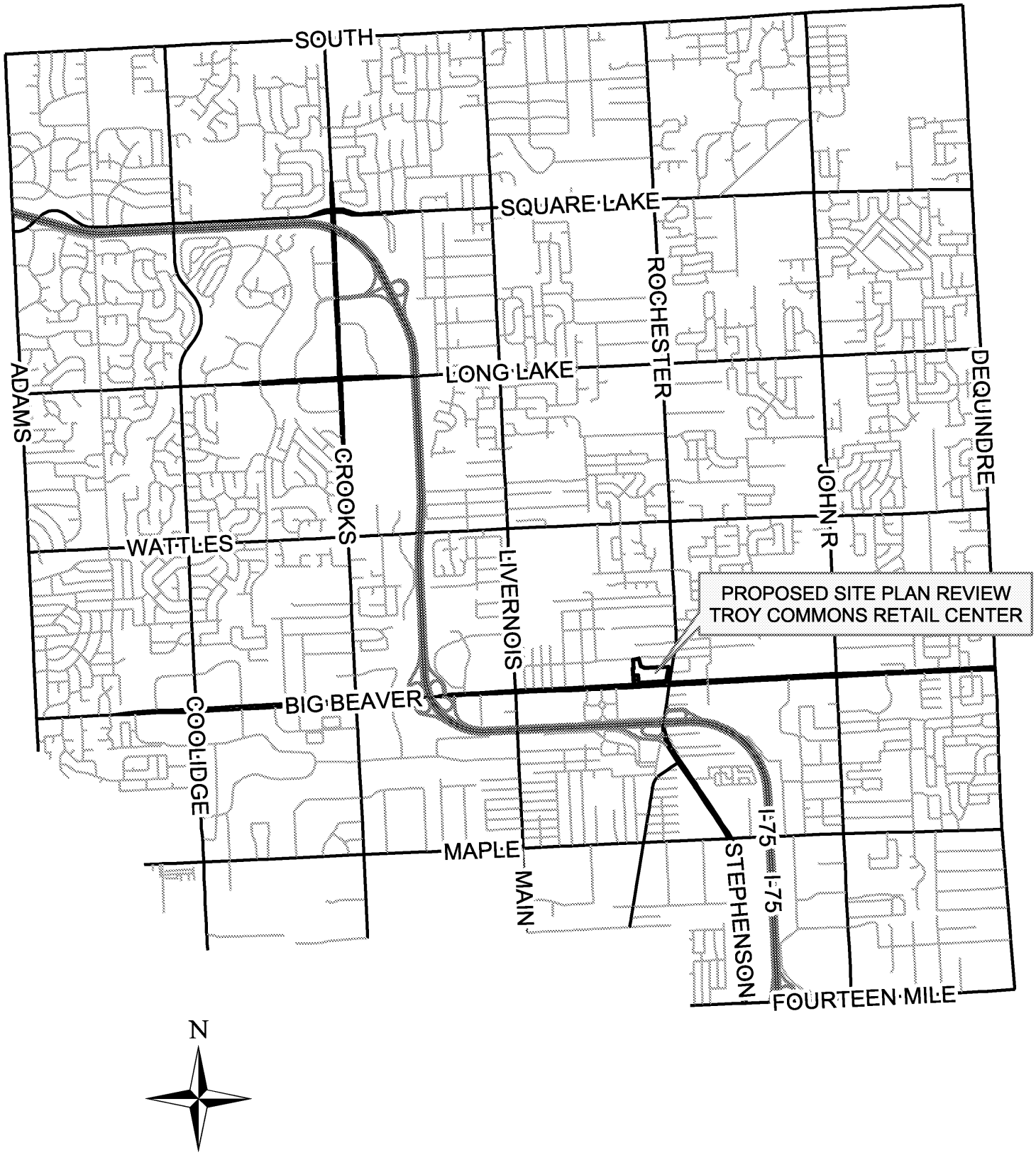
Tonni Bartholomew, City Clerk

TROY COMMONS, a Michigan Co-partnership

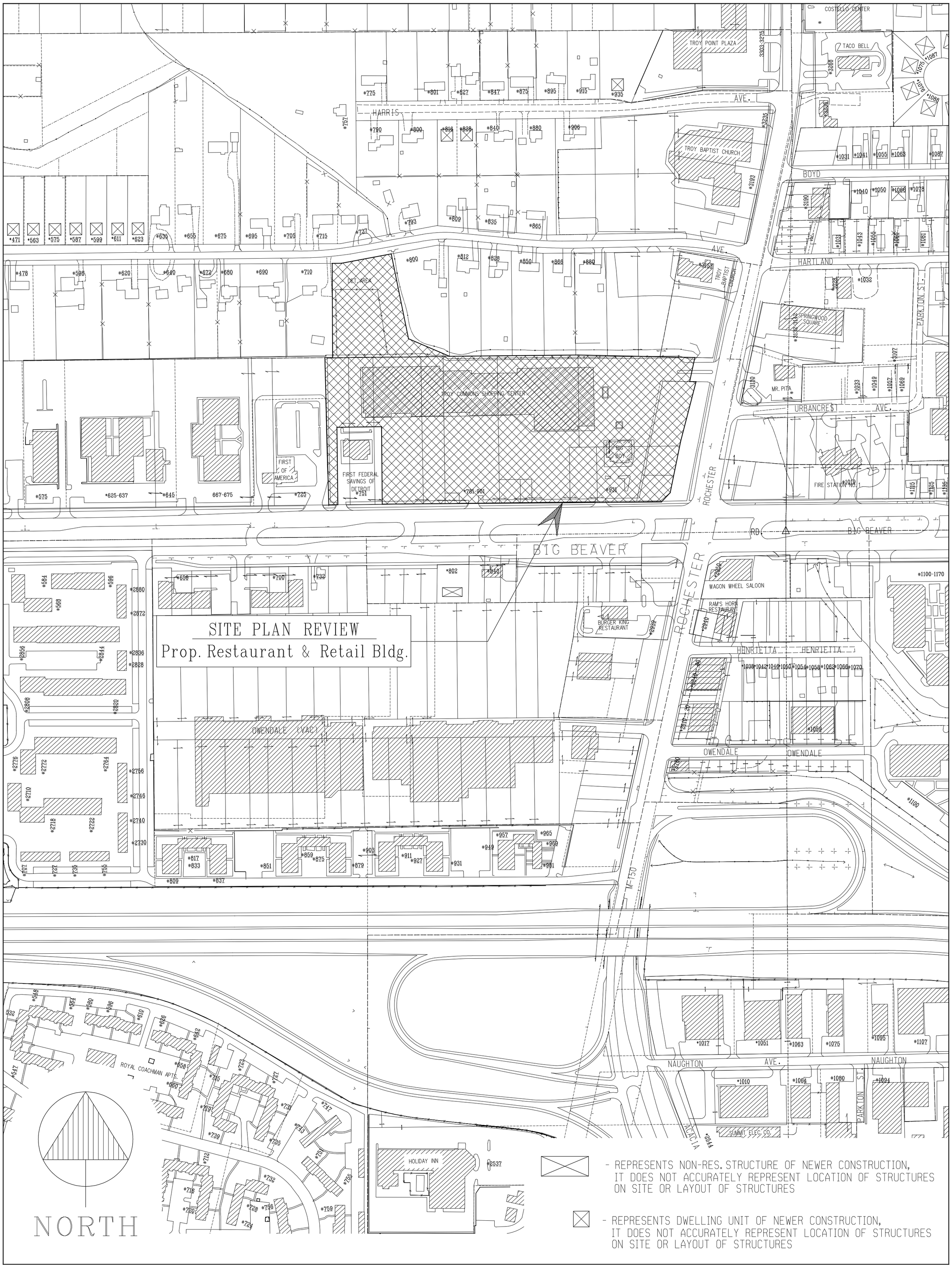
_____

Stuart Frankel, Partner

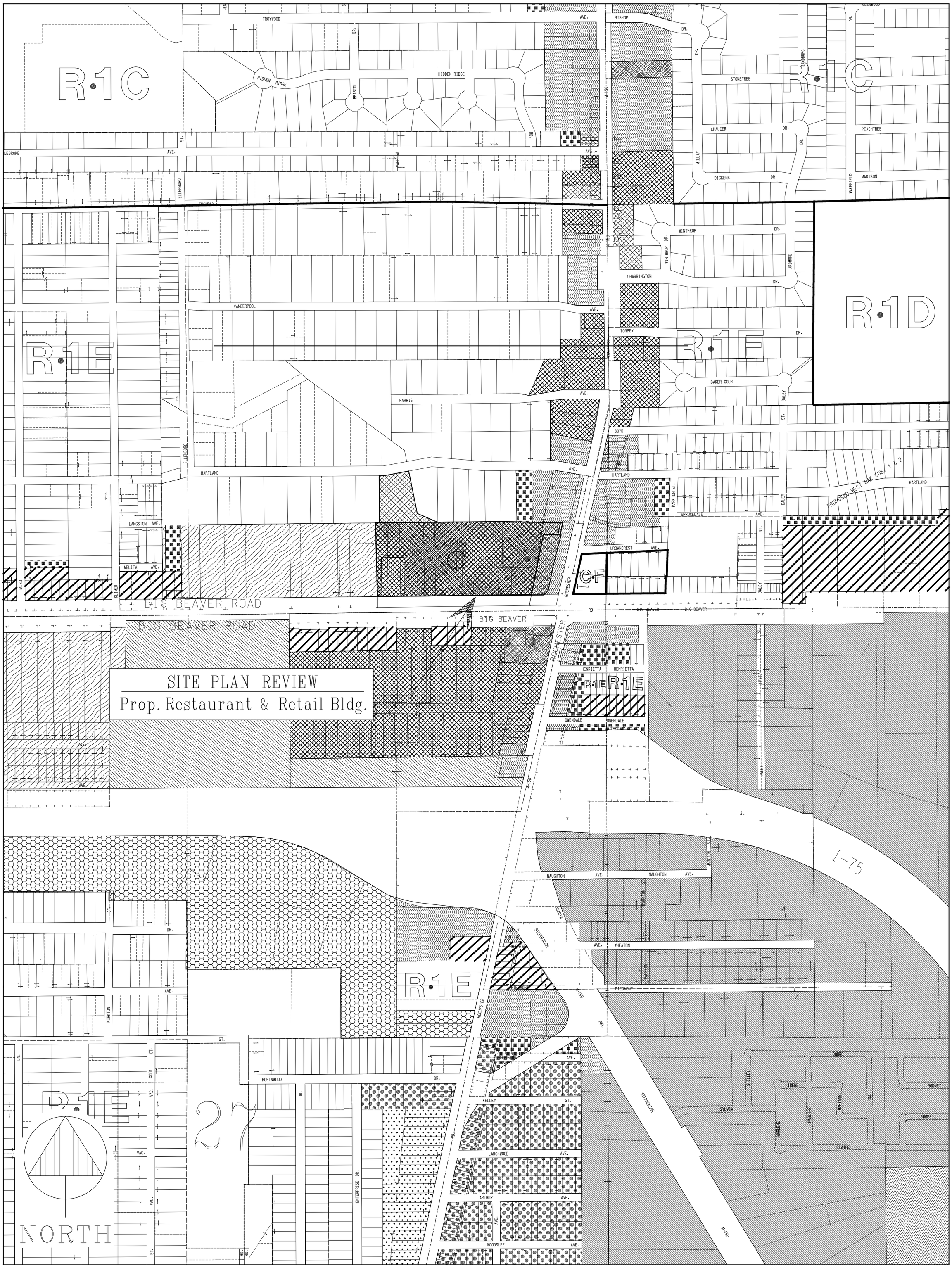
CITY OF TROY



PREPARED BY CITY OF TROY PLANNING DEPT.



SP-146 C / SEC. 22 / 07-02-03


SITE PLAN REVIEW
Prop. Restaurant & Retail Bldg.
R-1C
R-1D
R-1E
C-F
BIG BEAVER ROAD
ROCHESTER
I-75
NORTH
TROYWOOD
HIDDEN RIDGE
BRISTOL
BISHOP
STONETREE
CHAUCER
DICKENS
MILLAY
SAYBURG
PEACHTREE
MADISON
WAKEFIELD
LEBROKE
ELLENBORO
VANESSA
WINTHROP
CHARRINGTON
ARDMORE
VANDERPOOL
TORPEY
BAKER COURT
DALEY
HARRIS
BOYD
HARTLAND
PARKTON
SPRUCEDALE
PROPOSED WEST OAK SUB. 1 & 2
URBANCREST
LANGSTON
MELITA
TALBOT
KILMER
HENRIETTA
OWENDALE
NAUGHTON
ACACIA
STEPHENSON
WHEATON
PIEDMONT
KIRKTON
ROBINWOOD
COOK
VAC.
ENTERPRISE
KELLEY
LARCHWOOD
ARTHUR
WOODSLEE
DORRE
SHELLEY
IRENE
MARYANN
JIM
RODNEY
ROGER
SYLVIA
MARLENE
PAULINE
ELAINE

SITE PLAN REVIEW
TROY COMMONS RETAIL CENTER
PROPOSED RESTAURANT & RETAIL BLDG.
NW CORNER BIG BEAVER & ROCHESTER
SEC. 22 B-2 / C-J (SP-146 C)

GENERAL SITE NOTES

1. WHERE INDICATED, PROVIDE 12"x18" "PHYSICALLY HANDICAPPED" PARKING SIGN WITH SILK SCREEN SYMBOL & LETTERING, EQUAL TO MODEL PHP-75 AS MANUFACTURED BY SUPERSINE CO., DETROIT MICHIGAN.
2. "PHYSICALLY HANDICAPPED" AND FIRE SAFETY SIGNS SHALL BE MOUNTED ON 1 1\2" SQUARE GALVANIZED STEEL POST, WALL, OR FENCE AS INDICATED ON PLANS. LOCATE & INSTALL IN ACCORDANCE WITH APPLICABLE STANDARDS AND REGULATIONS.
3. PARKING STALL STRIPES SHALL BE PAINTED BY PAVING CONTRACTOR. ALL SPACES SHALL BE DOUBLE STRIPED TO MEET CITY OF TROY REQUIREMENTS AND SHALL BE APPLIED IN ONE COAT USING A STANDARD STRIPING MACHINE. PAINT SHALL BE ROMARK #3 PARLON TRAFFIC PAINT OR EQUAL. COLOR: YELLOW
4. ALL NEW SITE LIGHTING SHALL BE SHIELDED DOWNWARD AND AWAY FROM ADJACENT PROPERTY.
5. SITE IDENTIFICATION SIGNAGE SHALL CONFORM TO LATEST REQUIREMENTS OF CITY OF TROY ORDINANCE.
6. ALL DRIVE AREAS MUST BE POSTED AS FIRE LANES WITH UNIFORM SIGNS IN KEEPING WITH THE STANDARDS ESTABLISHED IN THE MICHIGAN MANUAL OF TRAFFIC CONTROL DEVICES. SIGNS MUST BE ERECTED ON BOTH SIDES OF FIRE LANES WITH SPACING NOT TO EXCEED ONE-HUNDRED (100) FEET.
7. PAINT HYDRANTS ACCORDING TO CITY OF TROY SPECIFICATIONS
8. EXTERIOR CURB RAMPS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE FOLLOWING CRITERIA.
   - A. CURB RAMPS SHALL BE PROVIDED WHEREVER AN ACCESSIBLE ROUTE CROSSES A CURB.
   - B. MAXIMUM SLOPE SHALL BE 1:12. THE TRANSITION FROM WALKS, GUTTERS OR STREETS SHALL BE FLUSH.
   - C. THE MINIMUM WIDTH SHALL BE 36", EXCLUSIVE OF FLARES, UNLESS OTHERWISE NOTED ON PLANS.
   - D. CURB RAMPS SHALL HAVE A DETECTABLE WARNING CONSISTING OF RAISED TRUNCATED DOMES WITH A DIAMETER OF NOMINAL 0.9 IN., A HEIGHT OF NOMINAL 0.2 IN. AND A CENTER-TO-CENTER SPACING OF NOMINAL 2.35 IN. AND SHALL CONTRAST VISUALLY WITH ADJOINING SURFACES, EITHER LIGHT-ON-DARK, OR DARK-ON-LIGHT.
9. REFER TO SHEETS SP.102 AND SP.103 FOR SITE DETAILS.
10. REFER TO SHEET LS-101 FOR LANDSCAPING.
11. A DETECTABLE WARNING SHALL BE PROVIDED IN SIDEWALKS WHERE A WALK CROSSES OR ADJOINS A VEHICULAR WAY, AND THE WALKING SURFACES ARE NOT SEPARATED BY CURBS, RAILINGS OR OTHER ELEMENTS. THE BOUNDARY BETWEEN THE AREAS SHALL BE DEFINED BY A CONTINUOUS DETECTABLE WARNING WHICH IS 36" WIDE MINIMUM. THE DETECTABLE WARNING SHALL COMPLY WITH THE CRITERIA STATED ABOVE FOR CURB RAMPS.
12. CALL MISS DIG 72 HOURS PRIOR TO CONSTRUCTION.
13. ALL CONSTRUCTION AND MATERIALS SHALL CONFORM TO CURRENT STANDARDS AND SPECIFICATIONS OF THE CITY OF TROY
14. NO SIGNS ARE APPROVED AS PART OF THIS SITE PLAN APPROVAL. PRIOR TO ERECTING A SIGN, AN APPLICATION AND APPROPRIATE SUBMISSIONS SHALL BE MADE TO THE BUILDING DEPARTMENT AND ALL RELEVANT PARTIES FOR REVIEW, APPROVAL AND ISSUANCE OF A SIGN PERMIT.
15. ALL ENTRY DOORS TO TENANT SPACES SHALL BE FLUSH W/ SIDEWALK AND MEET BARRIER FREE REQUIREMENTS.
16. FINAL LOCATION OF ALL FIRE LANES TO BE APPROVED BY THE CITY OF TROY FIRE DEPARTMENT

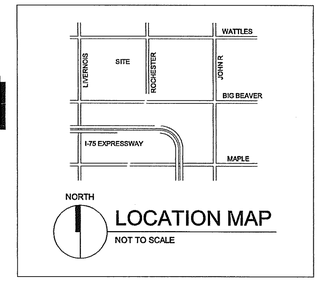
NOTE:
PATCH AND REPAIR EXIST. PARKING SURFACE

NOTE:
UNLESS NOTED/SHOWN OTHERWISE, ALL 'LARGE' CURB RADII TO BE 10'-0" AND ALL 'SMALL' CURB RADII TO BE 2'-0"

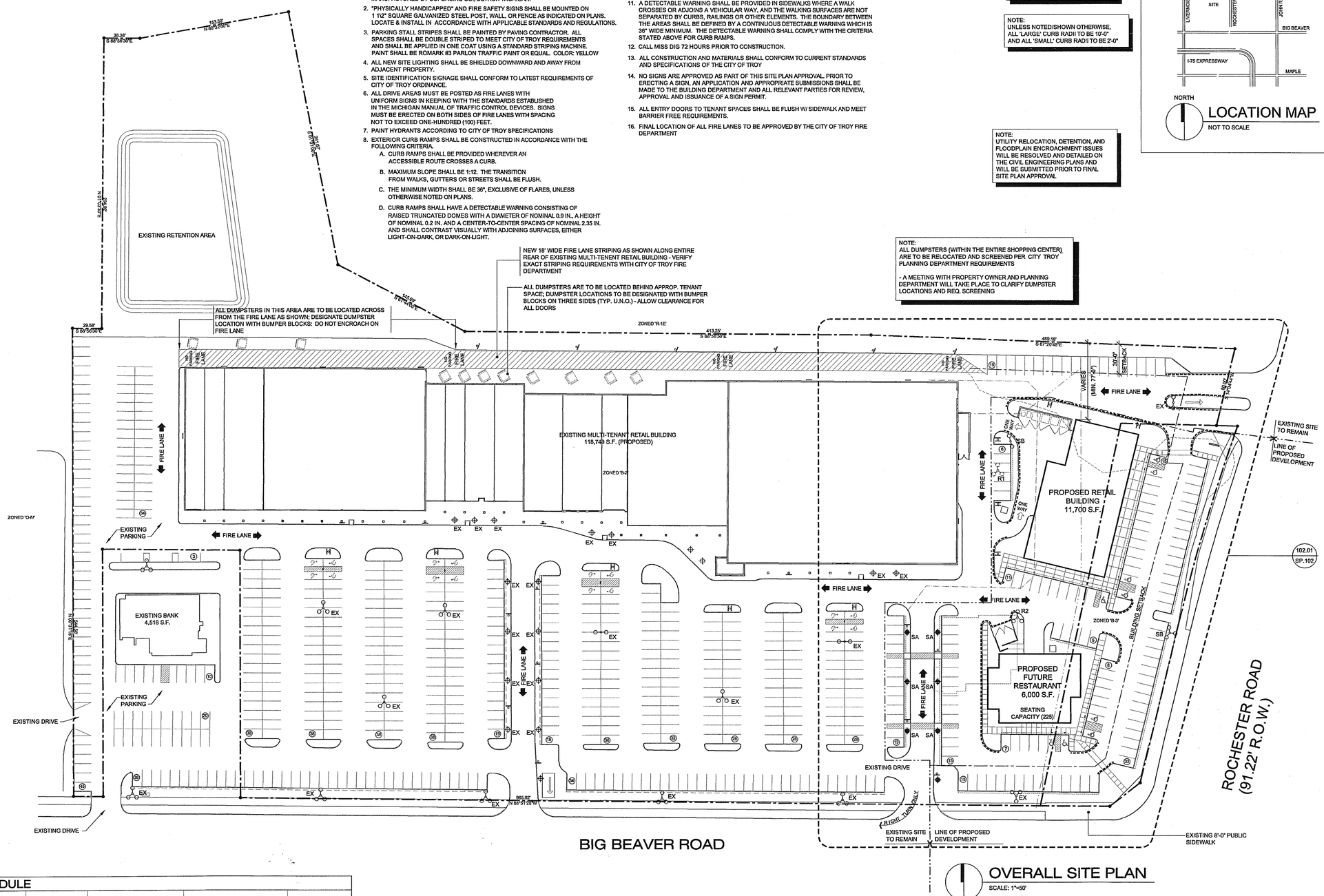
NOTE:
UTILITY RELOCATION, DETENTION, AND FLOODPLAIN ENCROACHMENT ISSUES WILL BE RESOLVED AND DETAILED ON THE CIVIL ENGINEERING PLANS AND WILL BE SUBMITTED PRIOR TO FINAL SITE PLAN APPROVAL

NOTE:
ALL DUMPSTERS (WITHIN THE ENTIRE SHOPPING CENTER) ARE TO BE RELOCATED AND SCREENED PER CITY TROY PLANNING DEPARTMENT REQUIREMENTS

- A MEETING WITH PROPERTY OWNER AND PLANNING DEPARTMENT WILL TAKE PLACE TO CLARIFY DUMPSTER LOCATIONS AND REQ. SCREENING



LOCATION MAP
NOT TO SCALE



OVERALL SITE PLAN

SCALE: 1"=50'

REFER TO ENLARGED SITE PLAN (SHEET SP.102) FOR ALL DETAILED PLAN NOTES AND DIMENSIONS

3 WORKING DAYS BEFORE YOU DIG CALL MISS DIG 1-800-482-7171 (TOLL FREE)

LEGAL DESCRIPTION:

(OVERALL PARCEL: PARCELS A AND B COMBINED)

Land in the City of Troy, Oakland County, Michigan, described as: Lot 37 Beaver Brook Subdivision, according to the Plat thereof as recorded in Liber 55, Page 46 of Plats, Oakland County Records and Lots 10 through lots 23 & 24, Supervisor's Plat No. 9, according to the Plat thereof as recorded in Liber 46, Page 41 of Plats Oakland County Records, except that portion taken for road Right-of-Way, being, more particularly described as follows: Commencing at the South ¼ corner of Section 22, T.1N. R.11E.; thence South 88° 51' 28" East, 30.00 feet; thence North 00° 31' 16" East 102.00 feet to the Point of Beginning, thence North 00° 31' 16" East, 475.50 feet to the Northwest corner of Lot 10; thence South 88° 56' 30" East, 29.58 feet to the Southwest corner of Lot 37 Beaver Brook Subdivision; thence North 01° 03' 30" East, 294.92 feet to the Southerly Right-of-Way line of Hartland Avenue (60 foot wide); thence South 88° 56' 30" East, 36.38 feet along said Hartland Avenue Right-of-Way; thence North 80° 32' 00" East, 153.50 feet along said Hartland Avenue Right-of-Way; thence South 10° 31' 00" East, 261.67 feet; thence South 61° 44' 00" East, 145.69 feet; thence South 88° 56' 30" East, 413.25; thence South 87° 20' 48" East, 369.20 feet to a point on the Westerly Right-of-Way line of Rochester Road (width varies); thence South 14° 04' 44" West, 80.49 feet along said Rochester Road Right-of-Way; thence South 87° 29' 00" East, 20.14 feet; thence 209.58 feet along an arc with a curve to the left (Radius 2088.12 feet; Central angle 05° 45' 02", Chord length 209.49 feet; Chord bears. South 17°13' 28" West); thence South 14° 11' 02" West, 166.64 feet; thence South 52° 39' 47" West, 39.14 feet to a point on the 102 foot wide Right-of-Way line of Big Beaver Road; thence North 88° 51' 28" West, 881.95 feet along said 102 foot Right-of-Way line; thence North 00° 31' 16" East, 251.00 feet; thence North 88° 51' 28" West, 140.00 feet; thence South 00° 31' 16" West, 251.00 feet to a point on said 102 foot wide Right-of-Way; thence North 88° 51' 28" West 30.00 feet along said 102 foot wide Right-of-Way; to the Point of Beginning.

Containing 575.037 square feet or 13.20 acres of land.

LIGHT FIXTURE SCHEDULE

DESIGNATION	DESCRIPTION	MANUFACTURER	CATALOG NUMBER	LAMP	FINISH
SA	EXT. INDIRECT POLE MTD. (12'-0" POLE) LIGHT FIXTURE ON 2'-0" DIA. CONC BASE @ 24" A.F.G	SE'LUX (RITORNO)	RIT-1-12-H150-SV	ONE 150-WATT COATED METAL HALIDE, RATED 15000 INITIAL LUMENS	ALUMINUM
SB OR	*FIXTURES AND POLES TO MATCH EXISTING*	-	-	-	NATURAL ALUMINUM
SD	WALL MOUNTED OUTDOOR SCONCE 20' A.F.G.	DIVERSIFIED (WALL ART)	WA2-D-150MH-SF	ONE 150-WATT METAL HALIDE LAMP	ALUMINUM
EX OR OEX	EXISTING POLE MOUNTED AREA LIGHTING TO REMAIN U.N.O. - CLEAN AND REPAIR FIXTURE AS REQ'D. - PAINT (TYP.)				PAINT TO MATCH COLOR OF FIXTURE SA
R1	EXISTING POLE MOUNTED AREA LIGHTING TO BE REMOVED AND RELOCATED				
R2 OR OR2	RELOCATED (NEW) LOCATION OF EXISTING POLE MOUNTED AREA LIGHTING				

SITE INFORMATION

APPLICANT: STUART FRANKEL DEVELOPMENT COMPANY (OWNER)
3221 WEST BIG BEAVER
TROY, MICHIGAN 48084
248.649.2924

EXISTING ZONING: B-2 (LOW-RISE OFFICE DISTRICT)
B-3 (GENERAL BUSINESS DISTRICT)

USE: SINGLE-STORY RETAIL

SITE AREA: ACRES (GROSS)= 14.008 (610,174 S.F.)
PARCELS A AND B 13.20 (575,037 S.F.)
PARCELS C 0.807 (35,137 S.F.)

SET BACKS: SET BACK PROVIDED AT OUT LOTS
FRONT (SOUTH) = 40' REQ'D, 77'-0"
FRONT (EAST) = 40' REQ'D, 77'-0"
SIDE (WEST) = 10' REQ'D, 66'-0"
REAR (NORTH) = 30' REQ'D, 77'-0"

BUILDING AREA:

EXISTING:	GROSS AREA
TROY COMMONS MALL	118,749 S.F.
FIRST FEDERAL OF MICHIGAN	4,518 S.F.
PROPOSED:	
RETAIL BUILDING:	11,700 S.F.
RESTAURANT:	6,000 S.F.
TOTAL	140,967 S.F.

PARKING REQUIRED: PER THE CONSENT JUDGEMENT A MINIMUM OF 625 PARKING SPACES ARE REQUIRED (INCLUDING PARKING FOR THE FIRST FEDERAL OF MICHIGAN)

PER MIB 2000, OF THOSE 625 SPACES, 13 SPACES (2% OF THE TOTAL) MUST BE BARRIER FREE ACCESSIBLE. 2 OF THE ACCESSIBLE SPACES MUST BE VAN ACCESSIBLE.

PARKING PROVIDED:

STANDARD PARKING :	647 SPACES
BARRIER FREE PARKING:	
AUTO :	13 SPACES
VAN :	12 SPACES
TOTAL :	672 SPACES

biddison | architecture + design
27750 Stansbury Blvd Suite 100
Farmington Hills, MI 48334
t:248.426.7700 f:248.426.7710

Consultants

Project title

PROPOSED SITE ADDITION FOR:

TROY COMMONS RETAIL CENTER PROPOSED OUT LOTS

BIG BEAVER
TROY, MICHIGAN

Issued dr/ch

PRELIMNARY		
SITE PLAN APPROVAL	06.30.03	GG
REVISIONS PER CITY	09.03.03	BV
REVISIONS PER CITY	09.16.03	BV

STATE OF MICHIGAN KEVIN L. BIDDISON ARCHITECT No. 34144 LICENSED ARCHITECT

Sheet title

OVERALL SITE PLAN

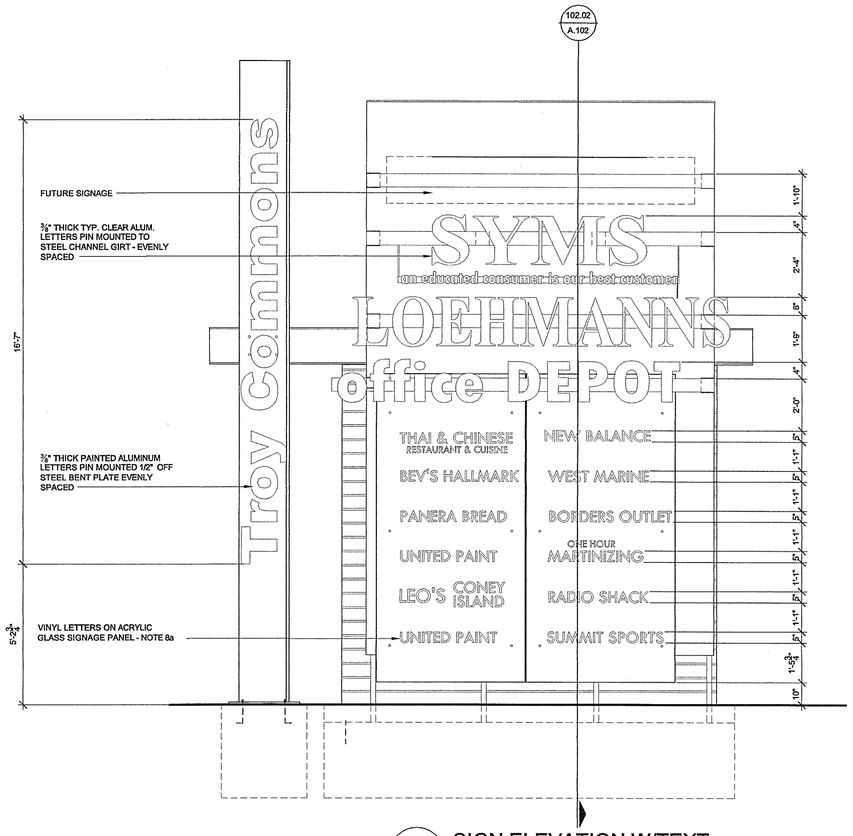
REC'D
SEP 17 2003
PLANNING DEPT.

Project no.

1310.03

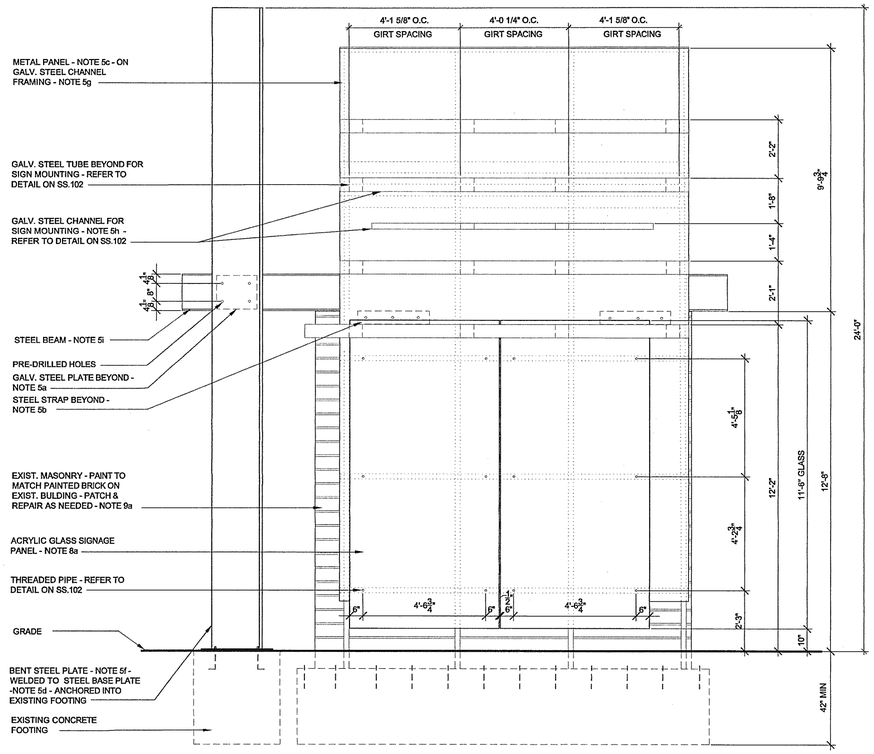
Sheet no.

SP.101



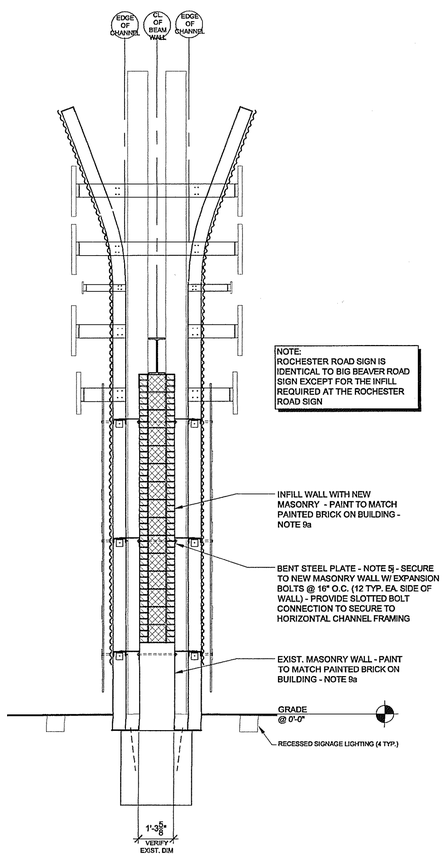
101.03 / A.101 **SIGN ELEVATION W/TEXT**

SCALE: 3/8"=1'-0"



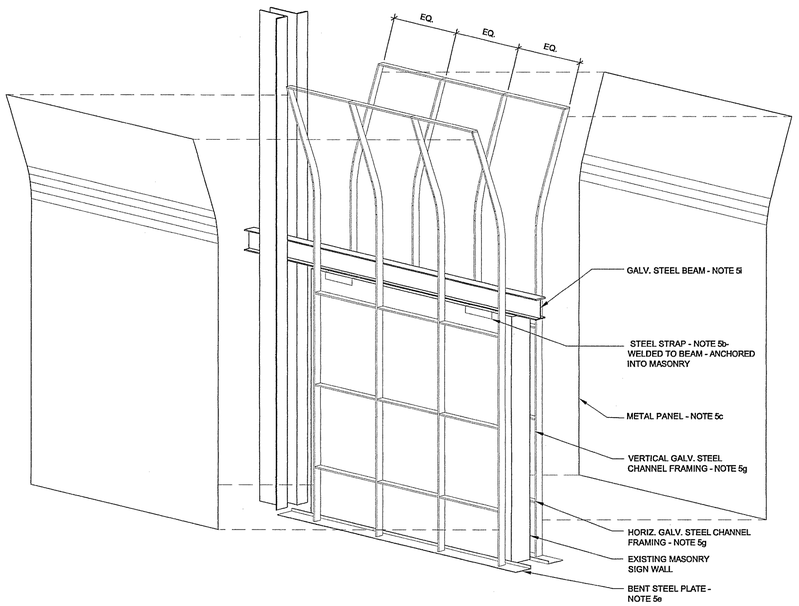
101.02 / A.101 **SIGN ELEVATION W/O TEXT**

SCALE: 3/8"=1'-0"



101.04 / A.101 **SIGN SECTION (ROCHESTER ROAD)**

SCALE: 3/8"=1'-0"



101.01 / A.101 **ENLARGED STEEL AXON**

SCALE: NTS

NOTE:
SIGNAGE LIGHTING TO BE HYDREL M9000 SERIES, OR BRONZELITE GMA6000 SERIES OR EQUAL

NOTE:
REFER TO SHEET A.102 FOR ADDITIONAL DIMENSIONS AND NOTES

NOTE:
ALL WELDS TO BE CONTINUOUS UNLESS OTHERWISE NOTED.
WELD ALL COMPONENTS PRIOR TO GALVANIZING. BOLT ALL OTHER CONNECTIONS

SIGN MEASUREMENTS:

GROSS SIGN AREA: (2 SIDES)	864 SQ. FT.
LETTERING AREA: (2 SIDES)	386 SQ. FT.
TOTAL HEIGHT:	24'-0"
TOTAL WIDTH:	16'-0"

SIGN LETTER NOTES:

1. LETTERS FOR "TROY COMMONS" TO BE 3/8" THICK x 16" TALL SWISS 721 BLK BT TYPEFACE EVENLY SPACED ALUMINUM W/ PAINTED BLACK FINISH. PIN MOUNTED 1/2" OFF STEEL FACE
2. SYMS & LOEHMANS LETTERS TO BE 3/8" THICK x 1'-10" TALL TIMES NEW ROMAN MT EXTRA BOLD TYPEFACE EVENLY SPACED W/ CLEAR ALUMINUM FINISH
3. OFFICE DEPOT LETTERS TO BE 3/4" THICK x 1'-5" TALL SWISS 721 BLK BT TYPEFACE W/ CLEAR ALUMINUM FINISH
4. GUNMETAL GRAY VINYL LETTERS ON GLASS PANEL TO BE 5" TALL SWISS 721 SWA TYPEFACE EVENLY SPACED

SIGNAGE/LETTERS TO BE PLACED ON BOTH SIDES OF SIGN

CONSTRUCTION NOTE SCHEDULE

GENERAL NOTES

1. ALL MATERIALS TO BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS U.N.O.
2. REFER TO STRUCTURAL SHEETS FOR ALL STEEL AND REINF. SIZES.
4. ALL DETAILED SPECIFICATIONS MAY BE REPLACED BY 'EQUAL' PRODUCTS UPON APPROVAL BY ARCHITECT.
5. ALL WELDED CONNECTIONS AT GALV. STEEL TO BE DONE IN SHOP PRIOR TO GALVANIZING. ALL FIELD CONNECTIONS OF GALV. STEEL TO BE BOLTED CONNECTIONS. ALL EXPOSED GALV. STEEL TO HAVE NO MORE THAN 1" IN 20'-0" CUP OR WARP. FINISH ON ALL EXPOSED GALV. STEEL TO BE INSPECTED PRIOR TO ERECTION BY OWNER & / OR ARCHITECT.

5	METALS	
	5a	13 3/4"x13 3/4"x1/2" GALV. STEEL PLATE W/ 4" D/A. PRE-DRILLED HOLES PRIOR TO GALVANIZING - WELDED TO WEB OF BEAM
	5b	U-SHAPED GALV. STEEL STRAP (VERIFY WIDTH OF WALL FOR 16" DIM. IN FIELD) W/ 1/2" PRE-DRILLED HOLES PRIOR TO GALVANIZING TO ANCHOR INTO MASONRY (REFER TO DETAILS ON SHEET A.102) - CONT. WELD TO BEAM ABOVE BEFORE GALVANIZING
	5c	METAL PANEL - CENTRIA 20 GA. "ECONOLAP PERFORATED" STAINLESS STEEL (304 2B FINISH) PANEL WITH 3/8" DIA. HOLES AND 40% FREE AREA OR ARCHITECT APPROVED EQUAL HORIZONTALLY HUNG WITH EXPOSED S.S. BUTTON HEAD FASTENERS @ 16" O.C. ON GALV. STEEL CHANNEL FRAME - REFER TO DETAILS FOR CHANNEL FRAME SPACING AND ADDITIONAL NOTES
	5d	32"x32"x1" GALV. STEEL BASE PLATE W/ (4) 3/4" Ø PRE-DRILLED HOLES PRIOR TO GALVANIZING - WELDED TO GALV. STEEL BENT PLATES PRIOR TO GALVANIZING
	5e	12 1/2"x2"x1/2" GALV. BENT STEEL PLATE W/ 1/2" Ø PRE-DRILLED HOLES EVERY 16" O.C. PRIOR TO GALVANIZING - WELDED TO VERT. GALV. SHEET CHANNEL FRAMING PRIOR TO GALVANIZING - ANCHOR INTO CONC. FOOTING @ 16" O.C.
	5f	22"x10"x3/4" GALV. BENT STEEL PLATE W/ PRE-DRILLED HOLES PRIOR TO GALVANIZING (REFER TO DETAIL 102.04 ON SHEET A.102) - WELDED TO GALV. STL. BASE PLATE BELOW
	5g	C6x13 GALV. STEEL CHANNEL FRAMING - REFER TO DETAILS ON SHEETS A-101, A.102 FOR LOCATIONS AND CONNECTION DETAILS
	5h	C8x13 GALV. STEEL CHANNEL FOR SIGN MOUNTING AT LARGE LETTERS, C3x6 GALV. STEEL CHANNEL AT SMALL LETTERS - REFER TO ENLARGED DETAIL ON SHEET A.102
	5i	W16x57 GALV. STEEL BEAM
	5j	10"x4"x1/2" GALV. BENT STEEL PLATE W/ PRE-DRILLED HOLES PRIOR TO GALVANIZING & A SLOTTED BOLT CONNECTION (REFER TO SHEET A.102) - BOLTED INTO MASONRY AND VERTICAL CHANNEL FRAMING
8	GLASS	
	8a	1/2" TRANSLUCENT ACRYLIC W/ SOLID ETCH SIGNAGE PANEL W/ 1/2" PRE-DRILLED HOLES - MOUNTED W/ 6 THREADED RODS W/ BOLTS PER PIECE - PROVIDE BID ALTERNATE FOR GLASS PANEL IN LIEU OF ACRYLIC
9	FINISHES	
	9a	PAINT EXIST. MASONRY WALL W/ MOORGARD EXTERIOR ENAMEL PAINT ON ALL-PURPOSE ALKYD PRIMER BY BENJAMIN MOORE - PREP SURFACE & PROVIDE MASONRY FILLER AS REQUIRED & PER MANUFACTURER'S SPECIFICATIONS - PAINT COLOR TO BE COVENTRY GRAY # HC-169 BY BENJAMIN MOORE

biddison | architecture + design

27750 Stansbury Blvd Suite 100
Farmington Hills, MI 48334
t:248.426.7700 f:248.426.7710

Consultants

Project title

PROPOSED BUILDING RENOVATION FOR:

TROY COMMONS RETAIL CENTER

BIG BEAVER RD.
TROY, MICHIGAN

Stuart Frankel Development Co.

Issued dr/ch

BIDS AND PERMITS	09.16.03

Sheet title

SIGN ELEVATIONS AND DETAILS

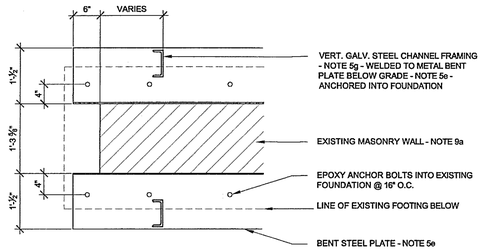
REC'D
APR 17 2003
PLANNING DEPT.

Project no.

1182-01

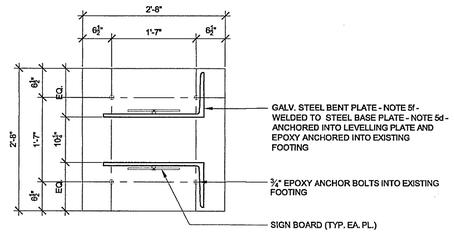
Sheet no.

A.101



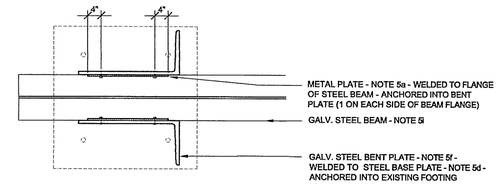
102.06 / A.102 **STEEL CHANNEL/ BENT PLATE DETAIL**

SCALE: 3/4"=1'-0"



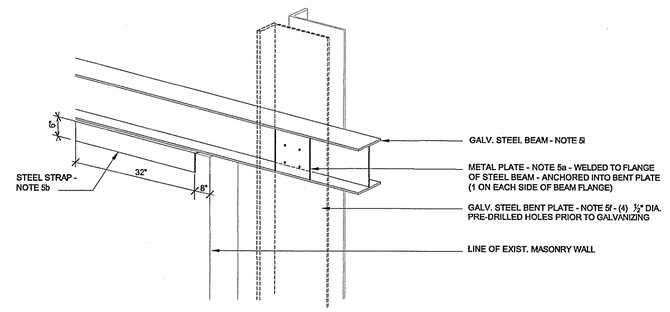
102.05 / A.102 **BENT PLATE/ BASE PLATE DETAIL**

SCALE: 3/4"=1'-0"



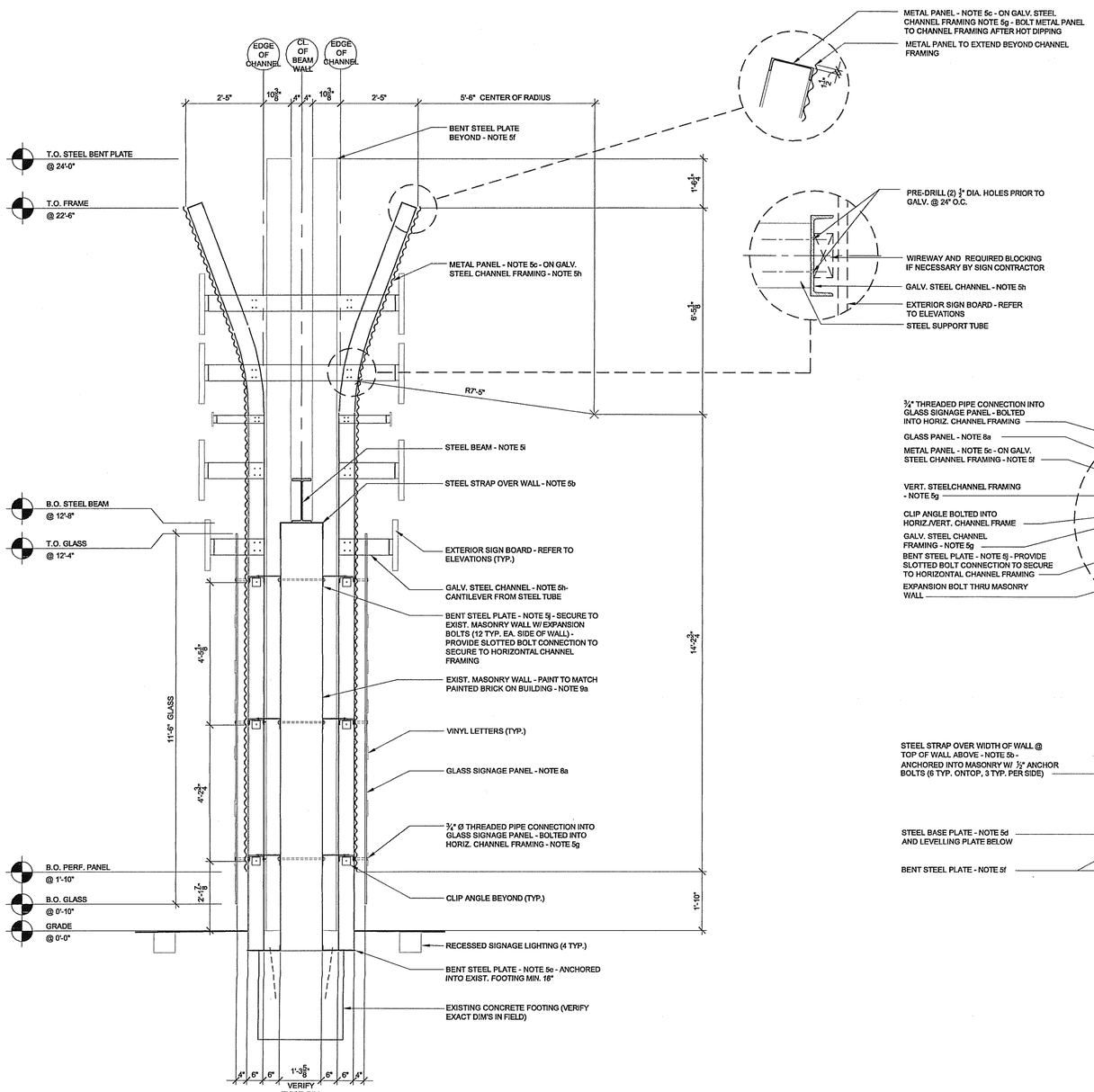
102.04 / A.102 **BENT PLATE/ BEAM CONNECTION DETAIL**

SCALE: 3/4"=1'-0"



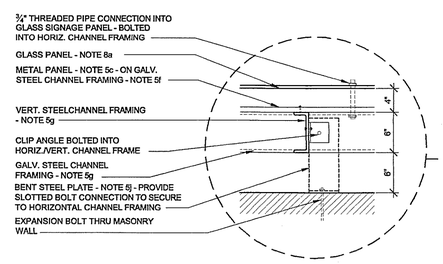
102.03 / A.102 **BENT PLATE/ BEAM CONNECTION DETAIL**

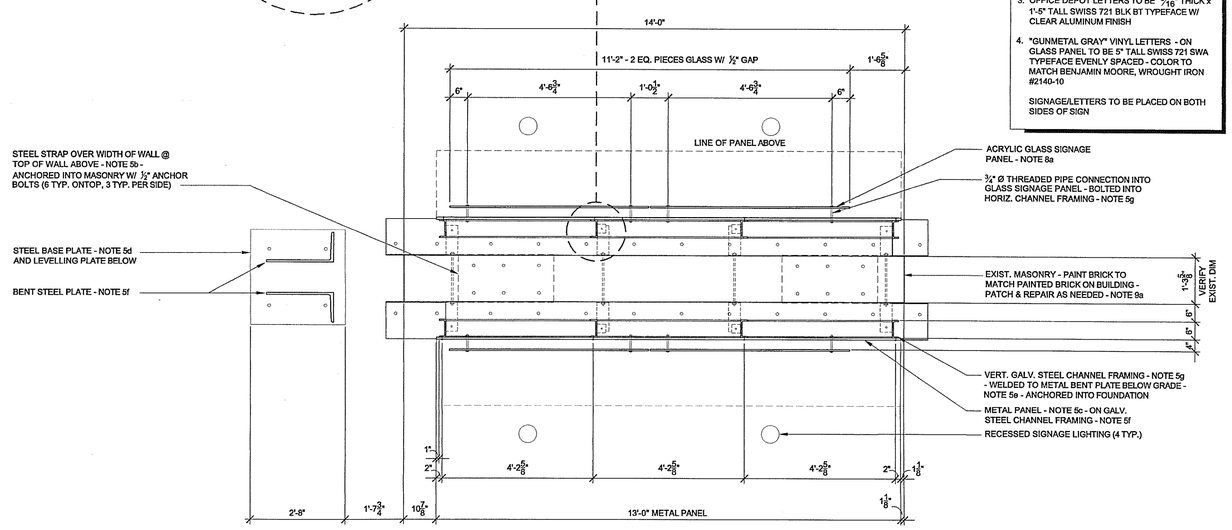
SCALE: NTS



102.02 / A.102 **SIGN SECTION** (BIG BEAVER RD.)

SCALE: 1/2"=1'-0"





102.01 / A.102 **SIGN PLAN DETAIL**

SCALE: 1/2"=1'-0"

CONSTRUCTION NOTE SCHEDULE

GENERAL NOTES

1. ALL MATERIALS TO BE INSTALLED PER MANUFACTURER'S SPECIFICATIONS U.N.O.
2. REFER TO STRUCTURAL SHEETS FOR ALL STEEL AND REINF. SIZES.
4. ALL DETAILED SPECIFICATIONS MAY BE REPLACED BY 'EQUAL' PRODUCTS UPON APPROVAL BY ARCHITECT.
5. ALL WELDED CONNECTIONS AT GALV. STEEL TO BE DONE IN SHOP PRIOR TO GALVANIZING. ALL FIELD CONNECTIONS OF GALV. STEEL TO BE BOLTED CONNECTIONS. ALL EXPOSED GALV. STEEL TO HAVE NO MORE THAN 1" IN 20'-0" CUP OR WARP. FINISH ON ALL EXPOSED GALV. STEEL TO BE INSPECTED PRIOR TO ERECTION BY OWNER & / OR ARCHITECT.

5	METALS	
	5a	13⅜"x13⅜"x¾" GALV. STEEL PLATE W/ 4" DIA. PRE-DRILLED HOLES PRIOR TO GALVANIZING - WELDED TO WEB OF BEAM
	5b	U-SHAPED GALV. STEEL STRAP (VERIFY WIDTH OF WALL FOR 16" DIM. IN FIELD) W/ ½" PRE-DRILLED HOLES PRIOR TO GALVANIZING TO ANCHOR INTO MASONRY (REFER TO DETAILS ON SHEET A.102) - CONT. WELD TO BEAM ABOVE BEFORE GALVANIZING
	5c	METAL PANEL - CENTRIA 20 GA. "ECONOLAP PERFORATED" STAINLESS STEEL (304 2B FINISH) PANEL WITH ⅜" DIA. HOLES AND 40% FREE AREA OR ARCHITECT APPROVED EQUAL HORIZONTALLY HUNG WITH EXPOSED S.S. BUTTON HEAD FASTENERS @ 16" O.C. ON GALV. STEEL CHANNEL FRAME - REFER TO DETAILS FOR CHANNEL FRAME SPACING AND ADDITIONAL NOTES
	5d	32"x32"x1" GALV. STEEL BASE PLATE W/ (4) ¾" Ø PRE-DRILLED HOLES PRIOR TO GALVANIZING - WELDED TO GALV. STEEL BENT PLATES PRIOR TO GALVANIZING
	5e	12⅜"x2"x¾" GALV. BENT STEEL PLATE W/ ¾" Ø PRE-DRILLED HOLES EVERY 16" O.C. PRIOR TO GALVANIZING - WELDED TO VERT. GALV. SHEET CHANNEL FRAMING PRIOR TO GALVANIZING - ANCHOR INTO CONC. FOOTING @ 18" O.C.
	5f	22"x10"x¾" GALV. BENT STEEL PLATE W/ PRE-DRILLED HOLES PRIOR TO GALVANIZING (REFER TO DETAIL 102.04 ON SHEET A.102) - WELDED TO GALV. STL. BASE PLATE BELOW
	5g	C6x13 GALV. STEEL CHANNEL FRAMING - REFER TO DETAILS ON SHEETS A.101, A.102 FOR LOCATIONS AND CONNECTION DETAILS
	5h	C6x13 GALV. STEEL CHANNEL FOR SIGN MOUNTING AT LARGE LETTERS, C3x6 GALV. STEEL CHANNEL AT SMALL LETTERS - REFER TO ENLARGED DETAIL ON SHEET A.102
	5i	W16x57 GALV. STEEL BEAM
	5j	10"x4"x¾" GALV. BENT STEEL PLATE W/ PRE-DRILLED HOLES PRIOR TO GALVANIZING & A SLOTTED BOLT CONNECTION (REFER TO SHEET A.102) - BOLTED INTO MASONRY AND VERTICAL CHANNEL FRAMING
8	GLASS	
	8a	¾" TRANSLUCENT ACRYLIC W/ SOLID ETCH SIGNAGE PANEL W/ ¾" PRE-DRILLED HOLES - MOUNTED W/ 6 THREADED RODS W/ BOLTS PER PIECE - PROVIDE BID ALTERNATE FOR GLASS PANEL IN LIEU OF ACRYLIC
9	FINISHES	
	9a	PAINT EXIST. MASONRY WALL W/ MOORGARD EXTERIOR ENAMEL PAINT ON ALL-PURPOSE ALKYD PRIMER BY BENJAMIN MOORE - PREP SURFACE & PROVIDE MASONRY FILLER AS REQUIRED & PER MANUFACTURER'S SPECIFICATIONS - PAINT COLOR TO BE COVENTRY GRAY # HC-169 BY BENJAMIN MOORE

NOTE:
ALL WELDS TO BE CONTINUOUS UNLESS OTHERWISE NOTED.
WELD ALL COMPONENTS PRIOR TO GALVANIZING. BOLT ALL OTHER CONNECTIONS

NOTE:
REFER TO SHEET A.101 FOR ADDITIONAL DIMENSIONS AND NOTES

NOTE:
SIGNAGE LIGHTING TO BE HYDREL M9000 SERIES, OR BRONZELITE GMA6000 SERIES OR EQUAL

SIGN MEASUREMENTS:

GROSS SIGN AREA: (2 SIDES)	864 SQ. FT.
LETTERING AREA: (2 SIDES)	386 SQ. FT.
TOTAL HEIGHT:	24'-0"
TOTAL WIDTH:	18'-0"

SIGN LETTER NOTES:

1. LETTERS FOR 'TROY COMMONS' TO BE ⅜" THICK x 16" TALL SWISS 721 BLK BT TYPEFACE EVENLY SPACED ALUMINUM W/ PAINTED BENJAMIN MOORE, BLACK IRON #2120-20 - PIN MOUNTED ½" OFF STEEL FACE
2. SYMS & LOEHMANS LETTERS TO BE ⅜" THICK x 1'-10" TALL TIMES NEW ROMAN MT EXTRA BOLD TYPEFACE EVENLY SPACED W/ CLEAR ALUMINUM FINISH
3. OFFICE DEPOT LETTERS TO BE 3/16" THICK x 1'-5" TALL SWISS 721 BLK BT TYPEFACE W/ CLEAR ALUMINUM FINISH
4. "GUNMETAL GRAY" VINYL LETTERS - ON GLASS PANEL TO BE 5" TALL SWISS 721 SWA TYPEFACE EVENLY SPACED - COLOR TO MATCH BENJAMIN MOORE, WROUGHT IRON #2140-10

SIGNAGE/LETTERS TO BE PLACED ON BOTH SIDES OF SIGN

biddison | architecture + design

27750 Stansbury Blvd Suite 100
Farmington Hills, MI 48334
t:248.426.7700 f:248.426.7710

Consultants

Project title

PROPOSED BUILDING RENOVATION FOR:

TROY COMMONS RETAIL CENTER

BIG BEAVER RD.
TROY, MICHIGAN

Stuart Frankel Development Co.

Issued dr/ch

BIDS AND PERMITS	09.16.03

Sheet title

SIGN PLAN, SECTIONS AND DETAILS

Project no.

1182-01

Sheet no.

A.102

5. PUBLIC HEARING SITE PLAN REVIEW (SP 146-C) – Troy Commons Retail Center, Proposed Restaurant and Retail Building, Northwest Corner of Rochester and Big Beaver, Section 22 – B-2 and B-3 (Consent Judgment)

Ms. Lancaster reported that City Council has final approval on the Consent Judgment matter, and that a majority vote of the members present is necessary as a recommending body to City Council.

Mr. Savidant presented a summary of the Planning Department report for the proposed restaurant and retail building at Troy Commons. Mr. Savidant reported that it is the recommendation of the Planning Department that the Consent Judgment be amended to accommodate the proposed development and the site plan as submitted, with the condition that a 5-foot wide sidewalk connection be provided to the restaurant from the Big Beaver/Rochester Road intersection.

(Mr. Waller arrived at 7:46 p.m.)

There was a lengthy discussion with respect to the number of proposed parking spaces for the restaurant and overall retail center.

Mr. Savidant assured the Commission that both the petitioner and the Planning Department agree that the proposed 672 parking spaces would provide sufficient parking for the restaurant and retail center.

Discussion followed with respect to the southbound Rochester Road entrance into the retail center and the immediate traffic island within the parking lot as shown on the site plan.

Mr. Savidant confirmed that the City Traffic Engineer expressed no concerns with the parking lot layout. Mr. Savidant also confirmed that the petitioner would be advised that a grease dumpster and a trash dumpster are required.

The petitioner, Stuart Frankel of 2301 West Big Beaver, Troy, was present. Mr. Frankel gave a brief history of the Consent Judgment. When the City acquired the right-of-way for the widening of Big Beaver and Rochester Roads, an agreement was made that the maximum square footage of the shopping center (before the acquisition of the City remnant property to the east) would be 140,000 square feet and the number of parking spaces would be 625. Mr. Frankel is proposing to add one acre of additional land and 900 square feet of additional building. Mr. Frankel believes the proposal is a fair relationship of building to land when one considers the 140,000 square feet to the 13 acres of the original size parcel. Mr. Frankel said that based upon studies done by the City, ULI and other professionals, it was believed that a ratio of 5.5 cars per 1,000 square feet of retail space would provide adequate parking. He noted that history has shown that utilization of a parking lot on a good day is two-thirds and approximately one-third on a bad day. Mr. Frankel noted parking concerns could arise if employees

utilize customer parking spaces. He compared the existing restaurant to the proposed restaurant with respect to parking spaces and restaurant hours of operation. Mr. Frankel said that he, the City and the proposed tenants are comfortable with the function of the development and the adequacy of the parking.

Mr. Frankel stated the proposed restaurant tenant would not be considered a social encounter restaurant. The restaurant is principally a food and beverage restaurant, and alcoholic beverages would be ancillary. The hours of operation are 11 a.m. to 10 p.m.

Mr. Kramer said his concerns with respect to the amount of parking spaces remain, and noted it appears that half of the restaurant patrons would have to walk from another area of the parking lot to the restaurant should the restaurant be busy.

Messrs. Strat and Storrs further questioned the length of the traffic island located in the immediate entrance of the retail center from the southbound Rochester Road entrance.

Mr. Savidant suggested that the City Traffic Engineer revisit the site plan with respect to the traffic island layout.

Mr. Frankel said he would be agreeable to any changes recommended by the City Traffic Engineer. Mr. Frankel further said he is agreeable to providing the additional 5-foot wide sidewalk at the Big Beaver and Rochester Road intersection as suggested by the Planning Department. In addition, Mr. Frankel said the designated dumpster location is large enough to accommodate both trash and grease receptacles. Mr. Frankel stated he is following the City's direction with respect to the landscaping requirements for the proposed development.

The Commission encouraged the petitioner to provide landscaping that would complement the future City gateway signage at this most prominent intersection.

PUBLIC HEARING OPENED

Dennis Brinker of 2940-2950 Rochester Road, Troy, was present. Mr. Brinker expressed his concerns with the proposed reduction in parking spaces. He stated that the retail corner maintains a very heavy lunch count and a very heavy single-user count, and noted the approximate 30% reduction in parking could create a very big problem.

PUBLIC HEARING CLOSED

Chairman Littman responded that both parties must come to an agreement with respect to a Consent Judgment.

Mr. Storrs voiced agreement with Mr. Kramer's parking concerns and noted the site plan does not provide an optimum parking layout.

Resolution # PC-2003-09-015
Moved by: Chamberlain
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to City Council that the Preliminary Site Plan Approval, pursuant to a proposed amended consent judgment, for a proposed restaurant and retail building in the Troy Commons Retail Center, located on the northwest corner of Rochester and Big Beaver Roads, within Section 22, within the B-2 and B-3 zoning districts, be granted, subject to the following conditions:

1. A 5-foot wide sidewalk be provided from the extreme southeast corner of the property at the intersection of Big Beaver and Rochester Roads directly to the restaurant to accommodate pedestrian traffic; and
2. A traffic study be conducted prior to going to City Council to assess the length of the divider (island) in the extreme northeast corner of the property at the entrance from Rochester Road.

Discussion on the motion on the floor.

Mr. Storrs asked if the motion precludes the petitioner from possibly proposing a new and creative landscape plan for the intersection.

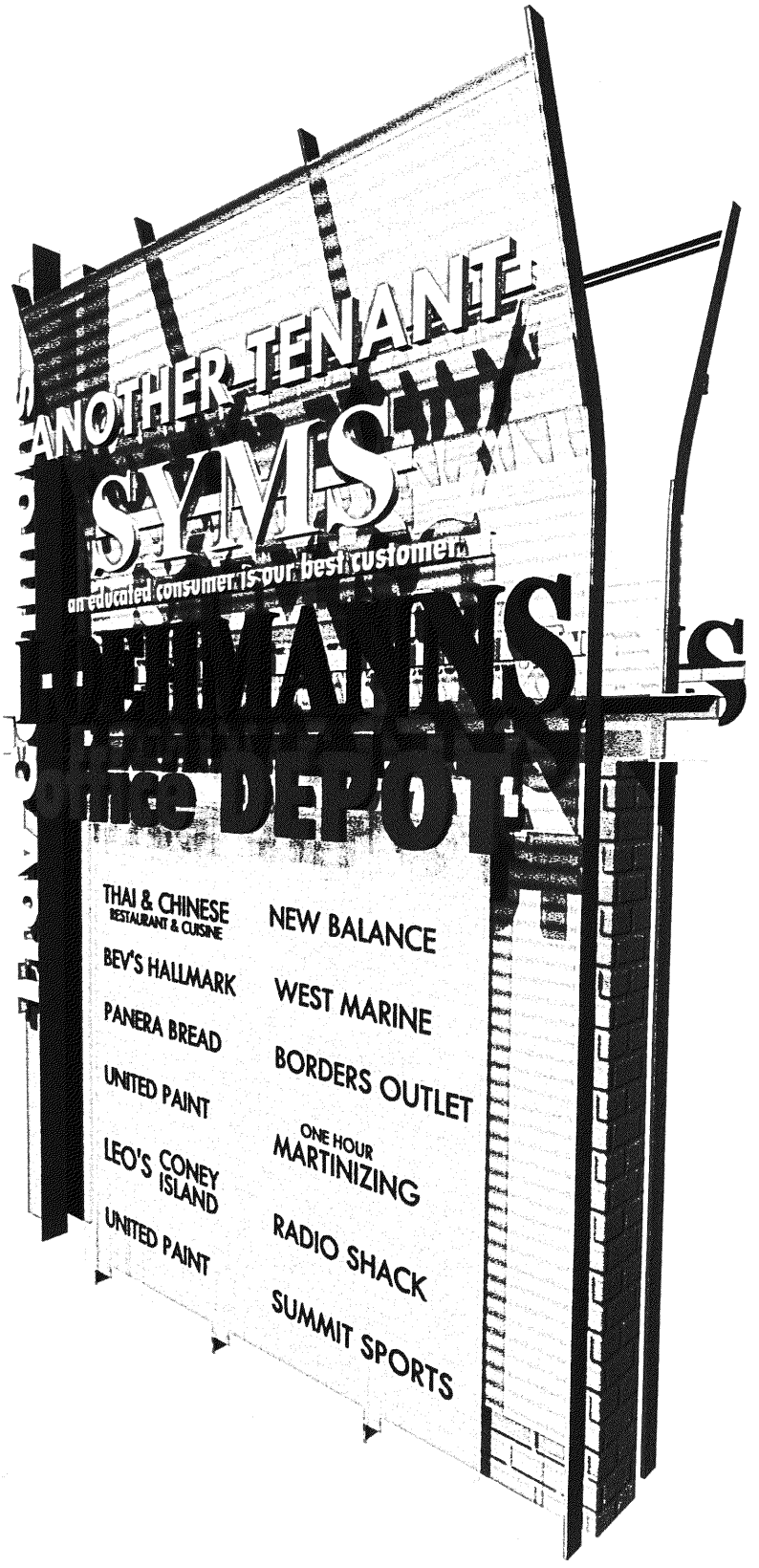
Mr. Chamberlain responded in the negative.

Vote on the motion on the floor.

Yes: Chamberlain, Littman, Schultz, Storrs, Strat, Vleck, Waller, Wright
No: Kramer

MOTION CARRIED

Mr. Kramer voted no because he thinks the intensity of the expanded and additional uses creates an adverse condition for the restaurant customers, and parking to the far west part of the usable restaurant parking is not practical. Mr. Kramer said he believes the petitioner's layout creates a self-imposed hardship that he cannot support.


ANOTHER TENANT
SYMS
an educated consumer is our best customer
BERMANS
THAI & CHINESE
RESTAURANT & CUISINE
BEV'S HALLMARK
PANERA BREAD
UNITED PAINT
LEO'S CONEY ISLAND
UNITED PAINT
NEW BALANCE
WEST MARINE
BORDERS OUTLET
ONE HOUR
MARTINIZING
RADIO SHACK
SUMMIT SPORTS

October 6, 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: Standard Resolution #4 for Philatha Paving

Recommendation:

Council is asked to vote on Standard Resolution #4, the approving resolution for Special Assessment District #03.101.1 (this is bituminous paving, on Philatha). This vote will occur after consideration of all comments during the Public Hearing on the same subject.

Detail:

Staff met with the property owners in the district on August 25, 2003. At this meeting details of the proposed construction, Special Assessment procedures, costs of the project and the apportionment of said costs, amortization tables and schedules of payments, and the availability and eligibility requirements for Community Block Grant Development Funds, were discussed with the residents.

A petition was returned to the City Clerk's office on August 27, 2003. The City Assessor analyzed this petition, and in conjunction with the signatories at the top of this memo, presented the analysis to Council.

City Council has approved Standard Resolutions #1, 2, & 3 for this project on September 8, 2003 after reviewing the Petition Analysis and the Engineering Cost Estimates. The October 6, 2003 Public Hearing was also set at this meeting.

Additionally, on September 8, 2003, City Council accepted the bid proposals which include this paving project, and the paving of Larayne and Hilmore. This bid came in at approximately 13.5% less than the original estimate. Resolution 4, that is before you, shows the corrected figures for the recalculated Special Assessment. A revised roll is also attached.

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

City of Troy

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

September 12, 2003

Mr. & Mrs
Philatha
Troy, MI 48085

Re: Special Assessment for paving on Philatha. Project # 03.101.1

Mr. & Mrs. ,

As was mentioned at the information meeting for this special assessment project, there was a possibility of the bid for this job coming in lower than the estimate made by our Engineering Department.

The estimate did, indeed, come in lower than the original estimate, almost 13.5% lower!

I have recalculated the special assessments for all of the properties in the district. The result of this recalculation changed your special assessment as follows:

Your Parcel ID	Original Assessment	New Assessment
88-20-11-	$	$ -13.42%

City Council approved Standard Resolutions 1, 2 & 3 on September 8, 2003. Included in this packet is the notification of the Public Hearing to approve the Special Assessment Roll, with the new costs, that is set for October 6, 2003.

Unless you have any objections to going forward with this project at the reduced costs, there is no need for you to attend.

Please call me at 248 524-3305 if you have any questions. Thank you for your participation in this process!

Sincerely,

Nino Licari
City Assessor

Cost Estimate

September 12, 2003

Project Location: Philatha Street
Project No.: 03.101.1
Proposed Improvement: 650 lf, 24' Bituminous Asphalt Pavement

Item	Quantity		Description	Unit Cost	Total Cost
			SAD Share - Asphalt Section (650')		
1.	290	Tons	Bit. Mix No. 500, 20C - 3"	36.50	10,585.00
2.	145	Tons	Bit. Mix No. 1100T, 20AA - 1 1/2"	39.70	5,756.50
3.	50	Tons	Bit. Mix No. 1100T, 36B - 4" Driveway	65.00	3,250.00
4.	80	Tons	21AA Aggregate for Shoulders	10.50	840.00
			Sub-Total		**20,431.50**
			Engineering, Admin. And Contingencies, 25%		5,107.88
			Total Special Assessment Share - Asphalt		**25,539.38**
			CITY SHARE		
			Sub-Total		**31,202.50**
			Engineering, Admin. And Contingencies, 25%		7,800.63
			Total City Share		**39,003.13**
			TOTAL PROJECT COST		**64,542.51**

Prepared by: Gary Streight

\\G\Projects\Projects - 2003\03.101.1 - Philatha Street SAD\Cost Estimate for Philatha.xls

City of Troy Assessing Department
Philatha Special Assessment District
Paving Project # 03.101.1
Final Cost Estimate as of 09/12/03

Total Special Assessment	25,539.38
Unit Rate	2,630.75608

Parcel ID	**Units (F.F / 100)**	**Final SAD Amount**	**City Portion of SAD Amount**	**Initial SAD Estimate**
88-20-11-126-012	1.260	3,314.75		3,828.80
88-20-11-126-013	3.321	0.00	8,736.74	10,091.63
88-20-11-127-002	1.200	3,156.91		3,646.48
88-20-11-127-003	1.200	3,156.91		3,646.48
88-20-11-127-004	1.167	3,070.09		3,546.20
88-20-11-127-005	1.560	4,103.98		4,740.42
	9.708	16,802.64	8,736.74	
	Total Units	**Total Special Assessed**	**Total City Paid Assessment**	
Revised Grand Total			25,539.38	(29,500.01)
				Not used as of 9/12/03

88-20-11-126-012
KNIGHT, RICHARD A & CLARA
1307 PHILATHA
TROY MI 48085-3352
SAD Amount $ 3,314.75

88-20-11-126-013
TROY UNION ELEMENTARY
1340 E SQUARE LAKE
TROY MI 48085-3399
SAD Amount $ 0.00 (none)

88-20-11-127-002
DANIELS, RAYMOND & JEANE
1304 PHILATHA
TROY MI 48085-3336
SAD Amount $ 3,156.91

88-20-11-127-003
BOZICIC, BORO & GENE
1316 PHILATHA
TROY MI 48085-3336
SAD Amount $ 3,156.91

88-20-11-127-004
WHITAKER, NOLEN & JUDY
1336 PHILATHA
TROY MI 48085-3336
SAD Amount $ 3,070.09

88-20-11-127-005
MAKOWSKI, JAROD & KIMBERLY
1340 PHILATHA
TROY MI 48085-3336
SAD Amount $ 4,103.98

88-20-11-126-012
KNIGHT, RICHARD A & CLARA
1307 PHILATHA
TROY MI 48085-3352

88-20-11-126-013
TROY UNION ELEMENTARY
1340 E SQUARE LAKE
TROY MI 48085-3399

88-20-11-127-002
DANIELS, RAYMOND & JEANE
1304 PHILATHA
TROY MI 48085-3336

88-20-11-127-003
BOZICIC, BORO & GENE
1316 PHILATHA
TROY MI 48085-3336

88-20-11-127-004
WHITAKER, NOLEN & JUDY
1336 PHILATHA
TROY MI 48085-3336

88-20-11-127-005
MAKOWSKI, JAROD & KIMBERLY
1340 PHILATHA
TROY MI 48085-3336

CITY OF TROY

Special Assessment Roll Number: **03.101.1** For defraying the expense of construction for:
Philatha Bituminous Paving

CITY OF TROY
COUNTY OF OAKLAND
STATE OF MICHIGAN

I hereby certify and report that the foregoing is a special assessment roll, and the assessment made by me pursuant to a resolution of the City Council adopted on the **6th** day of **October** 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 Philatha, from Hilmore East**

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 **6th** day of **October** 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 **6th** day of **October** A.D., **2003**, and approved and confirmed by the Council of the City of Troy on the **6th** day of **October** 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 **October 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 **October 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 **6th** day of **October** A.D., **2003**.

Tonni Bartholomew, City Clerk

CITY OF TROY

PUBLIC HEARING

MEETING TO REVIEW THE NECESSITY FOR THE INSTALLATION OF ASPHALT PAVING ON PHILATHA, AND TO HEAR ANY AND ALL OBJECTIONS TO THE NECESSITY OF THE PUBLIC IMPROVEMENT AND SAID SPECIAL ASSESSMENT ASSESSED AGAINST SPECIAL ASSESSMENT DISTRICT NO. 03.101.1 IN THE CITY OF TROY, MICHIGAN:

PLEASE TAKE NOTICE that the Council will meet at City Hall on the 6th day of October 2003 at 7:30 o'clock p.m., for the purpose of reviewing the necessity for the installation of Asphalt Paving on Philatha, Project No. 03.101.1, 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 on Philatha.

The Assessment Roll is on file in the office of the City Clerk for public examination. The Special Assessments therein contained have been assessed according to law against the parcels of land constituting Special Assessment District No. 03.101.1, which District is described as follows:

T2N, RllE, Section 11,
88-20-11-126-001 The special assessment for this property is $3,314.75.
88-20-11-127-002 The special assessment for this property is $3,156.91.
88-20-11-127-003 The special assessment for this property is $3,156.91.
88-20-11-127-004 The special assessment for this property is $3,070.09.
88-20-11-127-005 The special assessment for this property is $4,103.98.

The above assessments and all proceedings upon which they are based shall not be contestable, unless suit to contest the validity thereof is instituted within thirty (30) days after the date of confirmation of said Special Assessment Roll No. 03.101.1

The owner or any person having an interest in the real property may file a written appeal of the special assessment with the state tax tribunal within 30 days after the confirmation of the special assessment roll if that special assessment was protested at the hearing held for the purpose of confirming the roll.

You may express your comments regarding this matter by e-mail to assessing@ci.troy.mi.us, by writing to this office, or by attending the Public Hearing.

Tonni Bartholomew
City Clerk

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

TO: Mayor and Members of Troy City Council
FROM: John Szerlag, City Manager
Lori Grigg Bluhm, City Attorney
DATE: October 2, 2003
SUBJECT: Daley Street Vacation

As you may recall, the proposed Daley Street vacation was postponed to allow time to reach an agreement with Mr. and Mrs. Jackson, who reside at 3035 Daley Street. Pursuant to the terms of the agreement, Mr. and Mrs. Jackson would provide the City with a landscaping and irrigation easement. This would allow Tadian, the developer of the proposed Rochester Commons Planned Unit Development, to enhance the landscaping on the north side of Big Beaver from Rochester to Daley Street. The initial proposal called for a berm to be installed. However, subsequent study has demonstrated that a berm cannot be installed at this location. This information has recently been communicated to Mr. and Mrs. Jackson.

In the meantime, there was a recent lawsuit filed against the City and the school district that threatened to impact the proposed Rochester Commons PUD (*Kibby v. Troy and Troy School District*). The parties and Tadian Development have negotiated this matter, and have reached a tentative settlement that requires a slight modification to the approved plan. This modification would allow for two-way traffic for the two existing homes (Kibby and Hass homes). A proposed amendment to the plan will be submitted to you for your consideration in the very near future.

If the *Kibby* case is settled, and approval of the revised site plan is received, then Tadian will proceed with the proposed development. Therefore, a proposed agreement with Mr. and Mrs. Jackson will appear in the near future. However, since this matter was previously postponed to a date certain, and that time has elapsed, a new public hearing should be rescheduled. A proposed substitute resolution has been prepared for your consideration.

If you have any questions regarding this matter, please let us know.

A Regular Meeting of the Troy City Council was held Monday, September 22, 2003, at City Hall, 500 W. Big Beaver Road. Mayor Pryor called the Meeting to order at 7:33 P.M.

The Invocation was given by Pastor Jack L. Mannschreck – Big Beaver Methodist Church and the Pledge of Allegiance to the Flag was given.

ROLL CALL

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

A-1 **Presentations**: (a) Mayor Pryor presented a proclamation on behalf of the City of Troy to thank Beaumont Hospital for their display of preparedness and professionalism during the August 14, 2003 power outage; (b) On behalf of the Oakland County Board of Commissioners, County Commissioners Knollenberg, Palmer, Suarez and Moss presented City Clerk Bartholomew with a proclamation recognizing her achievement as the 2003 Clerk of the Year.

PUBLIC COMMENT:

A. Items on the Current Agenda

Suspend City Council Rules # 5 and Change Order of Business

Resolution #2003-09-457
Moved by Pryor
Seconded by Lambert

RESOLVED, That City Council suspend Rules of Procedure #5 and move forward Item G-16, Memorandum, (Green) Re: Parks and Recreation Fee Structure on the current agenda.

Yes: All-7

G-16 Memorandum, (Green) Re: Parks and Recreation Fee Structure
Noted and Filed

Resolution #2003-09-
Moved by Stine
Seconded by Lambert

RESOLVED, That the fee schedule for the Senior Volleyball League be **REASSESSED** for a $10.00 fee.

Vote on Amendment

Resolution #2003-09-
Moved by Pryor
Seconded by Eisenbacher

RESOLVED, That the proposed Resolution be **AMENDED** by **STRIKING,** "$10.00 fee" and **INSERTING,** "$30.00 fee and that those participants who have a current Community Center membership receive an additional $10.00 reduction."

Vote on Amendment to Amendment

Resolution #2003-09-458
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That the Amendment be **AMENDED** by **STRIKING,** "$30.00 fee and that those participants who have a current Community Center membership receive an additional $10.00 reduction" and **INSERT**, "$25.00 fee for residents and non-residents."

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

MOTION CARRIED

Vote on Amended Amendment

Resolution #2003-09-459
Moved by Pryor
Seconded by Eisenbacher

RESOLVED, That the Resolution be **AMENDED** by **STRIKING,** "$10.00 fee" and **INSERTING,** "$25.00 fee for residents and non-residents."

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

MOTION CARRIED

Vote on Amended Resolution

Resolution #2003-09-460
Moved by Stine
Seconded by Lambert

RESOLVED, That the fee schedule for the Senior Volleyball League be **REASSESSED** for a $25.00 fee for residents and non-residents.

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

MOTION CARRIED

RECESS: 8:46 PM – 9:08 PM

F-3 Council Rules of Procedure – Rule #10 – Reconsideration of Questions - Amendment Proposal

Resolution #2003-09-
Moved by Stine
Seconded by Broomfield

RESOLVED, That Rules of Procedure for the Council of the City of Troy, Rule #10, Reconsideration of Questions be **STRICKEN.**

Resolution to Amend by Substitution

Resolution #2003-09-
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That the Resolution be **AMENDED** by **SUBSTITUTING** the pending Resolution in its entirety with Proposed Resolution B as follows:

> RESOLVED, That Rules of Procedure of the City Council of the City of Troy are hereby **AMENDED** as recommended by City Management and **RECORDED** by the City Clerk in the Minutes of this meeting as follows:
>
> > Rule 10. Reconsideration or Rescinding any vote of the Council may be made by either side of the voted motion and shall require the affirmative vote of the majority of the Council Members.

Resolution to Amend by Substitution

Resolution #2003-09-
Moved by Beltramini
Seconded by Howrylak

RESOLVED, That the Resolution be **AMENDED** by **SUBSTITUTING** the pending Resolution in its entirety with Proposed Resolution A as follows:

> RESOLVED, That the Rules of Procedure of the City Council of the City of Troy are hereby **AMENDED** as recommended by City Management and **RECORDED** by the City Clerk in the Minutes of this meeting as follows:

Rule 10. Reconsideration of any vote of the Council may be made by either side of the voted motion and shall require the affirmative vote of the majority of the Council Members.
Rule 11. Rescinding any vote of the Council shall require the affirmative vote of the majority of the Council Members.

Vote on Resolution to Amend by Substitution

Resolution #2003-09-461
Moved by Beltramini
Seconded by Howrylak

RESOLVED, That the Resolution be **AMENDED** by **SUBSTITUTING** the pending Resolution in its entirety with Proposed Resolution A as follows:

RESOLVED, That the Rules of Procedure of the City Council of the City of Troy are hereby **AMENDED** as recommended by City Management and **RECORDED** by the City Clerk in the Minutes of this meeting as follows:

Rule 10. Reconsideration of any vote of the Council may be made by either side of the voted motion and shall require the affirmative vote of the majority of the Council Members.

Rule 11. Rescinding any vote of the Council shall require the affirmative vote of the majority of the Council Members.

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

MOTION CARRIED

Vote on Resolution to Amend by Substitution

Resolution #2003-09-462
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That the Resolution be **AMENDED** by **SUBSTITUTING** the pending Resolution in its entirety with Proposed Resolution A as follows:

RESOLVED, That the Rules of Procedure of the City Council of the City of Troy are hereby **AMENDED** as recommended by City Management and **RECORDED** by the City Clerk in the Minutes of this meeting as follows:

Rule 10. Reconsideration of any vote of the Council may be made by either side of the voted motion and shall require the affirmative vote of the majority of the Council Members.

Rule 11. Rescinding any vote of the Council shall require the affirmative vote of the majority of the Council Members.

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

MOTION CARRIED

Vote on Amended Main Motion

Resolution #2003-09-463
Moved by Stine
Seconded by Broomfield

RESOLVED, That the Rules of Procedure of the City Council of the City of Troy are hereby **AMENDED** as recommended by City Management and **RECORDED** by the City Clerk in the Minutes of this meeting as follows:

Rule 10. Reconsideration of any vote of the Council may be made by either side of the voted motion and shall require the affirmative vote of the majority of the Council Members.

Rule 11. Rescinding any vote of the Council shall require the affirmative vote of the majority of the Council Members.

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

MOTION CARRIED

G-18 Letter from Richard Peters Requesting a Ten Million Bond Proposal on the April 2004 Ballot for the Purpose of Land Usage and Restoration

Noted and Filed

COUNCIL COMMENTS/COUNCIL REFERRALS

Reconsideration of: Standard Purchasing Resolution 8: Best Value Process Award – 2004 Calendar/Annual Report Printing Services – Proposed by Mayor Pryor

Resolution #2003-09-464
Moved by Beltramini
Seconded by Pryor

RESOLVED, That Resolution #2003-08-394, Moved by Beltramini and Seconded by Stine, as it appears below be **RECONSIDERED** by City Council:

RESOLVED, That a contract for the 2004 City Calendar with an option to renew for two additional years is hereby **AWARDED** to University Lithoprinters, Inc., the

lowest bidder with the highest score, as a result of a Best Value process which the Troy City Council determines as being in the public interest at an estimated annual cost of $29,000.00, at unit prices contained in the bid tabulation opened August 20, 2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

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

MOTION CARRIED

Vote on Reconsidered Resolution

Resolution #2003-09-465
Moved by Beltramini
Seconded by Stine

RESOLVED, That a contract for the 2004 City Calendar with an option to renew for two additional years is hereby **AWARDED** to University Lithoprinters, Inc., the lowest bidder with the highest score, as a result of a Best Value process which the Troy City Council determines as being in the public interest at an estimated annual cost of $29,000.00, at unit prices contained in the bid tabulation opened August 20, 2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

B. Items Not on the Current Agenda

Resolution #2003-09-466
Moved by Eisenbacher
Seconded by Lambert

RESOLVED, That City Council **DIRECTS** City Management to place the draft minutes of all City Council Meetings on the City of Troy's website as soon as they become available in the City Clerk's Office **EFFECTIVE** immediately.

Yes: All-7

CONSENT AGENDA

E-1 Approval of Consent Agenda

Resolution #2003-09-467
Moved by Lambert
Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item E-8 which shall be considered after Consent Agenda (E) items, as printed.

Yes: All-7

E-2 Minutes: Regular Meeting of September 8, 2003

Resolution #2003-09-467-E-2

RESOLVED, That the Minutes of the 7:30 PM Regular Meeting of September 8, 2003, be **APPROVED** as submitted.

E-3 City of Troy Proclamation:

Resolution #2003-09-467-E-3

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

a) Proclamation of Recognition – Beaumont Hospital, Troy

E-4 Corrected Resolution: Standard Purchasing Resolution 1: Award to Low Bidder – Volunteer Firefighter Uniforms from Regular City Council Meeting Held on Monday, September 8, 2003

NOTE: The below corrected Resolution #2003-09-443-E-7 from the Regular City Council Meeting held on Monday, September 8, 2003 has been resubmitted for Council approval noting that "and Allie Brothers, Inc. at an estimated total cost of $12,000.00 per year" has been **INSERTED**.

Resolution #2003-09-467-E-4

RESOLVED, That contracts to furnish two-year requirements of Fire Uniforms for the volunteer firefighters with an option to renew for two-one year periods are hereby **AWARDED** to the low bidders, Metropolitan Uniform Co., Inc. and Allie Brothers, Inc. at an estimated total cost of $12,000.00 per year, at unit prices contained in the bid tabulation opened June 19, 2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-5 Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Avondale Youth Assistance

Resolution #2003-09-467-E-5

RESOLVED, That approval to expend funds budgeted in the 2003/2004 fiscal year to the Avondale Youth Assistance to provide counseling and community services to prevent youth offender recidivism to the residents of Troy who reside in the Avondale School District at a cost of $2,210.00, paid in one installment is hereby **APPROVED;** and

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

E-6 Membership Renewal – Macomb County Criminal Justice Training Consortium

Resolution #2003-09-467-E-6

WHEREAS, Macomb Community College has provided the City of Troy Police Department with training at their Criminal Justice Training Facility; and

WHEREAS, It is desirable to continue re-certification of police officers in Emergency Vehicle Operations and utilize the state of the art Computerized Simulated Shooting Scenario System and Crime Lab.

NOW, THEREFORE, BE IT RESOLVED, That a one-year membership renewal is hereby **APPROVED** with the Macomb Community College to become a member of the Macomb County Criminal Justice Training Consortium at an annual fee of $22,110.00.

E-7 Standard Purchasing Resolution 1: Award to Low Bidder – Big Beaver Landscape Project

Resolution #2003-09-467-E-7

RESOLVED, That a contract to complete the Big Beaver Landscape Project is hereby **AWARDED** to the low bidder, Tom's Landscaping, Inc., for an estimated total cost of $399,820.00, at prices contained in the bid tabulation for each complete island, which was opened September 10, 2003, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon contractor submission of properly executed 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 accordance with the attached Schedule of Values, not to exceed 10% of the total project cost.

E-9 City of Troy v. Ann Stromar, et. al

Resolution #2003-09-467-E-9

RESOLVED, That the City of Troy City Council **APPROVES** payment of $21,906.37 in accordance with the Order Granting Motion for Summary Disposition entered in the case of City of Troy v. Ann Stromar, et. al by the Oakland County Circuit Court on September 16, 2003.

E-10 Request for Acceptance of Conditioned Purchase Offer for Maple Road/Coolidge to Crooks Watermain and Sidewalk Project #01.501.5 – Russ & Russ, L.L.C. – 1925 West Maple, Sidwell #88-20-32-226-026

Resolution #2003-09-467-E-10

RESOLVED, That the Agreement to Purchase between the City of Troy and Russ & Russ, L.L.C., having Sidwell #88-20-32-226-026 for acquisition of right-of-way in the amount of $64,000.00, plus closing costs is hereby **APPROVED.**

E-11 Private Agreement for River Bend Condominiums – Project No. 01.949.3

Resolution #2003-09-467-E-11

RESOLVED, That the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and Harrington Park Development, L.L.C. is hereby **APPROVED** for the installation of sanitary sewer, storm sewer, detention, water main, sidewalks, landscaping, soil erosion and paving on the site and in the adjacent right-of-way, and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

E-12 Request for Acceptance of Permanent Easement for Storm Sewer & Abandonment of Old Easement Over Troy School District Property in Section 5 – Sidwell #88-20-05-300-002

Resolution #2003-09-467-E-12

RESOLVED, That the Permanent Easement for Storm Sewer from Troy School District, owner of property having Sidwell #88-20-05-300-002, is hereby **ACCEPTED** for the operation, maintenance and repair of storm sewer and in replacement of an easement previously recorded in Liber 8213, Page 222 of Oakland County Records; and

BE IT FURTHER RESOLVED, That the storm sewer easement previously recorded in Liber 8213, Page 222 of Oakland County Records is hereby **ABANDONED**; and

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

E-13 Request for Acceptance of Permanent Easements for Woodman/Estates/Wattles Storm Drain/Sewer – Section 19 – Sidwell #88-20-19-203-015, #88-20-19-203-016, #88-20-19-203-035, #88-20=19-203-050 and #88-20=19-203-052

Resolution #2003-09-467-E-13

RESOLVED, That the Permanent Easements from Richard E. Cody and Renay C. Cody, husband and wife, owners of property at 3900 Woodman, having Sidwell #88-20-19-203-015; Bradley L. Blair and Cherilyn Ross, husband and wife, owners of property at 3890 Woodman, having Sidwell #88-20-19-203-016; Virginia M. Carson, survivor of herself and her deceased husband, Daniel R. Carson, owner of property at 389 Estates Court having Sidwell #88-20-19-203-035; Patricia A. Stewart and Richard W. Stewart, Trustees, under the Patricia A. Stewart Living Trust dated May 22, 2000, owner of property at 2355 West Wattles, having Sidwell #88-20-19-203-050, and from Mary Anne Donley and Frank M. Donley, wife and husband, owners of property at 2321 West Wattles, having Sidwell #88-20-19-203-052, are hereby **ACCEPTED** for the operation, maintenance and repair of storm drain/sewer; and

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

E-14 Amendment #2 – Office Space Rental Agreement – Emerald Food Service – Café/Pro Shop Contract

Resolution #2003-09-467-E-14

RESOLVED, That the original Agreement dated March 18, 2002 to provide a Café and Pro Shop Operation in the Community Center with Emerald Food Service be **AMENDED** to include space for an office to be used by Emerald Food Service to conduct business related to their operation in the Community Center.

ITEM TAKEN OUT OF ORDER

Vote on Resolution to Abstain

Resolution #2003-09-468
Moved by Beltramini
Seconded by Stine

RESOLVED, That City Council **SUPPORTS** Council Member Eisenbacher's request to **ABSTAIN** from voting on Agenda Item E-8, Inergy Automotive Systems (USA), L.L.C., v. City of Troy due to his financial interest with Inergy Automotive Systems (USA), L.L.C. associated with his employer.

Yes: All-7

E-8 Inergy Automotive Systems (USA), L.L.C. v. City of Troy

Resolution #2003-09-469
Moved by Beltramini
Seconded by Broomfield

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 Inergy Automotive Systems (USA), L.L.C. v. City of Troy and to retain any necessary expert witnesses and outside legal counsel to adequately represent the City.

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

MOTION CARRIED

REGULAR BUSINESS

F-1 Appointments to Boards and Committees: (1) Mayoral Appointments: a) Civil Service Commission (Act 78); b) Economic Development Corporation; c) Downtown Development Authority; and d) Planning Commission AND (2) City Council Appointments: a) Historical Commission; and b) Troy Daze

(a) Mayoral Appointments

Resolution #2003-09-470
Moved by Pryor
Seconded by Stine

RESOLVED, That David C. Cannon is hereby **REINSTATED** by the Mayor and **CONFIRMED** by City Council to serve on the Act 78 Civil Service Commission for the remainder of his term expiring on April 30, 2006.

Yes: All-7

(Act 78) Civil Service Commission

Mayor, Council Approval (1) – 6 years (1-Mayor, 1-Police/Fire Depts, 1-Civil Service)

David C Cannon (Reinstatement of term) **Term expires 04-30-2006**

Mr. Cannon was on Military Leave

Resolution #2003-09-471
Moved by Pryor
Seconded by Stine

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

Planning Commission

Mayor, Council Approval (9) – 3 years

Amalfi Parker	**Term expires 07-01-2004 (Student)**

Yes: All-7

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

Economic Development Corporation

Mayor, Council Approval (9) – 6 years

Stuart F Redpath - **Does not wish to be reappointed**	**Term expires 04-30-2009**
	Term expires 04-30-2009
	Term expires 04-30-2009

Downtown Development Authority

Mayor, Council Approval (13) – 4 years

Stuart Frankel - **Wishes to be reappointed**	**Term expires 09-30-2007**
Clarke B Maxson - **Does not wish to be reappointed**	**Term expires 09-30-2007**
Carol A Price - **Wishes to be reappointed**	**Term expires 09-30-2007**

(b) City Council Appointments

Historical Commission

Appointed by Council (7) – 3 years

	Term expires 07-01-2004 (Student)

Troy Daze

Appointed by Council (9) – 3 years

	Term expires 07-01-2004 (Student)

F-2 Closed Session

Resolution #2003-09-472
Moved by Stine
Seconded b Beltramini y

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

Yes All-7

F-4 Installation of Bronze Statue/Dedication Plaque in Memory of Margaret Gaffney

Resolution #2003-09-473
Moved by Stine
Seconded by Lambert

RESOLVED, That the City Council **APPROVES** the installation of a 42" bronze statue in the Peace Garden and that said installation is funded by the Peace Garden Committee.

Yes: All-7

F-5 Standard Purchasing Resolution 5: Approval to Expend Budgeted Funds – Troy Community Coalition

Resolution #2003-09-474
Moved by Broomfield
Seconded by Beltramini

RESOLVED, That approval to expend funds budgeted in the 2003/2004 fiscal year to the Troy Community Coalition to provide community services to prevent drug and alcohol abuse in the amount of $100,000.00 is hereby **APPROVED,** the Mayor and City Clerk are **AUTHORIZED** on behalf of the City of Troy to sign the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

F-6 Amendments to the Registration Plate Violation Section and Definition Section of Chapter 106 of the City Code

Resolution #2003-09-
Moved by Beltramini
Seconded by Lambert

RESOLVED, That the ordinance amendment to Chapter 106 – Traffic Code is hereby **ADOPTED AS RECOMMENDED AND REVISED** by the City Attorney; a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

Vote on Amendment

Resolution #2003-09-475
Moved by Lambert
Seconded by Pryor

RESOLVED, That Section 1.38.05 of the ordinance amendment to Chapter 106 – Traffic Code is hereby **AMENDED,** by **STRIKING** "installment sale" and **INSERTING** "installments sales".

Yes: All-7

Vote on Amended Resolution

Resolution #2003-09-476
Moved by Beltramini
Seconded by Lambert

RESOLVED, That the ordinance amendment to Chapter 106 – Traffic Code is hereby **ADOPTED AS RECOMMENDED AND REVISED** by the City Attorney; and

BE IT FURTHER RESOLVED, That Section 1.38.05 of the ordinance amendment to Chapter 106 – Traffic Code is hereby **AMENDED,** by **STRIKING** "installment sale" and **INSERTING** "installments sales"; a copy of this ordinance shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

F-7 Municipal Credit and Community Credit Agreement

Mayor Pro Tem Lambert disclosed that he currently serves on the Medi-Go Board.

Resolution #2003-09-477
Moved by Lambert
Seconded by Stine

RESOLVED, That the request that the City transfer Municipal Credit Funds in the amount of $76,084.00 and Community Credit Funds in the amount of $94,827.00 to Troy Medi-Go Plus for the operation of transportation service for senior citizens and persons with disabilities is 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; and

BE IT FURTHER RESOLVED, That the Troy City Council **APPROVES** the merging of the Dial-a-Ride Service with the City of Birmingham to include expanded routes and service areas.

Yes: All-7

F-8 Approval of Informal Quote – Sod Replacement on Big Beaver

Resolution #2003-09-478
Moved by Howrylak
Seconded by Stine

WHEREAS, Michigan Highway Contracting was the low bidder for sod replacement along the south side of Big Beaver Road, west of Coolidge between the sidewalk and the street after receiving informal quotes from three area contractors; and

WHEREAS, Funding is authorized by the Downtown Development Authority's Resolution #03-15.

BE IT RESOLVED, That a contract with Michigan Highway Contracting to replace approximately 2,240 square yards of sod at $5.95/square yard is hereby **APPROVED** at a cost of approximately $13,328.00.

Yes: All-7

F-9 Design Services for Section 30 – Water Main – Project No. 03.503.5

Resolution #2003-09-479
Moved by Stine
Seconded by Lambert

RESOLVED, That the proposal submitted by Spalding DeDecker Associates, Inc. (SDA) is **APPROVED AND AUTHORIZATION** is hereby given to SDA to proceed with plans and specifications for the replacement of existing water mains utilizing directional drilling methods in Section 30, Project No. 03.503.5, at an estimated cost to the City of Troy not to exceed $60,000.00.

Yes: All-7

F-10 Bid Waiver – Police Department Promotional and Entry Level Testing Services

Resolution #2003-09-480
Moved by Stine
Seconded by Eisenbacher

WHEREAS, EMPCO, Inc. has been providing testing and hiring services for the City's Police Department for 13 years; and

WHEREAS, EMPCO, Inc. meets departmental needs, complies with Act 78 Commission requirements, recently purchased all the Michigan Municipal League's testing services and has proven to be fair and impartial;

NOW, THEREFORE, BE IT RESOLVED, That a contract with EMPCO, Inc. to provide police lieutenant and sergeant promotional testing, and entry level police officer testing is hereby **APPROVED** at the following fees:

Police Sergeant:

- **Written Test** - $18.00 per test question and $18.00 per candidate.
- **Assessment Center** – Base fee of $4,500.00 for six candidates, $2,000 each additional group of six or fraction thereof, $300.00 per individual candidate, plus a mileage rate of $0.365 for the three assessors and the facilitator.

Police Lieutenant:

- **Assessment Center** – Base fee of $4,500.00 for six candidates, $2,000.00 for each additional group of six or fraction thereof, $300.00 per individual candidate, plus a mileage rate of $0.365 for the three assessors and the facilitator.

Entry Level Police Officer Testing:

- Candidates 1-5 $2,250.00
- Candidates 6-10 $1,600.00
- Candidates 11-20 $1,000.00
- Candidates 21 and above $ 200.00

Yes: All-7

COUNCIL COMMENTS

Resolution

Resolution #2003-09-481
Moved by Beltramini
Seconded by Lambert

RESOLVED, That the City Council **DIRECTS** City Management to refer consideration of Charter amendment language to the Charter Revision Committee regarding the "Reverse Auctioning Procedure'" for placement on the ballot for the General Election scheduled for April 5, 2004.

Yes: All-7

REPORTS AND COMMUNICATIONS

G-1 Minutes – Boards and Committees:

a) Advisory Committee for Senior Citizens/Final – June 5, 2003
b) Parks & Recreation Advisory Board/Final – July 8, 2003
c) Parks & Recreation Advisory Board/Final – July 31, 2003
d) Advisory Committee for Persons with Disabilities/Final – August 6, 2003
e) Building Code Board of Appeals/Final – August 6, 2003
f) Troy Daze /Final – August 19, 2003
g) Library Board/Final – August 21, 2003
h) Planning Commission Special/Draft – August 26, 2003
i) Planning Commission Special/Final – August 26, 2003
j) Youth Council/Draft – August 27, 2003
k) Advisory Committee for Persons with Disabilities/Draft – September 3, 2003
l) Civic Center Priority Task Force/Final – September 3, 2003
m) Troy Daze/Draft – September 3, 2003
n) Advisory Committee for Senior Citizens/Draft – September 4, 2003
o) Civic Center Priority Task Force/Draft – September 10, 2003
p) Library Board/Draft – September 11, 2003

Noted and Filed

G-2 Department Reports:

a) Permits Issued During the Month of August 2003
b) City of Troy – Retirement System – Summary Annual Report to Members – December 31, 2002
c) Monthly Financial Report – August 31, 2003

Noted and Filed

G-3 Announcement of Public Hearings:

a) Parking Variance Request – 2075-2085 W. Big Beaver Road – **Scheduled for Monday, October 6, 2003**
b) Preliminary Site Plan Review and Amended Consent Judgment (SP-146) Troy Commons – Northwest Corner of Big Beaver and Rochester Roads – Section 22 – B-2 and B-3 - **Scheduled for Monday, October 6, 2003**

Noted and Filed

G-4 Proposed Proclamations/Resolutions from Other Organizations:

a) Resolutions Opposing Change to CDBG Funding – Madison Heights and Hazel Park

Noted and Filed

G-5 Letters of Appreciation:

a) Letter from Linda Gamrat to the Department of Public Works Expressing Her Appreciation Regarding the Repavement of Her Driveway
b) Letter from Dina Powell, Assistant to the President for Presidential Personnel to Leonard Bertin, Chairman – Advisory Committee for Persons with Disabilities Acknowledging His Recommendation of Gary L. Talbot for a Position on the Architectural and Transportation Barriers Compliance Access Board
c) Letter from Ramona Wasniewski to Chief Craft Thanking Officer Paul Boska for Assisting Her Son, Jordan, Who was Involved in an Automobile Accident
d) Thank-You from Oakland Park Towers II Residents to the Police Department for Their Assistance During the "2003 Blackout"
e) Letter from Ann M. Comiskey, Executive Director – Troy Community Coalition, to Officer Ryan Kukla Thanking Him for Being Their Guest Speaker at a Troy Community Coalition Meeting
f) Letter from Lori Podsiadlik, Program Director – Troy Community Coalition, to Chief Craft Thanking the Troy Police Canine Unit (Officers Klute, Bednard, Barrows and Cole) for the Demonstration Given at the Rochester Villas Summer Camp
g) Thank-you from Mr. & Mrs. Kenneth Linton to the Troy Police Department for Assisting Them in Locating Their Nephew Who Lives in Pennsylvania
h) Thank-you from Marc Higginbotham in Appreciation of Apprehending the Alleged Perpetrators Involved in the Holiday Inn Incident
i) Letter from Jerry Solomon, City Elevator, Thanking Linda Bockstanz and Steven Pallotta for the Exemplary Display of Professionalism and Execution of the Bid Opening They Displayed for the Elevator Maintenance Bid

Noted and Filed

G-6 Calendar

Noted and Filed

G-7 Press Release, Re: SOCRRA Member Communities Receive $1,000,000 Refund

Noted and Filed

G-8 Memorandum, Re: Saleen Assembly Facility (Former Stanley Door Site) – 1225 E. Maple Road

Noted and Filed

G-9 Memorandum, Re: Parks and Recreation Receives a "Keep Michigan Beautiful Award"

Noted and Filed

G-10 Memorandum, (Green) Re: Update – Planning Commission Proposed Zoning Ordinance Text Amendments (ZOTAS)

Noted and Filed

G-11 Memorandum, (Green) Re: Minutes of the August 5, 2003 Planning Commission Special/Study Meeting

Noted and Filed

G-12 Memorandum, Re: Reduction of Special Assessment for Hilmore/Larayne Paving – SAD #02.107.1

Noted and Filed

G-13 Memorandum, Re: Member Composition: Parks and Recreation Advisory Board & Advisory Committee for Senior Citizens Composition

Noted and Filed

G-14 Memorandum, Re: Parks & Recreation Receives Community Forestry Grant from the Michigan Department of Natural Resources

Noted and Filed

G-15 Memorandum, Re: Status Report – E-procurement Initiative – Third Party Vendor Registration and On-Line Auctioning

Noted and Filed

G-17 Memorandum, Re: Recent SDM Applications at Gas Stations

Noted and Filed

G-19 Memorandum, (Green) Re: Dedicated Football Field

Noted and Filed

PUBLIC COMMENT

The meeting adjourned at 11:00 PM.

_____
Matt Pryor, Mayor

_____
Tonni L. Bartholomew, MMC
City Clerk

PROCLAMATION
NATIONAL BREAST CANCER AWARENESS MONTH
OCTOBER 2003

WHEREAS, October 2003 is National Breast Cancer Awareness Month and October 17, 2003 is National Mammography Day; and,

WHEREAS, An estimated 7,500 new cases of breast cancer were diagnosed in the state of Michigan in 2003 and 1,400 of those patients died from the disease; and,

WHEREAS, Early detection and prompt treatment can significantly reduce suffering and death caused by this disease; and

WHEREAS, Mammography, an "x-ray" of the breast, is recognized as the single most effective method of detecting breast changes that may be cancer long before physical symptoms can be seen or felt; and

WHEREAS, National Breast Cancer Awareness Month promotes the prevention of health complications from breast cancer by informing the public about early detection of the disease;

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy does hereby proclaim **the month of October 2003 as National Breast Cancer Awareness Month** and **October 17 as National Mammography Day** in the City of Troy.

Signed this 6th day of October 2003.

September 22, 2003

To: The Honorable Mayor and City Council

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

Re: Standard Purchasing Resolution 1: Award to Low Bidders – Snow Removal Rental Equipment Including Operators

RECOMMENDATION

Bid proposals were opened August 1, 2003, for seasonal requirements of snow removal rental equipment including operators with an option to renew for one (1) additional season. These services are on a contract basis to supplement City forces during severe snowstorms. After reviewing the bid proposals, City management recommends awarding the contract to the low bidders, Sterling Topsoil & Grading and Brooks Landscaping at the following unit prices.

	NUMBER OF UNITS	HOURLY RATE/UNIT
STERLING TOPSOIL & GRADING		
Pickup with minimum 8 ft blade	1	$ 65.00
Road grader – 20,000 GVW	1	$135.00
Truck with 10 ft snow plow	2	$ 75.00
BROOKS LANDSCAPING		
Front end loader – 5 yd capacity	2	$138.50
- 3 yd capacity	1	$128.50
- 2 yd capacity	3	$120.00
- 4 yd capacity	1	$150.00
- 10 yd capacity	1	$175.00
Pickup with minimum 8 ft blade	15	$ 65.00

The award is contingent upon contractors submission of proper insurance certificates and all specified requirements.

To: Honorable Mayor and City Council
Re: Bid Award – Snow Removal Rental Equipment Including Operators

SUMMARY

Many companies do not bid on the snow removal service due to the variability of weather, the economy, and fluctuating equipment availability. However, snow emergencies often require hiring additional companies to assist in the snow removal effort. While any one specific company may not be available, others are, and we have hired them based upon emergency provision powers of the City Manager. Pre-approval to extend contract prices to other contractors, after the successful bidders have been employed, could speed the snow removal process. It is our recommendation that the contract be extended to other contractors, on an as needed basis, and impose the above hourly rates to these contractors at the time of a snow emergency.

BUDGET

Funds are available in the Streets Department Operating Budgets.

44 Vendors Notified on MITN System
3 Bid Responses Rec'd
2 No Bids: (1) Company indicated the job was too large.
(1) Company not interested at this time, but asked to be kept on the list for future projects.

Prepared by: Vicki C. Richardson, Solid Waste Coordinator

CITY OF TROY ITB-COT 03-11

Opening Date -- 8/1/03
Date Prepared -- 9/22/03

BID TABULATION
SNOW REMOVAL RENTAL EQUIPMENT

VENDOR NAME:		BROOKS LANDSCAPING	STERLING TOPSOIL & GRADING, INC	RIZZO SERVICES	
PROPOSAL: SNOW REMOVAL RENTAL EQUIPMENT INCLUDING OPERATORS					
ITEM	NO. OF PIECES OF EQUIPMENT AVAILABLE	HOURLY RATE	HOURLY RATE	HOURLY RATE	
1.	FRONT END LOADER: MINIMUM SIZE 3 YDS				
	5 YD CAPACITY	**(2) $138.50**	(4) $140.00	(2) $195.00	
	3 YD CAPACITY	**(1) $128.50**	(2) $130.00	(5) $145.00	
	OTHER SIZE: 10 YARD	**(1) $175.00**		More available if needed	
	4 YARD	**(1) $150.00**			
	2 YARD	**(3) $120.00**			
	PICKUP WITH MINIMUM 8 FT BLADE	**(15) $65.00**	**(1) $65.00**	(15) $95.00	
	(to assist loaders in clean up only)				
2.	ROAD GRADER: MINIMUM SIZE - 6 WHEEL 20,000 GVW	N/A	**(1) $135.00**	N/A	
	OTHER SIZE	N/A			
3.	TRUCK WITH 10FT SNOW PLOW	(5) $85.00	**(2) $75.00**	(10) $125.00	
	INSURANCE:				
	CAN MEET	XX	XX	XX	
	CANNOT MEET				
	CONTACT INFORMATION				
	Hours of Operation	24hrs/7days	7AM-6PM	24hr/7days	
	24 Hr Emergency Phone Yes or No	(586)823-6460	(586)264-3000	(866)772-8900	
	TERMS:	NET 15/INVOICE	NET 30 DAYS	NET 30 DAYS	
	WARRANTY:	N/A	BLANK	N/A	
	DELIVERY DATE:	**ON CALL**	**ON CALL**	ON CALL	
	EXCEPTIONS:	BLANK	BLANK	More Equipment is available for the City of Troy as needed.	

NO BIDS:
Dream Green
Troy Clogg Landscape Assoc

ATTEST:
Vicki Richardson
M Aileen Bittner
Linda Bockstanz

PROPOSAL-- Furnish One Season's Requirements of Snow Removal Rental Equipment Including Operators with an Option to Renew for One Additional Season

BOLDFACE TYPE DENOTES LOW BIDDERS

Jeanette Bennett
Purchasing Director

G:\SnowRemovalRentalEquipITB-COT 03-11

Downloading History for ITB-COT 03-11 Snow Remov

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **9/22/2003.**

Document Title:	Snow Removal Rental Equipment including Operators
Date Issued:	7/8/2003
Close Date:	8/1/2003
Date Amendment #1 was Issued:	7/15/2003

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
12306	Advanced Services Lawn and Landscape	E-mail	7/9/2003	
12964	Ajax Materials Corporation	E-mail	7/9/2003	
13555	Automotive Service Co.	E-mail	7/29/2003	
12114	B & B Lawn Service	Fax		#1 7/15/2003
10139	B & J Parking Lot Maintenance, Inc.	E-mail	7/25/2003	#1 7/25/2003
11742	Bowen Paving, Inc.	Fax		#1 7/15/2003
10355	Brooks Landscaping, Inc	Fax	7/20/2003	#1 7/15/2003
10682	C & R Maintenance d/b/a Rizzo Services	E-mail	7/23/2003	#1 7/23/2003
11355	Cartegraph	E-mail		
12856	CCH Incorporated	Free	7/11/2003	
10915	CITYWORKS, INC.	E-mail		
11732	Curbco, Inc.	Fax		#1 7/15/2003
12323	D.L.F. Trucking, Inc.	Fax		#1 7/15/2003
10123	Dean Sellers Ford	Free	7/16/2003	
14117	Doring, Incorporated	E-mail	9/16/2003	
13624	Dream Green	Free	7/31/2003	#1 7/31/2003
11211	Florence Cement Company	E-mail	7/17/2003	#1 7/17/2003
10938	Great Lakes Landscaping & Construction Inc.	Fax	7/25/2003	#1 7/25/2003
11604	Hyde Equipment Co.	Fax		#1 7/15/2003

12021	JOHN CARLO, INC.	E-mail	7/17/2003	
13409	kathys lawn maintenance	Free	7/26/2003	#1 7/26/2003
12606	KDS Landscape	Fax	7/13/2003	#1 7/15/2003
12014	L. Loyer Construction Company	Fax		#1 7/15/2003
11884	Mathisen Company	Fax		#1 7/15/2003
12149	National Alliance of Cabling & Technology	E-mail	7/11/2003	
11059	Pamar Enterprises, Inc.	E-mail		
10061	Parks Landscaping & Snow Service	Free	7/30/2003	
10065	Payne Landscaping, Inc.	E-mail		
13290	Printcorp	E-mail	7/30/2003	
11633	Pro Power Washing L.L.C.	Fax		#1 7/15/2003
13312	Public Safety Communications, LLC	E-mail	7/11/2003	
11720	Rolar Property Services Inc.	E-mail		
13223	Simpson Development Group	E-mail	7/21/2003	
13340	SPECIAL EVENTS PARTY RENTAL	Free	7/21/2003	
13616	Sterling Topsoil & Grading,Inc.	Free	7/31/2003	#1 7/31/2003
10327	T & M ASPHALT PAVING, INC.	E-mail		
10731	T.F.R. Enterprises, Inc.	E-mail		
11814	Tony Anthony Inc	E-mail	7/18/2003	#1 7/18/2003
10658	Troy Clogg Landscape Assoc., LLC.	E-mail	7/22/2003	#1 7/22/2003
10311	Turf Tenders Landscaping & Fertilizing Inc.	Free	8/1/2003	
10285	United Lawnscape, Inc.	Fax		#1 7/15/2003
12398	United Rentals	Free	7/10/2003	
11267	United Soils, Inc.	E-mail	7/15/2003	#1 7/15/2003
11851	Visual Image Exchange	Free	7/9/2003	

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September 18, 2003

TO: Honorable Mayor and City Council

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

Subject: Standard Purchasing Resolution 1: Award To Low Bidder - Elevator Services Contract

RECOMMENDATION

On September 10, 2003, bids were received to furnish three (3) year requirements of Elevator Testing, Inspection, and Repair with an option to renew for two (2) additional years. City management recommends Troy City Council award the contract to the low total bidder, Otis Elevator Company, at an estimated total cost for three years of $19,353.00, at prices contained in the attached bid tabulation.

The award is contingent upon contractor submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements.

SUMMARY

The contract is being awarded on a low total basis, due to the nominal difference in the cost per man-hour for repair service, $79.50 for Otis verses $78.98 for Kone. Over the terminus of the contract, the estimated savings is projected to be only $18.72.

BUDGET

Funds for this contract are currently available in the Building Operations Contractor Equipment Maintenance Account # 266.7802.150.

19 Vendors Notified on the MITN System
6 Bid Responses Rec'd

Opening Date -- 9-10-03
Date Prepared -- 9/17/03

VENDOR NAME:	* OTIS ELEVATOR COMPANY	CITY ELEVATOR INC	AMTECH ELEVATOR SERVICES

PROPOSAL -- FURNISH ELEVATOR WEIGHT TESTS; BI-MONTHLY INSPECTIONS, AND EMERGENCY REPAIRS

ITEM 1: FURNISH WEIGHT TESTS

LOCATION	ELEVATOR NUMBER/TYPE	COMPLETE FOR THE SUM O	COMPLETE FOR THE SUM OI	COMPLETE FOR THE SUM C
500 W. Big Beaver	#18085 - Police Unit	$ **475**	$ 500	$ 510
500 W. Big Beaver	#18084 - Passenger Unit	$ **475**	$ 500	$ 510
500 W. Big Beaver	#29662 - Passenger Unit	$ **475**	$ 500	$ 510
500 W. Big Beaver	#40064 - Passenger Unit	**475**	500	510
510 W. Big Beaver	Library/Dover Elevator	$ **475**	$ 500	$ 510
60 W. Wattles	Museum/General Store Montgomery Elevator	$ **475**	$ 500	$ 510
3179 Livernois	Community Center/ Otis Elevat(#038438 Passenger Elevator	$ **475**	500	510
	TOTAL: ITEM 1 --	$ ($475.00) $3,325.00 -CORRECTED-	$ 3500	$ 3570

ITEM 2: BI-MONTHLY INSPECTIONS

LOCATION	QTY	TYPE	BI-MONTHLY COST	BI-MONTHLY COST	BI-MONTHLY COST
500 W. Big Beaver	2	DETROIT ELEVATORS	$ **58**	$ 100	$ 98
500 W. Big Beaver	1	DOVER ELEVATOR	$ **29**	$ 50	$ 49
500 W. Big Beaver	1	OTIS ELEVATOR	$ **29**	$ 50	$ 49
510 W. Big Beaver	1	DOVER ELEVATOR	$ **29**	$ 50	$ 49
60 W. Wattles General Store	1	MONTGOMERY	$ **29**	$ 50	$ 49
3179 Livernois	1	OTIS ELEVATOR	$ **29**	$ 50	$ 49
		TOTAL BI-MONTHLY COST	$ 203	$ 350	$ 343
		TOTAL ANNUAL COST	$ 1218	$ 2100	$ 2058
ANNUAL GRAND TOTAL - ITEMS 1 & 2:			$ 4543 -CORRECTED-	$ 5600	$ 5628

ITEM 3: REPAIR SERVICE		COST PER MAN/HOUR	COST PER MAN/HOUR	COST PER MAN/HOUR
12 HRS ANNUALLY ESTIMATED	REGULAR TIME:	$ **79.5**	$ 103	$ 124
	# OF MEN IN TYPICAL CREW	2	2	2
	OVERTIME:	$ **145**	$ 175.1	$ 192
	HOLIDAY TIME:	$ **145**	$ 206	$ 234
	PARTS DISCOUNT	**15%**	15%	0%
THREE(3) YEAR CONTRACT TOTAL W/REPAIRS: EST		**$ 19,353.00**	$ 24,216.00	$ 25,812.00

Opening Date -- 9-10-03
Date Prepared -- 9/17/03

CITY OF TROY
BID TABULATION
ELEVATOR INSPECTION, MAINTENANCE AND REPAIR

VENDOR NAME:		* **OTIS ELEVATOR**	CITY ELEVATOR INC	AMTECH ELEVATOR SERVICES
INSURANCE:	Can Meet	XX	XX	XX
	Cannot Meet			
SITE INSPECTION:				
	Y/N	YES	YES	YES
	DATE	9/9/03	9/3/03	9/3/03
HRS OF OPERATION:		8-4:30	8-5PM	8-4:30
24 HR EMERGENCY #:		(800) 233-6847	(313) 896-2000	(313) 831-0900
TERMS		1) ANNUAL 2) QUARTERLY	NET 30	BLANK
WARRANTY		90 DAYS	ONE YEAR	BLANK
EXCEPTIONS		BLANK	NONE	BLANK

PROPOSAL-- Furnish Three(3) Year Requirements of Elevator Weight Tests, Bi-Monthly Inspections, and Repairs with an Option to Renew for an Additional Two(2) Years

*** DENOTES LOW TOTAL BIDDER**

ATTEST:

Steve Pallotta
Cheryl Morrell
Linda Bockstanz

_____
Jeanette Bennett
Purchasing Director

G:ITB-COT 03-23 Elevator.xls

Opening Date -- 9-10-03
Date Prepared -- 9/17/03

VENDOR NAME:	ELEVATOR TECHNOLOGY	THYSSENKRUPP ELEVATOR CORP	KONE INC

PROPOSAL -- FURNISH ELEVATOR WEIGHT TESTS; BI-MONTHLY INSPECTIONS, AND EMERGENCY REPAIRS

ITEM 1: FURNISH WEIGHT TESTS

LOCATION	ELEVATOR NUMBER/TYPE	COMPLETE FOR THE SUM O	COMPLETE FOR THE SUM OI	COMPLETE FOR THE SUM C
500 W. Big Beaver	#18085 - Police Unit	$ 585	$ 676	$ 550
500 W. Big Beaver	#18084 - Passenger Unit	$ 585	$ 676	$ 550
500 W. Big Beaver	#29662 - Passenger Unit	$ 585	$ 676	$ 550
500 W. Big Beaver	#40064 - Passenger Unit	585	676	550
510 W. Big Beaver	Library/Dover Elevator	$ 585	$ 676	$ 550
60 W. Wattles	Museum/General Store Montgomery Elevator	$ 585	$ 676	$ 550
3179 Livernois	Community Center/ Otis Elevat #038438 Passenger Elevator	$ 585	676	550
	TOTAL: ITEM 1 --	$ 4095	$ 4732	$ 3850

ITEM 2: BI-MONTHLY INSPECTIONS

LOCATION	QTY	TYPE	BI-MONTHLY COST	BI-MONTHLY COST	BI-MONTHLY COST
500 W. Big Beaver	2	DETROIT ELEVATORS	$ 150	$ 174	$ 320
500 W. Big Beaver	1	DOVER ELEVATOR	$ 75	$ 87	$ 160
500 W. Big Beaver	1	OTIS ELEVATOR	$ 75	$ 87	$ 160
510 W. Big Beaver	1	DOVER ELEVATOR	$ 75	$ 87	$ 160
60 W. Wattles General Store	1	MONTGOMERY	$ 75	$ 87	$ 160
3179 Livernois	1	OTIS ELEVATOR	$ 75	$ 87	$ 160
		TOTAL BI-MONTHLY COST	$ 525	$ 609	$ 1120
		TOTAL ANNUAL COST	$ 3150	$ 3654	$ 6720
ANNUAL GRAND TOTAL - ITEMS 1 & 2:			$ 7245	$ 8386	$ 10570

ITEM 3: REPAIR SERVICE		COST PER MAN/HOUR	COST PER MAN/HOUR	COST PER MAN/HOUR
12 HRS ANNUALLY ESTIMATED	REGULAR TIME:	$ 97.5	$ 135	$ 78.98
	# OF MEN IN TYPICAL CREW	2	2	2
	OVERTIME:	$ 173	$ 229.5	$ 119.83
	HOLIDAY TIME:	$ 173	$ 270	$ 137.32
	PARTS DISCOUNT	5%	0%	15%
THREE(3) YEAR CONTRACT TOTAL W/REPAIRS: EST		$ 28,755.00	$ 34,878.00	$ 37,396.56
CORRECTED CONTRACT TOTAL W/TERMS:	2%	$ 28,179.90		

Opening Date -- 9-10-03
Date Prepared -- 9/17/03

VENDOR NAME:		ELEVATOR TECHNOLOGY	THYSSENKRUPP ELEVATOR CORP	KONE INC
INSURANCE:	Can Meet	XX	XX	XX
	Cannot Meet			
SITE INSPECTION:				
	Y/N	YES	YES	NO
	DATE	CURRENT CONTRACTOR	9/3/03	
HRS OF OPERATION:		24 HOUR	8-4:30PM	8-5PM
24 HR EMERGENCY #:		(313) 832-2440	(248) 544-2488	(877) 276-8691
TERMS		2%, NET 30	NET 30	30 DAYS
WARRANTY		N/A	BLANK	ONE YEAR
EXCEPTIONS		NONE	ADDENDUM 'A' ATTACHED TO BID	BLANK

Michigan Inter-governmental Trade Network

MITN

Downloading History for ITB-COT 03-23 Elevator

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **9/18/2003.**

Document Title:	Elevator Maintenance
Date Issued:	8/14/2003
Close Date:	9/10/2003

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
12133	Allied Building Service Company of Detroit, Inc.	E-mail		
12903	Bennett Design and Fabrication LLC	E-mail	9/11/2003	
11631	Bowman Construction LLC	Free	8/20/2003	
12772	City Elevator Inc.	Free	8/27/2003	
12020	Computer & Electronics Enterprises, Inc.	E-mail		
11122	Crystal Bright Janitorial Services, Inc.	E-mail		
12287	Demko Inc.	Free	8/18/2003	
10978	ELEVATOR TECHNOLOGY INC	Free	8/19/2003	
12686	Ideal Building Supplies, LLC.	E-mail		
12173	KONE Inc	Free	8/26/2003	
11884	Mathisen Company	Fax		
13310	North Star Refrigeration, Heating and Cooling	E-mail		
11073	Oscar W. Larson Co.	E-mail		
12715	Otis Elevator Company	Free	9/2/2003	
11344	Premium Sevices, Inc	E-mail		
13730	SMART Management Group, LLC	E-mail		
10974	The Avrie Group, Inc.	E-mail		
11964	THYSSENKRUPP ELEVATOR	E-mail	8/20/2003	
13207	Walbridge Aldinger Company	E-mail		

September 30, 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
Dennis C. Stephens, Right of Way Representative

RE: Request for Approval of Conditioned Agreement to Purchase for the on going Sidewalk Gap Project – Christian and Christine Walters, 6545 Livernois - Sidwell #88-20-04-276-018

As part of the Gap Sidewalk Project, an agreement has been reached with Christian and Christine Walters to purchase 27 feet of right of way in addition to 33 feet of existing road way at 6545 Livernois Road. This property is located in Section 4 on the West side of Livernois Road and North of Woodland Elementary School. The school is desirous of having this sidewalk gap filled, as the children walking to school from the North would no longer need to walk on the shoulder of the road.

Based on an appraisal prepared by Andrew M. Reed, State certified General Appraiser, a review prepared by Kimberly Harper, Deputy City Assessor and a tree evaluation, prepared by Timothy Richnak, Public Works Director, management believes that the appraised value of $20,395.00 is justifiable. The agreed amount and appraised value are the same and the compensation is for both 27 feet of real property and one tree.

In order for the City to proceed with this project, management requests that City Council approve the attached conditioned purchase agreement in the amount of $20,395.00, plus closing costs. Funding for this project will come from the Sidewalk Gap Fund.

Sidwell # 20-04-276-018

CITY OF TROY
AGREEMENT TO PURCHASE REALTY
FOR PUBLIC PURPOSES

The CITY OF TROY (the "Buyer"), agrees to purchase from Christian M. Walters and Christine M. Walters (the "Seller"), the following described premises (the "Property"):

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

for a public project within the City of Troy and to pay the sum of Twenty Thousand Three Hundred Ninety Five Dollars and 00/100 Cents ($20,395.00) under the following terms and conditions:

1. Seller shall assist Buyer in obtaining all releases necessary to remove all encumbrances from the property so as to vest a marketable title in Buyer.

2. Seller shall pay all taxes, prorated to the date of closing, including all special assessments, now due or which may become a lien on the property prior to the conveyance.

3. Seller shall deliver the Warranty Deed upon payment of the purchase money by check drawn upon the account of the City of Troy.

4. Buyer shall, at its own expense, provide title assurance information to the Buyer, and the Seller shall disclose any encumbrances against the property.

5. This Agreement is binding upon the parties and closing shall occur within ninety (90) days of the date that all liens have been released and encumbrances have been extinguished to the satisfaction of the Buyer, unless extended by agreement of the parties in writing. It is further understood and agreed that this period of time is for the preparation and authorization of purchase money.

6. Buyer shall notify the Seller immediately of any deficiencies encumbering marketable title, and Seller shall then proceed to remove the deficiencies. If the Seller fails to remove the deficiencies in marketable title to Buyer's approval, the Buyer shall have the option of proceeding under the terms of this Agreement to take title in a deficient condition or to render the Agreement null and void, and any deposit tendered to the Seller shall be returned immediately to the Buyer upon demand.

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

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

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

10. Additional conditions, if any: _____

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

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures this 26 day of September, A.D. 2003.

In presence of:

Patricia A. Petelle

Peter Ross

CITY OF TROY (BUYER)

SELLER:

Christian Walters

Christian Walters

EXHIBIT "A"

Section 4, Part of the NE 1/4
Parcel: 88-20-04-276-018
Owner: Christian M. Walters
Address: 6545 Livernois Rd.

Description of Parent Parcel:

Part of the Northeast ¼ of Section 4, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Beginning at a point on the east line of Section 4, said point being South 00 degrees 55 minutes 02 seconds West 2625.25 feet from the Northeast Corner of said section 4; thence continuing along said east line South 00 degrees 55 minutes 02 seconds West 164.76 feet; thence North 89 degrees 08 minutes 58 seconds West 208.00 feet; thence North 00 degrees 55 minutes 02 seconds East 164.76 feet; thence South 89 degrees 08 minutes 58 seconds East 208.00 feet to the Point of Beginning. Subject to an easement for private road purposes over the South 54.76 feet.

Description of Proposed R/W Acquisition:

Part of the Northeast ¼ of Section 4, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Beginning at a point on the east line of Section 4, said point being South 00 degrees 55 minutes 02 seconds West 2625.25 feet from the Northeast Corner of said section 4; thence continuing along said east line South 00 degrees 55 minutes 02 seconds West 164.76 feet; thence North 89 degrees 08 minutes 58 seconds West 60.00 feet; thence North 00 degrees 55 minutes 02 seconds East 164.76 feet; thence South 89 degrees 08 minutes 58 seconds East 60.00 feet to the Point of Beginning. Containing 4,449 Square Feet or 0.102 Acres more or less. The East 33.00 feet of which is currently being used for public roadway purposes (Livernois Road) and the South 54.76 feet being subject to a private road easement.

Geographical Information Systems Online

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

Geographical Information Systems Online

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

N

DATE: September 26, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary Shripka, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Timothy Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 1: Major Street Pavement Marking

RECOMMENDATION:

Two (2) bids were received for Major Street Pavement Marking on September 26, 2003. The Public Works Department recommends awarding a two-year contract with an option to renew for one additional year to the low total bidder, P.K. Contracting, Inc., 1965 Barrett Rd Troy, MI 48084, for an estimated cost of $67,065.26 for the first year and $68,186.90 for the second year. Unit prices for the contract are contained in the attached bid tabulation dated 9/26/03. The award is contingent upon the recommended vendor's submission of proper contract and bid documents, including insurance certificates and all specified requirements.

In addition, the Public Works Department requests authorization to change the quantity of work, as needed, within budgetary constraints not to exceed 25% of the estimated contract amount each year.

BUDGET:

Funds are available in the 2003-2004 budget Account # 477.7802.070 entitled "Major Markings-Contractual Services".

18 Vendors Notified on the MITN System
2 Bids Received

Prepared by: Marina Basta/Farouk, Project Construction Manager

CITY OF TROY
BID TABULATION
STREET PAVEMENT MARKINGS

Opening Date -- 9-25-03
Date Prepared -- 10-1-03

		VENDOR NAME:	** PK Contracting		RS Contracting	
		Check Number	**875143887-3**		101250277	
		Check Amount	**2,500.00**		2,500.00	
ITEM #	EST QTY Lineal Feet	DESCRIPTION	Year 1 Unit Price	Year 2 Unit Price	Year 1 Unit Price	Year 2 Unit Price
PROPOSAL A						
1	174,232	Sprayable Thermo Plastic 4"Solid white	0.07	0.072	0.075	0.075
2	56,650	Sparyable Thermo Plastic 4" Skip white	0.07	0.072	0.075	0.075
3	295,922	Sprayable Thermo Plastic 4" Solid Yellow	0.07	0.072	0.075	0.075
4	34,014	Sprayable Thermo Plastic 4"Skip Yellow	0.07	0.072	0.075	0.075
5	1,000	Removal/Pavement Marking 4"Yellow/White	0.30	0.30	1.00	1.00
		ESTIMATED TOTAL OF PROPOSAL A:	$ 39,557.26	$ 40,678.90	$ 43,061.35	$ 43,061.35
		PROPOSAL A -GRAND TOTAL- 2 YEARS	Estimated	**$ 80,236.16**	Estimated	$ 86,122.70
PROPOSAL B			Year 1 Unit Price	Year 2 Unit Price	Year 1 Unit Price	Year 2 Unit Price
1	500	4" Solid White	0.20	0.20	1.00	1.00
2	500	4" Skip White	0.20	0.20	1.00	1.00
3	500	4" Solid Yellow	0.20	0.20	1.00	1.00
4	500	4" Skip Yellow	0.20	0.20	1.00	1.00
		ESTIMATED TOTAL OF PROPOSAL B:	$400.00	$400.00	$2,000.00	$2,000.00
		PROPOSAL B -GRAND TOTAL- 2 YEARS	Estimated	**$800.00**	Estimated	$4,000.00
PROPOSAL C			Year 1 Unit Price	Year 2 Unit Price	Year 1 Unit Price	Year 2 Unit Price
1	4 ea	School Legend	43.75	43.75	38.00	38.00
2	65 ea	Only Legend	28.75	28.75	25.00	25.00
3	65 ea	Right Arrow & Left Arrow	26.25	26.25	25.00	25.00
4	4 ea	Straight Left Turn or Right Turn	46.25	46.25	35.00	35.00
5	400 L.F.	Stop bars (Local Rd.) - 12"	1.25	1.25	1.25	1.25
6	660 L.F.	Stop bars (Major Rd.) - 24"	2.50	2.50	2.50	2.50
7	900 L.F.	Cross walk (Major Rd.) -24"	2.50	2.50	2.50	2.50
		ESTIMATED TOTAL OF PROPOSAL C:	$8,335.00	$8,335.00	$7,942.00	$7,942.00
		PROPOSAL C -GRAND TOTAL- 2 YEARS	Estimated	**$16,670.00**	Estimated	$15,884.00
PROPOSAL D			Year 1 Unit Price	Year 2 Unit Price	Year 1 Unit Price	Year 2 Unit Price
1	2 ea	School Legend	78.75	78.75	120.00	120.00
2	62 ea	Only Legend	51.75	51.75	70.00	70.00
3	62 ea	Right Arrow & Left Arrow	47.75	47.75	70.00	70.00
4	2 ea	Straight left turn or right turn	83.25	83.25	100.00	100.00
5	300 L.F.	Stop bars (Local Rd.) - 12"	2.28	2.28	2.00	2.00
6	560 L.F.	Stop bars (Major Rd.) - 24"	4.55	4.55	4.00	4.00
7	800 L.F.	Cross walk (Major Rd.) -24"	4.55	4.55	4.00	4.00
		ESTIMATED TOTAL OF PROPOSAL D:	$13,365.00	$13,365.00	$15,160.00	$15,160.00
		PROPOSAL D -GRAND TOTAL- 2 YEARS	Estimated	**$26,730.00**	Estimated	$30,320.00
PROPOSAL E			Year 1 Unit Price	Year 2 Unit Price	Year 1 Unit Price	Year 2 Unit Price
1	2 ea	School Legend	292.00	292.00	200.00	200.00
2	6 ea	Only Legend	165.00	165.00	150.00	150.00
3	3 ea	Right Arrow & Left Arrow	149.00	149.00	300.00	300.00
4	2 ea	Straight left turn or right turn	262.50	262.50	300.00	300.00
5	100 L.F.	Stop bars (Local Rd.) - 12"	5.72	5.72	6.00	6.00
6	100 L.F.	Stop bars (Major Rd.) - 24"	11.45	11.45	12.00	12.00
7	100 L.F.	Cross walk (Major Rd.) -24"	11.45	11.45	12.00	12.00
		ESTIMATED TOTAL OF PROPOSAL E:	$5,408.00	$5,408.00	$5,800.00	$5,800.00
		PROPOSAL E -GRAND TOTAL- 2 YEARS	Estimated	**$10,816.00**	Estimated	$11,600.00

GRAND TOTALS OF ESTIMATED A - E	$ 67,065.26	$ 68,186.90	$ 73,963.35	$ 73,963.35
PROPOSAL A TO E -GRAND TOTAL- 2 YEARS		**$ 135,252.16**		$147,926.70

CITY OF TROY
BID TABULATION
STREET PAVEMENT MARKINGS

Opening Date -- 9-25-03
Date Prepared -- 10-1-03

VENDOR NAME:	** **PK Contracting**	RS Contracting
YEARS OF EXPERIENCE:	24	21
INSURANCE:		
Cannot Meet		
Can Meet	X	X
COMPLETION SCHEDULE:		
Cannot Meet - but offers		
Can Meet	X	X
LIST OF EQUIPMENT Yes or No	Yes	Yes
PREQUALIFICATION REQUIREMENTS:		
MDOT Classification:	N 3	N-3 / N96I
Company Numerical Rating:	6814	7119
TERMS:	Net 30	Net 30
WARRANTY:	180 days	Blank
EXCEPTIONS:	Blank	Alternate for spray Thermo for legends & Stop Bar & Crosswalk. MDOTS approved method is poplyurea for this application.
NO BID:		

**** DENOTES RECOMMENDED BIDDER**

ATTEST:
Marina Farouk Basta
Aileen Bittner
Linda Bockstanz

Jeanette Bennett
Purchasing Director

G: ITB-COT 03-26 Street Pavement Marking

Michigan Inter-governmental Trade Network
MITN

Downloading History for ITB-COT 03-26 Markings

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **9/30/2003.**

Document Title:	Major Street Pavement Markings
Date Issued:	9/5/2003
Close Date:	9/25/2003

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
10139	B & J Parking Lot Maintenance, Inc.	E-mail	9/10/2003	
11355	Cartegraph	E-mail		
11732	Curbco, Inc.	Fax		
12287	Demko Inc.	Free	9/8/2003	
11857	Digital CogniSense, Inc.	Free	9/8/2003	
13317	DJG & Associates	E-mail		
10938	Great Lakes Landscaping & Construction Inc.	Fax		
11517	Hart Pavement Striping Corporation	E-mail	9/8/2003	
12569	Liquid Calcium C hloride Sales	Free	9/12/2003	
11884	Mathisen Company	Fax		
13522	Michigan Pavement Markings LLC	Fax	9/13/2003	
10244	p.k.contracting inc	E-mail	9/5/2003	
12670	Professioanl Engineering Associates	Free	9/8/2003	
13833	R.S. Contracting, Inc.	E-mail	9/11/2003	
12583	Sigma Associates, Inc.	Free	9/10/2003	
13730	SMART Management Group, LLC	E-mail		
13571	Tri-Cem Corporation	Free	9/23/2003	
13923	VanTech Engineering, Inc.	Free	9/22/2003	

Return to Main Menu Return to Report Menu

September 30, 2003

TO: The Honorable Mayor and City Council

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

SUBJECT: Private Agreement for Troy Auto Wash
Project No. 03.917.3

The Engineering Department has reviewed and approved plans for this project, which includes paving and sidewalk.

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

Approval is recommended.

G:\Projects\Projects – 2003\03.917.3 - Troy Auto Wash\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. 03.917.3	PROJECT LOCATION: 1350 Livernois
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 **Car Wash Builders, Inc.** whose address is **30555 Hoover, Warren, MI 48093** and whose telephone number is **(586)582-9400** hereinafter referred to as "Owners".

WITNESSETH, FIRST: That the City agrees to allow the installation of **paving and sidewalk** in accordance with plans prepared by **Northstar Engineering, L.L.C.** whose address is **11341 Meadowbrook, Warren, MI 48093** and whose telephone number is **(586)558-4064**, 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 **$6,500.00**. 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	☑	CK #7392
Performance Bond	☐	

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 (Public Improvements)	$	526.50
Engineering Review Fee (Private Improvements)	$	1,498.70
Water Main Testing Fee	$	
Street Cleaning/Road Maintenance (Refundable)	$	5,000.00
TOTAL:	$	**7,025.20**

* 8.1% (.081) of approximate contract price

CONTRACT FOR INSTALLATION OF MUNICIPAL IMPROVEMENTS

(PRIVATE AGREEMENT)

PROJECT NO. 03.917.3	PROJECT LOCATION: 1350 Livernois
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 **$ 13,525.20** 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. 03.917.3	PROJECT LOCATION: 1350 Livernois
RESOLUTION NO.	DATE OF COUNCIL APPROVAL:

IN WITNESS WHEREOF, the parties hereto have caused this agreement to be executed in duplicate on this _____day of _____, 20_____.

OWNERS

By: 9/30/03

Tony J. GALLO

Please Print or Type

_____

Please Print or Type

CITY OF TROY

By:

_____

Matt Pryor, Mayor

_____

Tonni Bartholomew, City Clerk

STATE OF MICHIGAN, COUNTY OF OAKLAND

On this _____ day of _____, A.D.20_____, before me personally appeared _____ known by me to be the same person(s) who executed this instrument and who acknowledged this to be his/her/their free act and deed.

_____

NOTARY PUBLIC, Oakland County, Michigan

My commission expires: _____

DETAILED SUMMARY OF REQUIRED ESCROW DEPOSITS AND CASH FEES
PRIVATE AGREEMENT FOR TROY AUTO WASH
PROJECT NO. 03.917.3

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

Escrow Deposits:

Paving	**5,500.00**
Sidewalk	**1,000.00**

Total Escrow Deposits: (check) **$ 6,500.00**

Cash Fees:

Review & Inspection	$2,025.20
Water Main Testing Fee	
Street Cleaning/Road Maintenance	5,000.00

Total Cash Fees: (check) **$ 7,025.20**

PROPOSED AUTO WASH
LIVERNOIS, TROY, MICHIGAN
—SITE PLAN—

LEGAL DESCRIPTION:

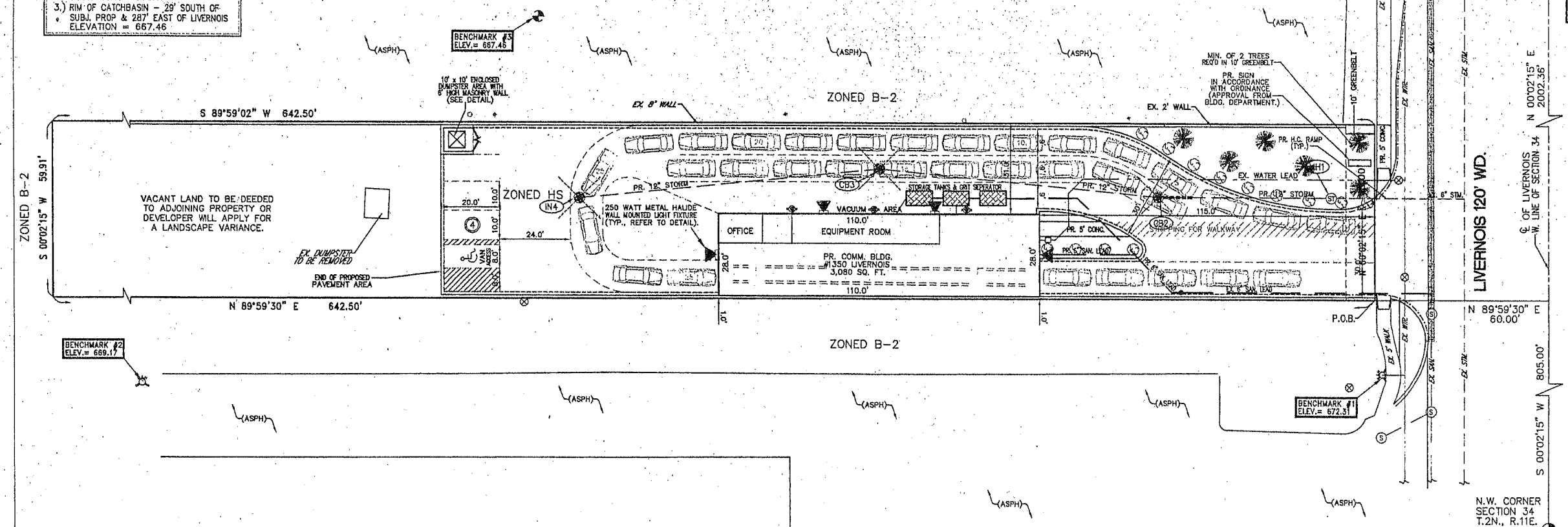
THE NORTH 60.00' OF THE WEST 642.50 FEET OF THE FOLLOWING DESCRIBED PARCEL: PART OF THE WEST 1/2 OF THE NORTHWEST 1/4 OF SECTION 34, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS S.00°02'15"W. 805.00 FEET ALONG THE WEST LINE OF SECTION 34 AND N.89°59'30"E. 60.00 FEET FROM THE NORTHWEST CORNER OF SECTION 34, T.2N.,R.11E.; THENCE N.89°59'30"E., 1275.54 FEET; THENCE S.00°12'48"W., 585.00 FEET; THENCE S.89°59'30"W., TO A POINT WHICH IS N.89°59'30"E., 260.00 FEET FROM THE WEST LINE OF SECTION 34; THENCE N.00°02'15"E., 213.15 FEET; THENCE N.89°59'02"E., 442.50 FEET; THENCE N.00°02'15"E., 292.00 FEET; THENCE S.89°59'02"W., 642.50 FEET; THENCE N.00°02'15"E., 60.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.92± ACRES OR 39,934± SQ. FT.
#1350 LIVERNOIS
PARCEL# 88-2034-101-013

NOTE:

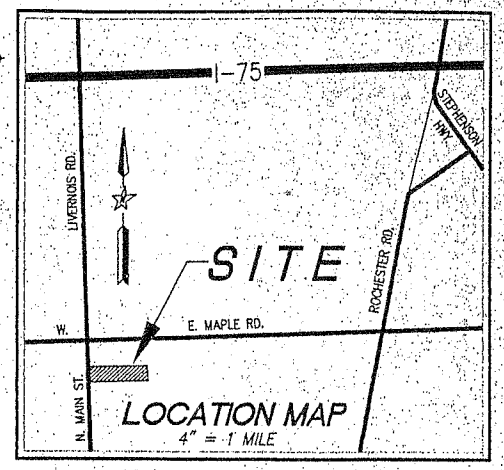
STORM WATER DETENTION TO BE PROVIDED IN PARKING AREA OR REAR OF SITE IF NECESSARY

CITY OF TROY BENCHMARK:
1.) ARROW ON T/HYDRANT #34-4
@ BUILDING #1350, EAST SIDE LIVERNOIS
ELEVATION = 672.306

SITE BENCHMARKS:
2.) ARROW ON T/HYDRANT - 36' NORTH OF SUBJ. PROP & 421' EAST OF LIVERNOIS
ELEVATION = 669.17
3.) RIM OF CATCHBASIN - 29' SOUTH OF SUBJ. PROP & 287' EAST OF LIVERNOIS
ELEVATION = 667.46



Scale 1" = 20 ft



LEGEND:

R.= RECORD
M.= MEASURED
ASPH.= ASPHALT
O.H.= OVERHEAD LINES
D.E.= DET. EDISON
CONC.= CONCRETE
F.F.= FINISH FLOOR
U.P.= UTILITY POLE
B.M.= BENCH MARK
T/C= TOP OF CURB
GU.= GUTTER
INV.= INVERT
W.= WATER
G.= GAS
F.G.= FINISH GRADE
B.L.= BRICK LEDGE
= DECIDUOUS TREE
= CONIFEROUS TREE
= STORM MAN-HOLE
= STORM CATCH-BASIN
= STORM MANHOLE
= STORM END-SECTION
= SANITARY MANHOLE
= SANITARY CLEAN-OUT
= FIRE HYDRANT
= TAPPING SLEEVE VALVE & WELL
= GATE VALVE & WELL
= UTILITY POLE
= UTILITY CROSSING
= ELECTRIC BOX
= TELEPHONE BOX
= STORM STRUCTURE TYPE & NO.
= SANITARY STRUCTURE NO.
= WATER MAIN STRUCTURE TYPE & NO.
= UTILITY CROSSING DATA TABLE NO.
BITUMINOUS ASPH.
CONC. PAVEMENT
CRUSHED CONC.
COMPACT SAND BACKFILL
STORM SEWER PIPE
SANITARY SEWER PIPE
WATER MAIN
ELECTRIC WIRES
GAS MAIN
CYCLONE FENCE
SILT FENCE
CONC. CURB - REVERSE GUTTER
CONC. CURB - NORMAL GUTTER

SITE DATA:

EXISTING USE: VACANT AUTOMOTIVE BUILDING
ZONED: HS (HIGHWAY SERVICE)
EXISTING TOTAL SITE: 39,934± SQ. FT. OR 0.92± ACRES
PR. AUTO WASH SITE: 19,494± SQ. FT. OR 0.45± ACRES
EXISTING BUILDING: 3,031 SQ. FT.
PROPOSED BUILDING: 3,080 SQ. FT.
PROPOSED BUILDING HEIGHT: 18'-0"
REQ'D. LANDSCAPE AREA: 10% OF 19,494 =1,949 SQ. FT.
PROVIDED LANDSCAPE AREA = 1,987 SQ. FT.
-PARKING REQUIREMENTS:
-MECHANICAL CAR WASH -
SPACES REQUIRED = 1 SPACE PER EMPLOYEE ON SHIFT
5 STACK SPACES PER 20' OF WASH LINE
100' LONG WASH LINE = 25 SPACES
SPACES PROVIDED = 4 EMPLOYEE PARKING SPACES
28 STACKING SPACES
5 CAR DRYOFF AREA
- MINIMUM YARD SETBACKS (PER LOT IN FEET)

-FRONT-	-SIDE(MIN.)-	-SIDE(TOTAL)-	-REAR-
40	20	40	30

* 0' SIDE YARD ALLOWED ON (INTERIOR LOTS)

GENERAL LANDSCAPING NOTES

1. PLANT MATERIALS SHALL NOT BE PLACED CLOSER THAN 4 FEET FROM THE FENCE LINE OR PROPERTY LINE.
2. WHERE PLANT MATERIALS ARE PLANTED IN TWO OR MORE ROWS, PLANTING SHALL BE STAGGERED IN ROWS.
3. EVERGREEN TREES SHALL BE PLANTED NOT MORE THAN 30 FEET ON CENTER.
4. NARROW EVERGREENS SHALL BE PLANTED NOT MORE THAN 10 FEET ON CENTER.
5. DECIDUOUS TREES SHALL BE PLANTED NOT MORE THAN 30 FEET ON CENTER.
6. TREELIKE SHRUBS SHALL BE PLANTED NOT MORE THAN 10 FEET ON CENTER.
7. LARGE DECIDUOUS SHRUBS SHALL BE PLANTED NOT MORE THAN 6 FEET ON CENTER.
8. ALL LANDSCAPE AREAS SHALL BE PROVIDED WITH AUTOMATIC UNDERGROUND IRRIGATION SYSTEMS.

LANDSCAPE LEGEND

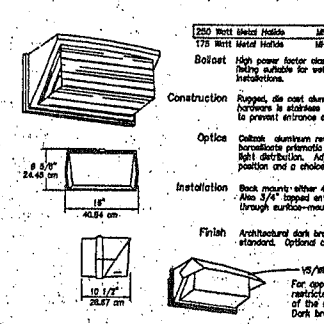
NORWAY MAPLE *(Acer platanoides)* 8'-0" TALL (or approved equal)
Tam Juniper - 6" TALL PLANTED 5' ON CENTER

SHEET INDEX

1.) SITE PLAN
2.) TOPOGRAPHIC & BOUNDARY SURVEY
3.) GRADING & PAVING PLAN
4.) UTILITY PLAN & PROFILE
5.) SOIL EROSION & SEDIMENTATION PLAN

3 WORKING DAYS (EXCLUDING SAT, SUN, AND HOLIDAYS)
BEFORE YOU DIG CALL MISS DIG
1-800-482-7171
(TOLL FREE)

WAL-PAK DETAIL
LUMARK WAL-PAK OR EQUAL
(NO SCALE)



250 Watt Metal Halide	MVM-250
175 Watt Metal Halide	MVM-175

Ballast High power factor class H insulation, 50 hz. U.L. listing suitable for wet locations and outdoor installations.

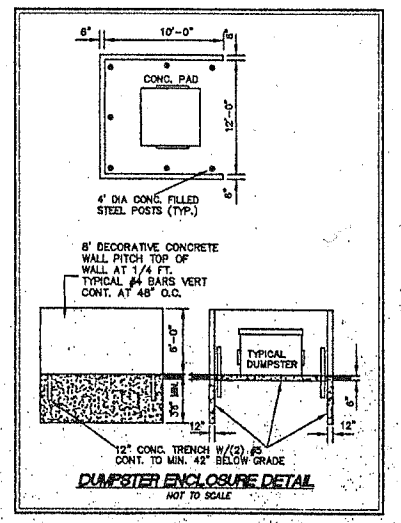
Construction Rugged, die cast aluminum housing. All external hardware is stainless steel. Sealed and gasketed to prevent entrance of contaminants.

Optics Gulloch aluminum reflector. Refractor is borosilicate prismatic glass designed for optimum light distribution. Adjustable mogul base socket position and a choice of two beam patterns.

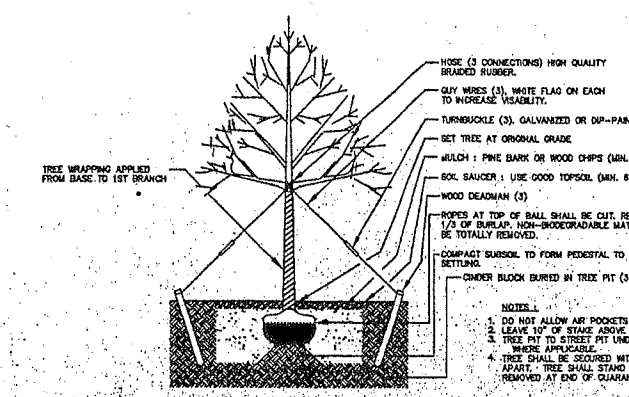
Installation Back mount: either 4" box outlet or 3/4" conduit. Also 3/4" tapped entry provided for power supply through surface-mounted conduit.

Finish Architectural dark bronze Polyester Powder Coat is standard. Optional colors are black, white, and gray.

VS/WL - Visor Shield
For applications in which light is to be restricted above the horizontal plane of the refractor. Field installed only. Dark bronze finish.

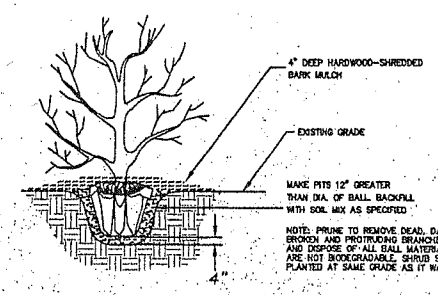


DUMPSTER ENCLOSURE DETAIL
NOT TO SCALE



NOTES :
1. DO NOT ALLOW AIR POCKETS TO FORM WHEN BACKFILLING.
2. LEAVE 1/2" OF STAKE ABOVE GRADE FOR REMOVAL.
3. TREE PIT TO STREET PIT UNDERDRAINAGE CONNECTION WHERE APPLICABLE.
4. TREE SHALL BE SECURED WITH 3 GUY WIRES SPACED 120° APART. TREE SHALL STAND PLUMB. GUY WIRES TO BE REMOVED AT END OF GUARANTEE PERIOD.

DECIDUOUS TREE PLANTING DETAIL
NOT TO SCALE



NOTE: PRUNE TO REMOVE DEAD, DAMAGED, BROKEN AND PROTRUDING BRANCHES. REMOVE AND DISPOSE OF ALL BALL MATERIALS THAT ARE NOT BIODEGRADABLE. SHRUB SHALL BE PLANTED AT SAME GRADE AS IT WAS GROWN.

SHRUB PLANTING DETAIL
NOT TO SCALE

JAMES VAN HAVERMAAT, PE No: 22012 — DATE 9/22/03

STATE OF MICHIGAN — JAMES VAN HAVERMAAT — ENGINEER — No. 22012 — REGISTERED PROFESSIONAL ENGINEER

NorthStar Engineering, L.L.C.
Civil Engineering and Surveying
11341 Meadowbrook
Warren, MI 48093
(586) 558-4064

RECEIVED SEP 23 2003 ENGINEERING

REVISIONS: 09/22/03 PER ENGINEERING

PROJECT: PROPOSED AUTO WASH

SHEET NAME: SITE PLAN

CLIENT: CAR WASH BUILDERS, INC.
30555 HOOVER
WARREN, MI 48093
(586)-582-9400
WWW.CARWASHBUILDERS.COM

DRAWN BY: S. Reynolds

DATE: 08/28/03

PROJECT NUMBER: 03029

SHEET NUMBER: 1 OF 5

September 25, 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 Easement for Sanitary Sewer at 5871 Hilmore – Section 11
Sidwell #88-20-11-103-014

In connection with the installation of a sanitary sewer on Hilmore, in the northwest ¼ of Section 11, south of Square Lake Road and east of Rochester Road, the Real Estate and Development Department has acquired a permanent easement from David G. Drouillard, the owner of the property at 5871 Hilmore. The consideration amount on the document is $1.00.

In order for our Engineering Department to proceed with this project, we recommend that City Council accept the attached permanent easement for sanitary sewers.

PERMANENT EASEMENT

Sidwell #88-20-11-103-014

David G. Drouillard, a single man, Grantor, whose address is 5871 Hilmore, Troy, MI 48098 for and in consideration of the sum of: One and no/100 Dollar ($1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace 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 his signature(s) this 22nd day of Sept A.D. 2003

(L.S.)
*David G. Drouillard, a single man

STATE OF MICHIGAN)
COUNTY OF Oakland)

The foregoing instrument was acknowledged before me this 22nd day of Sept 2003, by David G. Drouillard, a single man.

KAREN B. MALDEN
Notary Public, Oakland County, Michigan
My Commission Expires: July 2, 2006

Karen B Malden
*
Notary Public, Oakland County, Michigan

My Commission Expires July 2, 2006

Prepared by: Patricia A. Petitto
City of Troy

500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy

500 W. Big Beaver Road
Troy, MI 48084

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

EXHIBIT "A"

Section 11, 17' Wide Sanitary Sewer Easement
Parcel: 88-20-11-103-014
Owner: David G. Drouillard
Address: 5871 Hilmore

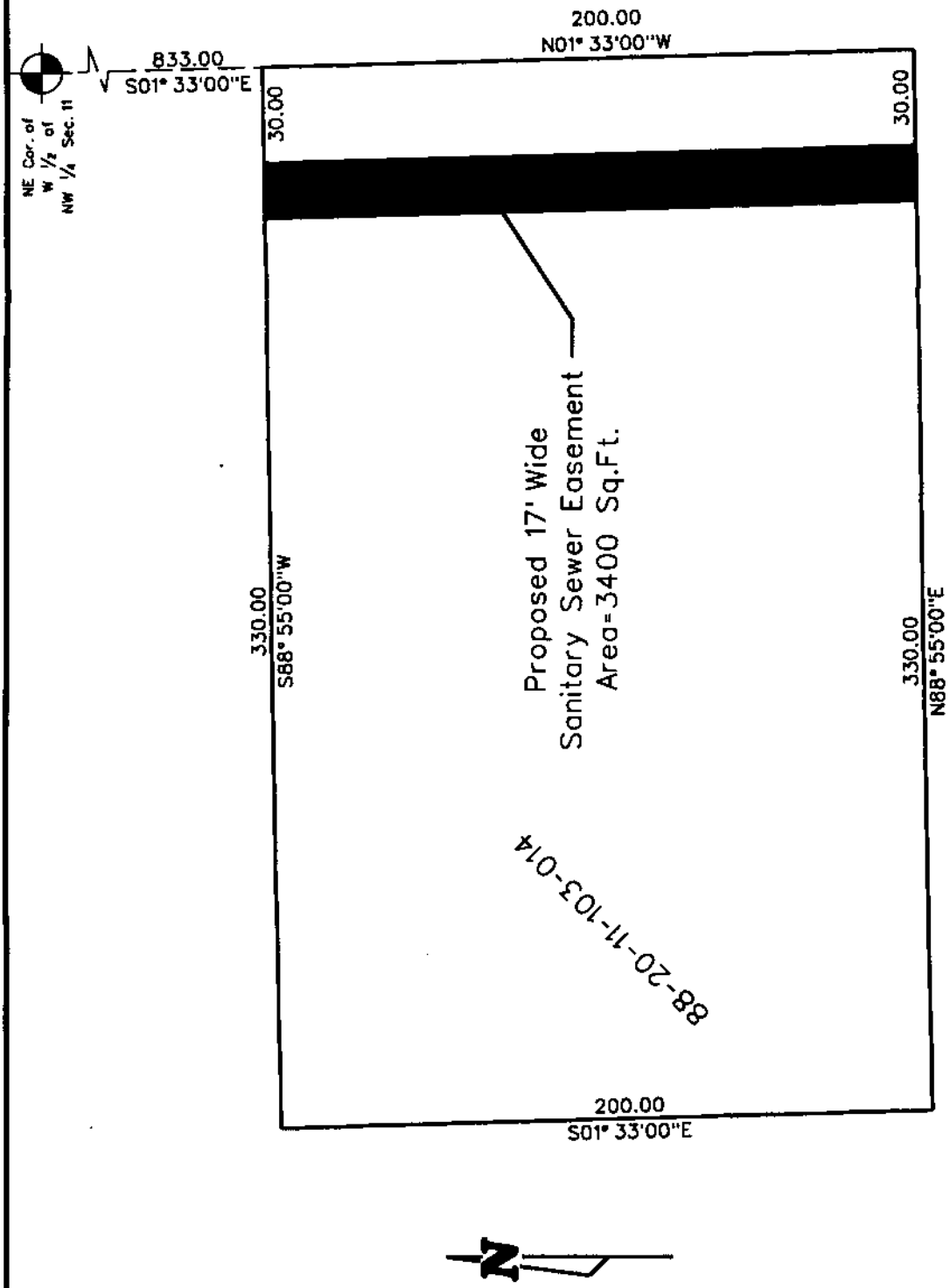
Description of Easement:

Part of the Northwest ¼ of Section 11, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Being more particularly described as follows:

The West 17.00 feet of the East 47.00 feet of the following described parcel:

Beginning at a point distant South 01 degrees 33 minutes 00 seconds East 833.00 feet from the Northeast Corner of the West ½ of the Northwest ¼ of said section 11; thence South 88 degrees 55 minutes 00 seconds West 330.00 feet; thence South 01 degrees 33 minutes 00 seconds East 200.00 feet; thence North 88 degrees 55 minutes 00 seconds East 330.00 feet; thence North 01 degrees 33 minutes 00 seconds West 200.00 feet to the Point of Beginning. The East 30.00 feet of which is currently being used for roadway purposes. Said easement contains 3,400 Square Feet or 0.078 Acres more or less.

5871 Hilmore



CITY OF TROY
OAKLAND COUNTY, MICHIGAN

Proposed Sanitary Sewer Easement

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=50'	NAME G.B. III	NAME GS	See Below
VER.	DATE 8-29-03	DATE 9-02-03	VIEW #1
		SHEET No. 1 of 1	JOB No.

STEVEN J. VANDETTE
CITY ENGINEER

DATE | REV. | CONTRACT No.

DOCUMENT PREPARED BY
George J. Ballard III
CITY SURVEYOR

SFLE3

September 30, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/Finance and Administration
Jeanette Bennett, Purchasing Director

RE: Standard Purchasing Resolution 2: Bid Award – Lowest Acceptable Bidder Meeting Specifications –
Pager Contract

RECOMMENDATION

On July 30, 2003, bid proposals were opened for three-year requirements of pager rentals for the City of Troy and various members of the Tri-County Purchasing Cooperative with an option to renew for up to three years. It is recommended the contract be awarded to the low total bidder meeting specifications, Public Safety Communications, an authorized SBC Paging agent, for an estimated annual total cost of $93,550.00, at unit prices contained in the attached bid tabulation.

SUMMARY

The City of Troy was the host city for the bid process conducted on behalf of the Tri-County Purchasing Cooperative cities including Farmington Hills, Sterling Heights, Royal Oak, Warren, Rochester Hills, Saint Clair Shores, and Pontiac. The City of Troy's estimated yearly total for pager rental is $34,530.00, without the additional costs for pager replacement and the voicemail feature.

The City has increased the number of pagers over the past six-years from 390 to 466 due to the activation of the Emergency Operations Plan.

EXPLANATION OF BIDS NOT MEETING SPECIFICATIONS

A total of six (6) bids were received of which both bids submitted by Arch Wireless did not meet specifications. One bid was based on 500 pages/month/pager, not 1000 as specified; and the agreement needed in order to provide public safety information services was not executed with the provider.

In addition to these omissions, reference checks revealed a number of concerns. The City of Battle Creek, the Pontiac Fire Department and the State of Michigan took issue with Arch's inability to provide timely service and maintain accurate account records, along with a lack of customer support and delivery of unacceptable equipment. These agencies have either terminated Arch's service or have no plans to renew their contracts.

BUDGET

Funds are available in various departmental operating budgets under Communications-Pagers.

56 Vendors Notified on MITN System
6 Bid Responses Rec'd
2 Bids did not meet specifications
1 No Bid: Company indicated job was too large.

					CITY OF TROY					**ITB-COT 03-20**		
Opening Date -- 7-30-03					**BID TABULATION**							**Page 1**
Date Prepared -- 9/18/03					**PAGER RENTAL**							
VENDOR NAME:				*	**Public Safety Co. LLC**					Verizon Wireless		
PROPOSAL --	NUMBERIC, ALPHA-NUMERIC, AND TWO-WAY PAGERS											
	ALL COSTS ARE TO BE BID PER PAGER PER MONTH BASED ON 1000 PAGES/MONTH/PAGER											
		EST QTY			COST	MON/Cost	YEAR/Cost			COST	MON/Cost	YEAR/Cost
NUMBERIC PAGERS:												
	South-East Michigan	555			**$ 3.43**	**$ 1,903.65**	**$ 22,843.80**			$ 3.00	$ 1,665.00	$ 19,980.00
	State-wide	0			**$ 3.43**	**$ -**	**$ -**			$ 3.00	$ -	$ -
	Nationwide	0			**$ 17.68**	**$ -**	**$ -**			$ 16.95	$ -	$ -
	Nationwide Custom Cover	0			N/A	N/A	N/A			N/A	N/A	N/A
ALPHA NUMERIC PAGERS:												
	South-East Michigan	460			**$ 5.25**	**$ 2,415.00**	**$ 28,980.00**			$ 5.95	$ 2,737.00	$ 32,844.00
	State-wide	330			**$ 5.25**	**$ 1,732.50**	**$ 20,790.00**			$ 5.95	$ 1,963.50	$ 23,562.00
	Nationwide	10			**$ 38.48**	**$ 769.60**	**$ 9,235.20**			$ 18.90	$ 189.00	$ 2,268.00
	Nationwide Custom Cover	10			N/A	N/A	N/A			$ 17.95	$ 179.50	$ 2,154.00
					Note Above: 20 pagers instead of 10							
TWO-WAY PAGERS:												
	State-wide	10			N/A	N/A	N/A			$ 15.95	$ 159.50	$ 1,914.00
	Nationwide	10			**$ 23.92**	**$ 478.40**	**$ 5,740.80**			$ 19.95	$ 199.50	$ 2,394.00
					Note Above: 20 pagers instead of 10							
OTHER TYPE PAGERS:												
Description							N/A					N/A
	South-East Michigan	0			N/A	N/A	N/A			N/A	N/A	N/A
	State-wide	0			N/A	N/A	N/A			N/A	N/A	N/A
	Nationwide	0			N/A	N/A	N/A			N/A	N/A	N/A
	Nationwide Custom Cover	0			N/A	N/A	N/A			N/A	N/A	N/A
						Monthly	Yearly				Monthly	Yearly
ESTIMATED TOTALS:		**1,385**				**$ 7,299.15**	**$ 87,589.80**				$ 7,093.00	$ 85,116.00
ADDITIONAL COSTS:												
REPLACEMENT PAGERS: (If not insured)		Lost or Stolen										
	Numberic Pager	10			**$ 35.00**		**$ 350.00**	$ 0.45	MO	**$ 15.00**	ea	**$ 150.00**
	Alpha Numeric Pager	20			**$ 75.00**		**$ 1,500.00**	$ 0.45	MO	**$ 35.00**	ea	**$ 700.00**
	Two-Way Pager	2			**$ 170.00**		**$ 340.00**	$ 1.50	MO	**$ 80.00**	ea	**$ 160.00**
	Other:	0			N/A		N/A			N/A		N/A
INSURANCE COST:												
	Numberic Pager	180			0	0	0	**$ 0.45**	MO	$15.00 ea	**$ 249.75**	**$ 2,997.00**
	Alpha Numeric Pager	150			0	0	0	**$ 0.45**	MO	$35.00 ea	**$ 364.50**	**$ 4,374.00**
	Two-Way Pager	10			0	0	0	**$ 1.50**	MO	$80.00 ea	**$ 30.00**	**$ 360.00**
	Other:	0			N/A	N/A	N/A			N/A	N/A	N/A
								Above: Based on Total # of Pagers (1,385)				
PC Software used/message entry		10			0	0	0			0	0	0
	or Free with # of Pagers						Blank					
	Quoting On --											
Network Software/Group paging		10			0	0	0			* 0	* 0	* 0
	or Free with # of Pagers						Blank	* Pages can be sent at no cost				0
	Quoting On --											
Programming Pagers for Depart.		10			0	0	0			0	0	0
	Cap Codes Prgm.						Blank					0
SPARE PAGERS ACTIVATED/ENTITY		25			0	0	0			0	0	0
PUBLIC SAFETY INFO SERVICES		200			**$ 1.00**	**$ 200.00**	**$ 2,400.00**			0	0	0
	Capable of providing service -- Y/N						Yes					Yes
INFORMATION SERVDATACAST		600			0	0	0			0	0	0
	Capable of providing service -- Y/N						Yes					Yes
VOICEMAIL												
	Capable of providing service -- Y/N						Yes					Yes
	Economy Package	10			**$ 1.00**	**$ 10.00**	**$ 120.00**			$ 1.80	$ 18.00	$ 216.00
	Standard Package	10			**$ 2.95**	**$ 29.50**	**$ 354.00**			$ 2.75	$ 27.50	$ 330.00
	Premium Package	10			**$ 5.95**	**$ 59.50**	**$ 714.00**			$ 4.00	$ 40.00	$ 480.00
	Custom Coverage: Personal Greeting	10			**$ 1.50**	**$ 15.00**	**$ 180.00**			0	0	0

				CITY OF TROY				ITB-COT 03-20		
Opening Date -- 7-30-03				BID TABULATION						Page 2
Date Prepared -- 9/18/03				PAGER RENTAL						
VENDOR NAME:			*	Public Safety Co. LLC				Verizon Wireless		
ADDITIONAL COSTS: (Cont'd)				COST	MON/Cost	YEAR/Cost		COST	MON/Cost	YEAR/Cost
OTHER SERVICES/ACCESSORIES										
Bungie Cords:		100		0		0		$2.50		$ 250.00
Gold Chains		0			Blank				Blank	
Other:		0			Blank				Blank	
Other:		0			Blank				Blank	
COVERAGE MAPS: Yes or No						Yes		Sec. 4		Yes
BILLING:										
Traditional Invoicing		Y or N				Yes				Yes
OnLine Invoicing		Y or N				No				Yes
Other:						Electronic Billing on CD				Blank
PREPAYMENT TERMS: (Cost Savings)										
Quarterly		Percent		0%				0%		
QUARTERLY ESTIMATED TOTALS:						$0.00				Blank
Semi-Annual		Percent		0%				0%		
SEMI-ANNUAL ESTIMATED TOTALS:						$0.00				Blank
Annual		Percent		0%				0%		
ANNUAL ESTIMATED TOTALS:						$0.00				Blank
ESTIMATED TOTAL - NUMERIC & TWO-WAY PAGERS										
EXTENSION OF AWARD TO TRI-COUNTY COOP:										
Y/N						Yes				Yes
EMPLOYEE/FAMILY MEMBER OPTION:										
AGREES						X				X
DOES NOT AGREE										
BAUD RATE:						Flex				900 MHZ 2400 Baud & Flex
CONTACT INFORMATION:										
Hrs of Operation:				Mon. - Sat. 7am - 7pm				24 hrs - 7 days a week		
24 Hr Emergency Number				877-394-4208				888-223-4123		
TERMS				Net 30				See Sec 3, Attchmt D Acct. Agreemt - line # 2		
WARRANTY				1 Year				Acct. Agreemt - line # 8		
EXCEPTIONS				Information on other models of pagers available that will meet needs ROE Accounts - $1.50 charge - vacation				Entities be responsible for injuries or Damages to Pagers during the contract.		
ESTIMATED GRAND TOTAL:										
- NUMERIC & TWO-WAY PAGERS						$ 29,274.60				$ 29,231.00
- ALPHA NUMERIC PAGERS						$ 64,273.20				$ 65,902.00
- ALL ITEMS						$ 93,547.80				$ 95,133.00

PROPOSAL-- Three Year Requirements of Pager Rentals for the City of Troy and Various Members of the Tri-County Purchasing Cooperative Group with an Option to Renew for Up to Three Years

N/A = Cannot supply
"0" = No Charge to the Cities

*** DENOTES LOWEST ACCEPTABLE BIDDER**

ATTEST:
David Roberts
Charlene McComb
Linda Bockstanz

Jeanette Bennett
Purchasing Director

G: ITB-COT 03-20 Pagers.xls

				CITY OF TROY		ITB-COT 03-20		
Opening Date -- 7-30-03				BID TABULATION				Page 3
Date Prepared -- 9/18/03				PAGER RENTAL				
VENDOR NAME:			Skytel Corp.				Cingular Wireless	
							Alternate Proposal	
							-Wireless Communications -	
PROPOSAL --	NUMBERIC, ALPHA-NUMERIC, AND TWO-WAY PAGERS							
	ALL COSTS ARE TO BE BID PER PAGER PER MONTH BASED ON 1000 PAGES/MONTH/PAGER							
		EST QTY	COST	MON/Cost	YEAR/Cost	COST	MON/Cost	YEAR/Cost
NUMERIC PAGERS:								
	South-East Michigan	555	$ 5.99	$ 3,324.45	$ 39,893.40	Blank	Blank	Blank
	State-wide	0	$ 5.99	$ -	$ -	Blank	Blank	Blank
	Nationwide	0	$ 19.99	$ -	$ -	Blank	Blank	Blank
	Nationwide Custom Cover	0	$ 19.99	$ -	$ -	Blank	Blank	Blank
ALPHA NUMERIC PAGERS:								
	South-East Michigan	460	$ 8.99	$ 4,135.40	$ 49,624.80	Blank	Blank	Blank
	State-wide	330	$ 8.99	$ 2,966.70	$ 35,600.40	Blank	Blank	Blank
	Nationwide	10	$ 31.99	$ 319.90	$ 3,838.80	Blank	Blank	Blank
	Nationwide Custom Cover	10	$ 31.99	$ 319.90	$ 3,838.80	Blank	Blank	Blank
TWO-WAY PAGERS:						***Units are Free/Service per Unit**		
	State-wide	10	$ 14.95	$ 149.50	$ 1,794.00	**$ 19.99**	$ 27,686.15	$332,233.80
	Nationwide	10	$ 14.95	$ 149.50	$ 1,794.00	**$ 19.99**	$ -	$ -
						***Plus: .20 cents overage (Per Kb)**		
OTHER TYPE PAGERS:								
	Description				Blackberry			
	South-East Michigan	0	Blank	Blank	Blank	Blank	Blank	Blank
	State-wide	0	Blank	Blank	Blank	Blank	Blank	Blank
	Nationwide	0	$ 39.99	$ -	$ -	Blank	Blank	Blank
	Nationwide Custom Cover	0	Blank	Blank	Blank	Blank	Blank	Blank
				Monthly	Yearly			
ESTIMATED TOTALS:		**1,385**		$ 11,365.35	$ 136,384.20		$ 27,686.15	$332,233.80
ADDITIONAL COSTS:								
REPLACEMENT PAGERS: (If not insured)			Lost or Stolen					
	Numberic Pager	10	$ 45.00		$ 450.00	Blank		Blank
	Alpha Numeric Pager	20	$ 120.00		$ 2,400.00	FREE		FREE
	Two-Way Pager	2	$ 150.00		$ 300.00	FREE		FREE
	Other:	0	Blank		Blank	FREE		FREE
INSURANCE COST:								
	Numberic Pager	180	$ 1.00	$ 180.00	$ 2,160.00	3.95		
	Alpha Numeric Pager	150	$ 1.00	$ 150.00	$ 1,800.00	3.95		
	Two-Way Pager	10	$ 1.00	$ 10.00	$ 120.00	**3.95**	**$ 5,470.75**	**$ 65,649.00**
	Other:	0	Blank	Blank	Blank	Blank	Blank	Blank
						Based on 1,385 Pagers		
PC Software used/message entry		10	0	0	0	Blank		
	or Free with # of Pagers				Blank			Blank
	Quoting On --							
Network Software/Group paging		10	0	0	0	Blank		
	or Free with # of Pagers				Blank			Blank
	Quoting On --							
Programming Pagers for Depart.		10	0	0	0	Blank		
	Cap Codes Prgm.				Blank			Blank
SPARE PAGERS ACTIVATED/ENTI		25	1% of Invoice Total			Blank		
PUBLIC SAFETY INFO SERVICES		200	**$ 35.00**	**$ 35.00**	**$ 420.00**	Blank		
	Capable of providing service -- Y/N		**(Up to 500 pagers)**		Yes			Blank
INFORMATION SERVDATACAST		600	0	0	0	Blank		
	Capable of providing service -- Y/N				Yes			Blank
VOICEMAIL								
	Capable of providing service -- Y/N				Yes			
	Economy Package	10	0	0	0	Blank	Blank	Blank
	Standard Package	10	0	0	0	Blank	Blank	Blank
	Premium Package	10	0	0	0	Blank	Blank	Blank
	Custom Coverage: Personal Gree	10	0	0	0	Blank	Blank	Blank

					CITY OF TROY		ITB-COT 03-20		
Opening Date -- 7-30-03					BID TABULATION				Page 4
Date Prepared -- 9/18/03					PAGER RENTAL				
VENDOR NAME:				Skytel Corp.				Cingular Wireless	
ADDITIONAL COSTS: (Cont'd)			COST	MON/Cost	YEAR/Cost		COST	MON/Cost	YEAR/Cost
OTHER SERVICES/ACCESSORIES									
Bungie Cords:		100	0	0	0			Blank	
Gold Chains		0		Blank					
Other:		0		Blank			Belt Clips	FREE	FREE
Other:		0		Blank					
COVERAGE MAPS:	Yes or No				Yes				Yes
BILLING:									
Traditional Invoicing		Y or N			Yes				Yes
OnLine Invoicing		Y or N			Yes				No
Other:					Data Invoicing - Excell				Blank
PREPAYMENT TERMS: (Cost Savings)									
Quarterly		Percent	N/A				Blank		
QUARTERLY ESTIMATED TOTALS:					N/A				Blank
Semi-Annual		Percent	N/A				Blank		
SEMI-ANNUAL ESTIMATED TOTALS:					N/A				Blank
Annual		Percent	N/A				Blank		
ANNUAL ESTIMATED TOTALS:					N/A				Blank
EXTENSION OF AWARD TO TRI-COUNTY COOP:									
	Y/N				Yes				Yes
EMPLOYEE/FAMILY MEMBER OPTION:									
	AGREES				X				Blank
DOES NOT AGREE									Blank
					D32 -Two-ways				
BAUD RATE:					2400 Baud				Blank
					6400 Flex				
CONTACT INFORMATION:									
Hrs of Operation:			8:30 to 5:30				8 am to 8 pm		
24 Hr Emergency Number			800-759-8737				Blank		
TERMS			See Sec 7. Of our agreement					Blank	
WARRANTY			See Sec. 5 & 6 of our agreement					Blank	
EXCEPTIONS			Federal Tax: Universal Fund Fee is 2.1% of Total Inovice Amt. FCC Related					Blank	
YEARLY EST. GRAND TOTALS:					$144,034.20				$397,882.80

N/A = Cannot supply
"0" = No Charge to the Cities

DMS:
Arch Wireless - Alternate Proposal: $(86,988.64) Including Estimated Cost for Batteries
Reason: Based on 500 Pages/Month/Pager; 1000 Pages/Month/Pager was specified.
Arch Wireless - Original Proposal: $(89,886.21) Including Estimated Cost for Batteries
Reason: Public Safety Informations Services - Not Available - No Signed Agreement w/provider, in addition to poor references.

NO BIDS:
SAT Radio Communications, LTD

G: ITB-COT 03-20 Pagers.xls

Downloading History for ITB-COT 03-20 Pagers

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of **10/1/2003.**

Document Title:	Pager Rentals
Date Issued:	7/15/2003
Close Date:	7/30/2003

Click on the table headings for "Account Number" or "Company name" to re-sort this report by that column. You may also click on any vendor account number to view their account information.

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
10419	@Wireless	E-mail		
10739	1 Nation Technology	E-mail		
11928	24-7 Battery Systems, dba Electronic Access., Inc.	Free	7/25/2003	
12223	AAA Communications	E-mail		
10366	Adams Electronics Company	Free	7/17/2003	
10694	Advanced Computer Concepts	E-mail		
13471	Afful Consulting Corporation	Free	7/22/2003	
13234	ALYKO Enterprises	Free	7/21/2003	
12374	Arch Wireless	Free	7/28/2003	
10142	Benchmark Financial Ltd	E-mail		
13426	Boots Inc.	Free	7/17/2003	
11093	Cellnet Communications	E-mail		
11869	Cingular Wireless	E-mail		
10056	City Of Sterling Heights	Free	7/16/2003	
10786	CMS Communications	E-mail		
12913	Cobra Computer Supplies, Inc.	Free	7/25/2003	
11029	Communications Direct	E-mail	7/15/2003	
11655	CommUSA	E-mail		
11309	ComSource, Inc.	E-mail		
12768	Diginet	E-mail		

12496	Fortbrand Services, Inc.	E-mail		
10346	Fusion Communications	E-mail		
10956	Holzberg Communications, Inc.	E-mail		
13088	Iron man Inc	E-mail		
12956	McCaffrey's Office Products, Inc.	E-mail		
10223	MEMORY 101	E-mail	7/16/2003	
12291	Mobile Communicatin Sales. Inc.	E-mail	7/17/2003	
10356	Mobile Communication Services Inc.	E-mail		
12899	Motorola, Inc.	E-mail		
12379	Multimedia Foundry	E-mail		
11520	Nextel Communications	E-mail		
12547	P&W Service Center	E-mail		
11010	Pegasus Theatrical Inc.	E-mail		
12313	platinum communications	E-mail		
12727	Prime Office Technology	E-mail		
13312	Public Safety Communications, LLC	E-mail	8/12/2003	
10758	SAT RADIO COMMUNICATIONS, LTD.	E-mail	7/15/2003	
10920	SkyTel Communications	E-mail	7/17/2003	
12840	Sound Security Incorporated	E-mail	7/25/2003	
12388	Southern Computer Warehouse	E-mail		
13340	SPECIAL EVENTS PARTY RENTAL	Free	7/21/2003	
10775	Stereo Advantage	E-mail	7/15/2003	
13065	SunTel Services	E-mail		
10018	taktik(z), Inc.	Free	7/21/2003	
10548	Teoma Systems	E-mail		
13439	Test Company Inc	Free	7/25/2003	
10010	Test E-mail Company	E-mail	8/8/2003	
10784	United Computer Capital Corp.	E-mail		
11799	Universal Components LLC	Free	7/16/2003	
12119	Verizon Wireless Messaging Services	Free	7/15/2003	
13414	Verizon Wireless Messaging Services	Free	7/17/2003	
11792	Wireless Resources Inc.	E-mail	7/28/2003	
13445	wrtech	Free	7/22/2003	
10520	Xcell Wireless	E-mail		
10209	XO Communications, Inc.	E-mail		
10209	XO Communications, Inc.	E-mail		

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CORPORATE AND GOVERNMENT
PAGING SERVICE AGREEMENT

SBC PAGING	**COMPANY**
AMERITECH MOBILE SERVICES, INC. DBA SBC PAGING	CITY OF TROY
By: _____	By: _____
Name: Lowell Todd	Name: Matt Pryor
Title: President	Title: Mayor
	Date: _____
By: _____	By: _____
Name: Norma Martinez Lozano	Name: Tonni Bartholomew
Title: C E O	Title: City Clerk
Effective Date: _____	Date: _____

WHEREAS, Company desires to purchase certain paging services and rent or purchase certain paging equipment. Further, Company desires to have the right to obtain additional services from SBC Paging from time to time during the term of this Agreement; and

WHEREAS, SBC Paging wishes to sell, and Company wishes to buy, such services, equipment and certain other optional features, all upon the terms and conditions set forth in this Agreement;

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein, and other good and valuable consideration received and to be received, the sufficiency of which is hereby acknowledged, SBC Paging and Company hereby agree as follows:

ARTICLE I. DEFINITIONS, AGREEMENT AND TERM

1.1 Certain Definitions. The following definitions shall apply to this Agreement:

(a) "Affiliate" means, except as otherwise indicated herein, with respect to an entity, any entity which (i) is controlled by either party, (ii) is under common control with either party, or (iii) controls either party.

(b) "Authorized User" means any person or entity, including Company, Affiliates of Company and Employees for whom the Company assumes liability under this Agreement.

(c) "Employee" means an individual employed by Company or an Affiliate during the term of this Agreement.

(d) "FCC" means the Federal Communications Commission.

(e) "Paging Service(s)" means the radio paging communications services provided under this Agreement.

(f) "Paging Service Abuse" means unauthorized use of Paging Services by an individual, customer or entity where access to such use was gained as a result of the negligent or intentional act of Company or any person acting by, through or under Company. Paging Service Abuse includes, but is not limited to, use which is illegal or use of foul or profane language.

(g) "Paging System" means a system or network by means of which Paging Service is provided.

(h) "Paging Unit(s)" means paging receiving and accessory equipment, which is technically and operationally compatible with the Paging System. Paging Units may be tone only, numeric display, alphanumeric display or two-way paging.

(i) "Paging Unit Number" means a telephone number, which accesses a Paging Unit which number is assigned to Company or an Authorized User by SBC Paging and becomes associated with a particular Paging Unit.

1.2 Scope of Agreement. During the term of this Agreement, SBC Paging will provide to Company and Company may obtain from SBC Paging the Paging Services in accordance with the terms and conditions set forth in this Agreement, provided that SBC Paging is able to obtain, retain, and maintain suitable facilities, licenses and rights for the

construction and maintenance of the Paging System. If SBC Paging terminates this Agreement citing this clause, the Company will not be charged any Early Termination Fees.

1.3 Initial Term. The initial term of this Agreement shall be for three (3) years (Initial Term) commencing on the Effective Date. The term of the Pricing Exhibit Schedule of Rates and Charges shall be for three (3) years except as set forth in Paragraph 3.1.

1.4 Renewal of Agreement. Upon expiration of the Initial Term, this Agreement shall be renewed automatically for successive one (1) year terms unless and until terminated by either party by delivery of notice of not less than ninety (90) days prior to the effective date of such termination.

ARTICLE II. ORDERING AND PROVISION OF SERVICES

2.1 Ordering. An Authorized User shall order paging services with proper identification demonstrating affiliation with Company to SBC Paging.

2.2 Marketing and Technical Support. SBC Paging will provide to Company the marketing support and other support service personnel necessary to ensure that all Paging Service and support issues are addressed in a timely and efficient manner. At the request of Company and to the extent deemed necessary by SBC Paging in providing support services, Company shall provide SBC Paging with a secure area on Company's property for use by SBC Paging personnel for providing support services.

2.3 Use of Paging Services.

(a) Paging Service is furnished for use by Company and/or Authorized Users or Employees only.

(b) Paging Service shall not be used in any manner that would constitute Paging Service Abuse.

2.4 Paging Unit Rental. SBC Paging shall rent Paging Units to Company for use under the terms of this Agreement at the rates and charges set forth in the Pricing Exhibit Schedule of Rates and Charges that is attached hereto and incorporated herein by this reference. If a Paging Unit fails to operate for reasons other than the negligence or willful acts of an Authorized User, and such failure continues for a period of twenty-four (24) hours, Company shall notify SBC Paging of such failure, return the defective Paging Unit to SBC Paging, and SBC Paging shall exchange such Paging Unit.

ARTICLE III. PRICING AND PAYMENT

3.1 Pricing. Company is primarily liable for and agrees to pay SBC Paging for Paging Service used by any Authorized User based on the amount of active pagers and rates and charges specified in the attached Pricing Exhibit Schedule of Rates and Charges.

3.2 Billing. SBC Paging will bill monthly, quarterly, semi-annually or annually. Billing cycle to be established at the request of Company.

3.3 Payment.

(a) Company is responsible for timely payment of all Paging Service charges incurred by an Authorized User.

(b) (i) A late payment charge of 1.5% per month will be imposed on any unpaid balance remaining when any bill is not paid in full within forty-five (45) days of date of invoice, unless Company provides SBC Paging with a dispute notice described in Subparagraph 3.3(b)(ii), below. The 1.5% late payment charge will be applied to any unpaid balance carried forward, and will be imposed on each and every subsequent bill, until any outstanding balance is paid in full.

(ii) If Company disputes any part of any bill, then in order to avoid incurring late payment charges on the disputed amounts, Company must provide SBC Paging with a written notice of the dispute within forty-five (45) days of receipt of a billing. The notice must identify each disputed item and state the reason why the item is disputed. Late payment charges will abate from the date the notice is received until the date the dispute is resolved to SBC Paging's satisfaction.

(iii) Except as otherwise set forth herein, any undisputed sum due to SBC Paging pursuant to this Agreement shall be payable within forty-five (45) days after receipt by Company of a correct invoice therefor from SBC Paging.

ARTICLE IV. WARRANTIES, INDEMNITIES AND LIABILITIES

4.1 WARRANTY DISCLAIMER. SBC PAGING AND ITS AFFILIATES MAKE NO WARRANTIES, EITHER EXPRESSED OR IMPLIED, CONCERNING THE FACILITIES, EQUIPMENT OR THE PAGING SERVICE, INCLUDING, WITHOUT LIMITATION, WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR USE OR PURPOSE. IT IS INTENDED BY THE PARTIES THAT THIS SECTION SHALL APPLY TO COMPANY AND TO ALL AUTHORIZED USERS.

4.2 Limitation of Liability. Neither party shall be liable to the other pursuant to this Agreement for any amounts representing indirect, consequential, exemplary, or punitive damages of the other party. In no event shall SBC Paging be liable to Company for actual, special, consequential or punitive damages such as, but not limited to, (a) loss of business, revenue or profits, (b) damages or losses as a result of Company's inability to fulfill agreements with third parties, (c) claims of personal injuries, or (d) injury to goodwill. SBC Paging's sole liability, if any, for loss or damage arising out of mistakes, omissions, interruptions, errors or other causes including the negligence of SBC Paging, shall be limited to a pro-rata credit for service interruptions as set forth below.

In no event shall SBC Paging be liable for interruptions or delays in transmission, or for errors or defects in transmission; nor shall SBC Paging be liable for failure to transmit when such problems are caused by Company, its agents or employees, acts of God, fire, war, riots, government authorities or by other causes beyond SBC Paging's control. No credit allowance will be given for interruptions caused by the negligence or by the willful acts of an Authorized User, or for interruptions caused by failure of service other than SBC Paging's service, or equipment failure of any kind.

SBC Paging will not be liable for any accidents or incidents that result from the presence of paging equipment or its use by Company, its Authorized Users and/or employees, or any other person. It is Company's responsibility to conform to all laws or regulations, and Company shall indemnify SBC Paging from claims arising from any unlawful use.

4.3 Paging Service Interruption Credits.

(a) Upon Company's request, a credit allowance will be made for any period of 24 hours or more during which Paging Service is unavailable. Such credit shall consist of a pro rata adjustment of the fixed monthly charges billed by SBC Paging for each affected Paging Unit. Any Paging Service interruption will be measured from the time it is (i) reported to or (ii) detected by SBC Paging, whichever occurs first. If any Paging Unit is affected by such interruption for a period of less than 24 hours, no adjustment shall be made. If a Paging Service interruption exceeds 24 hours, the length of the interruption will be measured in 24-hour days from the time the interruption is first reported to or detected by SBC Paging. After the first 24 hours of Paging Service interruption, any and all additional periods greater than 12 hours but less than 24 hours will be considered an additional day. Any fraction of a day consisting of less than 12 hours will not be credited. The credit allowance will be computed by dividing SBC Paging's fixed monthly charges by a standard 30-day month, and then multiplying the result by the length of the Paging Service interruption for each affected Paging Unit. The credit will never exceed the applicable fixed monthly charges. Such an adjustment will fulfill SBC Paging's full and complete liability for any Paging Service interruption, and no other liability will attach to SBC Paging as a result of any Paging Service interruption.

(b) Notwithstanding anything set forth in Subparagraphs 4.3(a) above, no credit allowance will be given for any Paging Service interruptions caused by the negligence or willful acts of Company and/or Authorized User, or for any interruptions caused by failure of equipment which is not a part of SBC Paging's Paging System, or for any interruption caused by service which is not provided by SBC Paging.

ARTICLE V. TERMINATION

5.1 Disconnection of Paging Service.

(a) By SBC Paging.

(i) If Company fails to pay any sum due SBC Paging, or materially violates any of the conditions of this Agreement, then upon written notice to Company, SBC Paging may, in addition to any other rights or remedies available hereunder or at law or equity, either temporarily discontinue or permanently terminate Company's Paging Service in whole or in part including Paging Service to Authorized Users. No credit allowance (as described in Subparagraph 4.3(a) above) shall be made, and SBC Paging shall not be liable to Company and/or any Authorized User for any damages whatsoever which may result from any such Paging Service interruption or termination. Except as provided in Subparagraph 5.1(a)(ii), (below), after giving such notice, SBC Paging will not discontinue Paging Service for at least eight (8) days.

(ii) If an Authorized User uses Paging Service and/or any Paging Unit in material violation of this Agreement, then SBC Paging will both take all action necessary to protect the Paging System and/or the Paging Service, and notify Company of such violation. Upon receipt of such notice, Company and/or Authorized User shall (1) immediately discontinue or correct such use and (2) within ten (10) days after receipt of SBC Paging's notice, provide SBC Paging with written confirmation that such use has ceased. If Company and/or Authorized User fails either (1) to discontinue or correct such use, or (2) to give such written confirmation within the time stated, then SBC Paging shall disconnect Paging Service (without credit allowance as described in Subparagraph 4.3(a), (above) until Company and/or Authorized User complies with this Subparagraph 5.1(a)(ii).

(iii) SBC Paging shall refuse, discontinue or terminate Paging Service without notice or liability in the event that either Paging Service or any Paging Unit is used by an Authorized User in any way that can reasonably be expected to have an adverse effect on Paging Service to other customers of SBC Paging.

(b) Termination of Agreement.

(i) Upon completion of the Initial Term, either party may terminate this Agreement, in whole or in part, by giving thirty (30) days prior written notice of termination to the other party. Company is responsible for payment of all Paging Service charges incurred while this Agreement is in effect. Company is responsible for the return to SBC Paging, at Company's expense, of all rental pagers.

(ii) In the event that either party becomes or is declared insolvent or bankrupt, is the subject of any proceedings relating to its liquidation, insolvency or a receiver or similar officer is appointed for it, or it makes an assignment for the benefit of all or substantially all of its creditors, or enters into an agreement for the composition, extension or readjustment of all or substantially all of its obligations, then the non-defaulting party may terminate this Agreement, in whole or in part, upon written notice if the defaulting party does not cure such default within ninety (90) days of such event. Upon such termination, neither party shall have obligations or liabilities to the other, except Company shall pay for actual Paging Service provided prior to the effective date of termination.

ARTICLE VI. MISCELLANEOUS

6.1 Binding Nature, Assignment, and Subcontracting. This Agreement shall be binding on the parties and their respective successors in interest and assigns. If either party subcontracts or delegates any of its duties or obligations of performance in this Agreement, that party shall remain fully responsible for complete performance of all of that party's obligations set forth in this Agreement. This Agreement may be assigned by SBC Paging to any of its Affiliates. If Company does not accept the assignment; Company can terminate this Agreement without incurring any penalty. Either Party shall assign this Agreement in whole or in part without the prior written consent of the other party.

6.2 Notices. Wherever one party is required or permitted to give notice to the other pursuant to this Agreement, such notice shall be deemed given when delivered in hand, when mailed by registered or certified United States mail, return receipt requested, postage prepaid, or when sent by a third party courier service where receipt is verified by the receiving party's acknowledgment and addressed as follows:

In the case of SBC Paging:

SBC Paging
2000 West Ameritech Center Drive
Hoffman Estates, Illinois 60196
Attn: Manager, Contracts, 2G81E

In the case of Company:

City of Troy
500 West Big Beaver Road
Troy, Michigan 48084
Attn: Purchasing Department

Either party may from time to time change its address for notification purposes by giving the other party written notice of the new address and the date upon which it will become effective.

6.3 Relationship of Parties. Nothing set forth in this Agreement shall be construed to create a partnership relationship, a principal and agent relationship or a joint venture relationship between SBC Paging and Company.

6.4 Approvals and Similar Actions. Where agreement, approval, acceptance, consent or similar action by either party hereto is required by any provision of this Agreement, such action shall not be unreasonably delayed or withheld.

6.5 Electronic Communications. If SBC Paging and Company mutually agree, business communications between the parties, including, but not limited to, purchase orders, invoices, and payment may be submitted electronically. In such case, the parties shall mutually agree in writing upon supplemental terms and conditions, including technical standards, for the electronic exchange of such items.

6.6 Purposely left blank.

6.7 Compliance with Laws. This Agreement and the parties' actions under this Agreement shall comply with all applicable federal, state and local laws, rules, regulations, and court orders, and governmental agency orders, including FCC rules and regulations. If a court or governmental agency with proper jurisdiction determines that this Agreement or a provision of this Agreement is unlawful, or if SBC Paging determines in good faith that this Agreement or a provision of this agreement is inconsistent with, or contradictory to, the FCC rule, regulation or any other laws, rules, regulations or court orders, this Agreement or that provision of this Agreement shall terminate. If a provision of this Agreement is so terminated and SBC Paging, in its reasonable discretion determines that it legally, commercially, and practicably can continue this Agreement without the terminated provision, the remainder of this Agreement will continue in effect, otherwise this Agreement shall terminate upon the effective date of the termination of the provision.

6.8 Force Majeure. The term "Force Majeure" shall be defined to include fires or other casualties or accidents, acts of God, severe weather conditions, strikes or labor disputes, war or other violence, or any law, order, proclamation, regulation, ordinance, demand, or requirement of any governmental agency. A party whose performance, other than Company's payment obligations hereunder, is prevented, restricted, or interfered with by reason of a Force Majeure condition shall be excused from such performance to the extent of such Force Majeure condition so long as such party provides the other party with prompt written notice describing the Force Majeure condition and takes all reasonable steps to avoid or remove such causes of nonperformance and immediately continues performance whenever and to the extent such causes are removed.

6.9 Severability. If any provision of this Agreement is declared or found to be illegal, unenforceable or void, then both parties shall be relieved of all obligations arising under such provision, but only to the extent that such provision is illegal, unenforceable or void, it being the intent and agreement of the parties that this Agreement shall be deemed amended by modifying such provision to the extent necessary to make it legal and enforceable while preserving its intent, or, if that is not possible, by mutual consent, substituting therefor another

provision that is legal and enforceable and achieves the same objective. If the remainder of this Agreement shall not be affected by such declaration or finding and is capable of substantial performance, then such provisions not so affected shall be enforced to the extent permitted by law.

6.10 No Third Party Beneficiaries. Other than as the result of an assignment in accordance with Paragraph 6.1, this Agreement shall not be deemed to provide third parties, including but not limited to Employees, with any remedy, claim, right of action, or other right; except that the provisions in this Agreement shall inure to the benefit of Affiliates.

6.11 Survival of Terms. Termination or expiration of this Agreement for any reason shall not release either party from any liabilities or obligations set forth in this Agreement which (i) the parties have expressly agreed shall survive any such termination or expiration, or (ii) remain to be performed or by their nature would be intended to be applicable following any such termination or expiration.

6.12 Trademarks. In connection with the Paging Services provided hereunder, neither party shall publish or use any advertising, sales promotions, press releases or other publicity matters which use the other party's logo, trademarks or service marks without the prior written approval of the other party. Neither party is licensed hereunder to conduct business under any logo, trademark, service mark or trade name (or any derivative thereof) of the other party.

6.13 Governing Law. This Agreement shall be governed in all respects by the laws of the State of Michigan.

6.14 Entire Agreement. This Agreement and all exhibits are incorporated by reference into the Agreement and constitute the entire and exclusive statement of the agreement between the parties with respect to its subject matter and there are no oral or written representations, understandings or agreements relating to this Agreement which are not fully expressed in the Agreement. This Agreement shall not be amended except by a written agreement signed by both parties.

6.15 Paging Unit Number. Neither Company nor any Authorized User shall acquire any proprietary right in any Paging Unit Number assigned by SBC Paging. SBC Paging has the right to assign, designate or change any Paging Unit Number as SBC Paging, in its sole discretion, deems reasonable or necessary. Under no circumstances can Company retain any Paging Unit Number for use with service purchased from a provider other than SBC Paging.

PRICING EXHIBIT SCHEDULE OF RATES AND CHARGES

Pricing for service is based on a minimum 3-year Initial Term.

These same rates and charges will be extended to any member of the Tri-County Purchasing Corp that signs a 3-year Paging Service Agreement with SBC Paging.

RATES AND CHARGES

Service Type	Pricing	Includes
Local Numeric	$3.43	Unlimited calls/month
Local Text	$5.25	1,000 calls/month, each additional $.05
NationSpan Nationwide Numeric	$17.68	200 calls/month each additional $0.25
NationSpan 1 Region Numeric	N/A	200 calls/month each additional $0.25
NationSpan 1 Region Text	$38.48	Please see "Guaranteed Messaging" below for pricing details
NationSpan Nationwide Text	$38.48	Please see "Guaranteed Messaging" below for pricing details
NationSpan Guaranteed Messaging Nationwide Text	N/A	500 calls/month (up to 100 characters considered 1 call) each additional $0.05
NationSpan 2-way Nationwide T900	$23.92	1000 calls/month (up to 100 characters considered 1 call) each additional $0.05

SBC PAGING LOCAL SERVICE OPTIONAL FEATURES

Option	Description	Pricing
Generic Greeting	Standard system greeting that instructs callers how to page the end-user.	FREE
Detailed Billing	Bill lists each unit on the account along with the associated services and option. Customers can also choose to have a department and/or cost center display on the bill as well.	FREE
DataCast (text pagers only)	Broadcasts news, sports, weather, business news, stock market updates, lottery and horoscope.	FREE
Master Cap Group Calling	Allows customers to send the same message to their pre-determined group of pagers. To utilize this option, the customer need only send the message once to an assigned group pager number.	FREE
Custom Greeting	This feature allows the end-user to record a personalized greeting for callers to hear.	$1.50
Numeric Retrieval	Allows end-users to call their own pager numbers to retrieve numeric pages sent to them (stores up to 15 messages)	$1.50
Alphanumeric Retransmission (text pagers only)	Allows end-users to call their own pager numbers to retrieve numeric pages and request the system "re-transmit" text messages sent to them (stores up to 15 messages)	$1.50
Regional Roaming*	This feature allows customers to maintain paging coverage while traveling within the SBC Paging 7-state paging region.	$2.95
Toll Free PIN	Pager is assigned a toll-free access number that can be used anywhere in the Continental U.S. in addition to the local pager number assigned to the pager.	$3.50
Voicemail	Holds 5 messages (up to 30 sec. long) for up to 12 hrs	$1.00
Message Alert Voicemail	Holds 10 message (up to 30 sec. long) for up to 12 hrs.; includes Custom Greeting	$2.95
Message Plus Voicemail	Holds 15 message (up to 60 sec. long) for up to 24 hrs.; includes Custom Greeting	$4.95
Message Manager Voicemail	Holds 20 message (up to 90 sec. long) for up to 72 hrs.; includes Custom Greeting	$5.95
Batteries		FREE

* Regional Roaming includes Alphanumeric Retransmission and Numeric Retrieval

Listed pricing is per unit per month. Unless otherwise noted, service pricing includes equipment rental. Optional Feature pricing is in addition to applicable service pricing. Pricing does not include taxes, tolls, Universal Service Funds fees (USF) and other federal and state mandated charges. Services rendered by SBC Paging. may be subject to federal, state and/or local taxes and USF fees.

SBC Paging will supply Company with sufficient spare pagers (but not less than five percent (5%) of the total number of each type of pager used by Company hereunder) to allow Company to process its own pager requests and activate pager equipment 24 hours a day, 7 days a week, 52

weeks a year, using SBC Paging's Remote Order Entry ("ROE") system. SBC Paging shall allow access to ROE at no additional charge.

SBC Paging guarantees replacement of rental equipment in cases of manufacturer defects and malfunction due to which SBC Paging considers normal wear and tear at no additional charge. This policy does not cover water damage and other customer abuses. In such cases, the Company is charged for the purchase of equipment as listed below:

Equipment Type	**Charge**
Numeric	$ 35.00
Alphanumeric (Text)	$ 75.00
WordSender	$ 50.00
T900 (2-way)	$170.00
Alphamate	$ 75.00
Page Writer 2000x or P935	$400.00

EXHIBIT A

CITY OF TROY REQUEST FOR PROPOSAL (TWO PAGES)

SBC'S BID PROPOSAL (SIX PAGES)

SPECIFICATIONS PAGER RENTAL (FIVE PAGES)

ATTACHMENT 1 PROJECTED USAGE (SEVEN PAGES)

NETWORK SPECIFICS AND RELIABILITY (TWO PAGES)

PAGER SPECIFICATIONS (TWO PAGES)

July 15, 2003 **ITB-COT 03-20**

Sealed proposal for **THREE YEAR REQUIREMENTS OF PAGER RENTALS FOR THE CITY OF TROY AND VARIOUS MEMBERS OF THE TRI-COUNTY PURCHASING COOPERATIVE GROUP WITH AN OPTION TO RENEW FOR ONE, TWO, OR THREE YEARS WHATEVER IS IN THE COOPERATIVE'S BEST INTEREST** will be received by the City of Troy at the Office of the City Clerk, 500 West Big Beaver Road, Troy, MI 48084 until **WEDNESDAY, JULY 30, 2003 AT 2:00 PM**, after which time they will be publicly opened and read in the Troy City Offices.

MARK ENVELOPES: **ITB-COT 03-20 PAGERS** ON THE LOWER LEFT-HAND CORNER.

The proposals will be for Pager Rental. Specifications are listed in the bid proposal form on file in the office of the City Clerk.

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

FURTHER INSTRUCTION TO BIDDERS

1. Any and all bids submitted must be on the City of Troy bid proposal forms. If more than one bid is submitted, a separate bid proposal form must be used for each. Forms are enclosed, or obtainable at the Purchasing Department, Troy.

2. Municipalities are exempt from Michigan State Sales and Federal Excise taxes. Do not include such taxes in the proposal figure. The individual Cooperative Members will furnish the successful bidder with tax exemption certificates when requested.

3. All items are to be F.O.B. delivered freight paid to all specified locations.

4. If further information regarding this bid is required, please contact the Purchasing Department at (248) 524-3338.

5. VENDOR CHANGES OR ALTERATIONS TO BID DOCUMENTS INCLUDING SPECIFICATIONS MAY RESULT IN A BID BEING CONSIDERED NON-RESPONSIVE. The only authorized vendor changes to a bid document will be in the areas provided for a bidder's response, including the "Exceptions" section of the bid proposal. If a change or alteration to the documents is undetected and the bidder is awarded a contract, the original terms, conditions, and specifications in the Authorized Version of the bid document will be applicable during the term of the contract. The City of Troy shall accept NO CHANGES to the bid document made by the Vendor unless those changes are set out in the "Exceptions" provision of the Authorized Version of the bid document. It is Vendor's responsibility to acquire knowledge of any change, modifications or additions to the Authorized Version of the bid document.

5. Continued

Any Vendor who submits a bid and later claims it had no knowledge of any change, modifications or additions made by the City of Troy to the Authorized Version of the bid document, shall be bound by the bid, including any changes, modifications or additions to the Authorized Version. If a bid is awarded to a Vendor who claims that it had no knowledge of changes, modifications or additions made by the City of Troy to the Authorized Version of the bid, and that Vendor fails to accept the bid award, the City of Troy may pursue costs and expenses to re-bid the item from that Vendor. The Authorized Version of the bid document shall be that bid document appearing on the MITN System with amendments and updates.

The City of Troy officially distributes bid documents from the Purchasing Department or through the Michigan Intergovernmental Trade Network (MITN). Copies of bid documents obtained from any other source are not considered official copies. Only those vendors who obtain bid documents from either the Purchasing Department or the MITN system are guaranteed access to receive addendum information, if such information is issued. If you obtained this document from a source other than the sources indicated, it is recommended that you register on the MITN site, www.govbids.com, and obtain an official copy.

6. To the fullest extent permitted by law, the successful bidder agrees to defend, pay on behalf of, indemnify, and hold harmless the City of Troy, its elected and appointed officials, employees and volunteers and others working on behalf of the City of Troy against any and all claims, demands, suits, or loss, including all costs connected therewith, and for any damages which may be asserted, claimed or recovered against or from the City of Troy, its elected and appointed officials, employees, volunteers or others working on behalf of the City of Troy, by reason of personal injury, including bodily injury or death and/ or property damage, including loss of use thereof, which arises out of or is in any way connected or associated with this contract.

SPECIAL INSTRUCTIONS

- All bidders are held to bid prices for 60 days or bid award, whichever comes first, except the successful bidder whose prices shall remain firm through contract completion.

- Final bid results will be posted on the MITN website after award. Please register to see results - www.govbids.com.

City of Troy

CITY OF TROY
BID PROPOSAL

The undersigned proposes to furnish **THREE (3) YEAR REQUIREMENTS OF PAGER RENTAL FOR THE CITY OF TROY AND INTERESTED ENTITIES WHO ARE A MEMBER OF THE TRI-COUNTY PUBLIC PURCHASING COOPERATIVE WITH AN OPTION TO RENEW FOR ONE, TWO, OR THREE YEARS WHATEVER IS IN THE COOPERATIVE'S BEST INTEREST,** in accordance with specifications attached hereto and to be considered an integral part hereof, at the following prices:

COMPANY NAME: PUBLIC SAFETY COMMUNICATIONS

PROPOSAL: Numeric, Alpha-numeric, and Two-Way Pagers

ALL COSTS ARE TO BE BID PER PAGER PER MONTH BASED ON 1000 PAGES/ MONTH / PAGER

Note: Estimated quantities are listed for each entity and identified as Attachment 1. All pagers will be in accordance with the attached specifications.

PAGER TYPE	EST. QTY.	DESCRIPTION	$ / PAGER / MONTH
Numeric Pagers	555	One Region Coverage – South-East Michigan	$ 3.43
	0	Statewide Coverage	$ 3.43
	0	Nationwide Coverage	$ 17.68
	0	Nationwide Custom Coverage	$ N/A
Alpha-numeric Pagers	460	One Region Coverage - South-East Michigan	$ 5.25
	330	Statewide Coverage	$ 5.25
	10	Nationwide Coverage	$ 38.48
	10	Nationwide Custom Coverage	$ N/A
2-Way Pagers	10	Statewide Coverage	$ N/A
	10	Nationwide Coverage	$ 23.92
Other Types of Pagers –	0	**Description:**	N/A
	0	One Region Coverage - South-East Michigan	$ see above
	0	Statewide Coverage	$ see above
	0	Nationwide Coverage	$ see above
	0	Nationwide Custom Coverage	$ N/A
Replacements	10	Numeric Pager	$ 35.00 / Each
Lost or Stolen	20	Alpha-numeric Pager	$ 75.00 / Each
	2	Two-way Pager	$ 170.00 / Each
	0	Other:	$ N/A / Each
Insurance	180	Numeric Pager	$ 0.00 / Each
	150	Alpha-numeric Pager	$ 0.00 / Each
	10	Two-way Pager	$ 0.00 / Each
	0	Other:	$ N/A / Each
PC Software – For Message Entry	10	Text to a specific call group via modem through provider	$ 0.00 / Each or free with ___ # of pagers

PAGER TYPE	EST. QTY.	DESCRIPTION	$ / PAGER / MONTH
Network Software- For Numeric, Alpha-numeric or 2-way Pagers	10	Novell or NT Networks – ability for groups and Individuals to send pages i.e. E-Mail to pagers.	$ 0.00 / Each Network Software Package or free with ____# of pagers
Programming Pagers for Departments (Cap Code Programming)	10	Interactive Voice Response System for over the phone. Limited PC Access for Computer	$ 0.00 /Each or free with ____# of pagers
Spare Pagers	**25 Ea Entity**	On Hand to be activated by the entity	$ 0.00 / Each
Public Safety Information Services	200	Fire Notification Network of Michigan	$ 1.00 / Pager/ Month
DATACAST	600	Information Services including news and Weather	$ 0.00 / Pager/ Month
Voicemail	10	Economy: 5 messages/ 30 sec length	$ 1.00 / Pager/ Month
	10	Standard: 10 messages/ 60 sec length	$ 2.95 / Pager/ Month
	10	Premium: 20 messages/ 90 sec length	$ 5.95 / Pager/ Month
	10	Custom Coverage: Personal Greeting	$ 1.50 / Pager/ Month
Other Services and Accessories:			
	100	**Bungie Cords**	$ 0.00 / Each
		Other:	$
		Other:	$
		Other:	$
		Other:	$
		Other:	$

Note: Attach additional sheets if necessary for additional pricing items.

COVERAGE MAPS: PLEASE INCLUDE COVERAGE MAPS WITH YOUR BID PROPOSAL. THE MAPS ARE ATTACHED AND IDENTIFIED AS A1, A2, A3.

"0" QUANTITIES: Some pager types and services listed on page 1 and 2 of 6 of the bid proposal do not have estimated quantities. The pager type or service is listed in order to obtain a contract price for that type of pager or service if a need arises during the contract period. The items will not be used for award purposes.

BILLING:

Traditional Invoicing by Department (X) Yes ( ) No
Customized Billing – Web-based - to enter an entity's records ( ) Yes (X) No
Other: Electronic Billing/Bill on CD

IMPORTANT:

Pager Rental Cost per month will include all fees and miscellaneous charges [i.e. connection fees, disconnect fees, finance charges, etc. (this list is a sample and not to be construed as a complete list)]

COMPANY NAME: PUBLIC SAFETY COMMUNICATIONS

PREPAYMENT TERMS:

The Tri-County Cooperative is aware of the cost savings for both the municipalities and vendors by being invoiced on a quarterly, semi-annual, or annual basis. Please indicate the percentage discount or monetary reduction that would be offered to the Tri-County Purchasing Cooperative for the following payment schedules:

Quarterly: 0.00 % or $ 0.00 dollar amount per invoice

Semi-annual: 0.00 % or $ 0.00 dollar amount per invoice

Annual: 0.00 % or $ 0.00 dollar amount per invoice

Due to fiscal year ending dates, two invoices may be required for a calendar year of the contract for annual billing (i.e. if the fiscal year ending date is June 30th, then in the first contract year, the first invoice will be necessary for the period of September 1st to June 30th; in subsequent years the fiscal year will be billed from July 1st to June 30th; in the final year of the contract, an extra bill will be necessary from July 1st to August 31st.)

EXTENSION OF AWARD TO THE TRI-COUNTY PUBLIC PURCHASING COOPERATIVE:

The Cities of Troy, Farmington Hills, Warren, Sterling Heights, Rochester Hills, St. Clair Shores, Pontiac, and Royal Oak are members of the Tri-County Public Purchasing Cooperative. If your company is the successful bidder for pager rental as referenced in this proposal and agrees to extend this contract for pagers under the same prices, terms, and conditions to other Cooperative Members not listed in this document, the following information is required:

(X) If an award is made to PUBLIC SAFETY COMMUNICATIO, it is agreed that the contract will be extended to other members of the Tri-County Public Purchasing Cooperative under the same prices, terms, and conditions.

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE: [signature]

( ) Our company is NOT INTERESTED in extending the contract.

If agreed by the successful bidder, the Cooperative Governmental Entities wishing to use this contract will issue a purchase order for the pagers awarded in the bid proposal. The type of units ordered will be at the Entity's discretion. Each Entity will provide delivery location(s), and must be invoiced separately to the address indicated on their individual purchase order.

Note: It will be at the successful bidder's discretion to extend this contract to other Governmental entities not a member of the Cooperative under the same prices, terms, and conditions. The Cooperative reserves the right to be notified if the vendor is marketing this contract to non-member entities.

COMPANY NAME: PUBLIC SAFETY COMMUNICATIONS

EMPLOYEE AND/OR FAMILY MEMBER OPTION:

The City of Troy or any Cooperative Member may request that the Successful Bidder extend the contract to employees and/or family members who may wish to carry a pager at the person's own expense. The individual will be billed directly and will not be charged on any City or Cooperative member's invoices.

City Identification of the individuals will be required at the successful bidder's option and must be provided to the successful bidder upon request of the successful bidder's representative. Batteries and invoicing terms will be provided only at the bidder's option.

(X) Our company **AGREES** to extend this service to individuals and bill them separately at bid pricing levels.

( ) Our company **DOES NOT AGREE** to extend pager rental to individuals at bid pricing levels.

PRICES:

All bidders are held to bid prices for 60 days or bid award, whichever comes first, except the successful bidder, whose prices shall remain firm for the entire contract period which shall commence on the date of award or August 19, 2003, whichever is later, and expire on August 31, 2006. The City of Troy and the Cooperative Members will have an option to renew for one, two or three years whichever is in the best interest of the entities. The renewal is subject to a favorable market survey and City Council approval.

IMPORTANT: A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

Additional accessories, which are not available at the time of bid submission, may be added to the contract at the Cooperative's discretion. The pricing structure of newly released accessories shall be at discount levels similar to current equipment offerings.

SIGNATURE OF AUTHORIZED COMPANY REPRESENTATIVE: Gary Wilkes

AWARD:

The evaluation and award of this bid shall be a combination of factors including but not limited to the following: bid prices, references, baud rate, area coverage, service, and the correlation of the proposal submitted to the needs of the City of Troy, and any other factors considered to be in the City of Troy's best interest.

The City of Troy and Cooperative Members reserve the right to award the proposal to the low total responsible bidder meeting specifications based on the monthly cost of the pagers using the total number of estimated pagers and services for all Cooperative Cities included in this bid proposal; to reject low bids which have major deviations from specifications; to accept a higher bid with only minor deviations.

BAUD RATE:

Local coverage area baud rate is FLEX

COMPANY NAME: PUBLIC SAFETY COMMUNICATIONS

REFERENCES

The City of Troy requests that your company list at least three (3) clients whom have had similar work completed by your company.

COMPANY NAME: CENTERLINE DEPT. OF SAFETY
ADDRESS: 7070 E 10 MILE RD, CENTERLINE, MI 48015
PHONE: 586-757-2200 CONTACT: LT. KEITH GURNEY

COMPANY NAME: EASTPOINTE FIRE DEPT.
ADDRESS: 16730 9 MILE RD., EASTPOINTE, MI 48021
PHONE: 586-445-5055 CONTACT: CAPT. GREG OAK

COMPANY NAME: STAR EMS
ADDRESS: 4564 W WALTON BLVD
PHONE: 248-674-9700 CONTACT: DAVE MILLER

APPROVED ALTERNATES:

The City of Troy Designated Representative will review any alternates submitted. Descriptive literature, which includes specifications, must be provided for items to be considered as alternates to the item(s) specified. An alternate pager sample must be submitted for testing if requested by the City of Troy. His/her decision as to acceptability will be considered in the City's and/or the Cooperative's best interest and will be final.

ESTIMATED QUANTITIES:

The City of Troy and Cooperative Entities reserve the right to request and obtain additional pagers during the term of the contract or to delete pagers, which are no longer deemed necessary. Quantities stated for each entity are "good faith" estimates based on current and projected usage.

CONTACT INFORMATION:

Hours of operation: MON-SAT 7am-7pm, CLOSED SUN

24 Hr. Emergency Phone No. 877-394-4208

INFORMATION:

For additional information or questions concerning this bid, please contact Linda Bockstanz, Associate Buyer at **(248) 524-3576** between the hours of 8:30 AM to 4:00 PM, Tuesday through Friday or **FAX (248) 619-7267.**

COMPANY NAME: PUBLIC SAFETY COMMUNICATIONS

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

COMPANY PUBLIC SAFETY COMMUNICATIONS

ADDRESS 30246 ROSENBUSCH CITY WARREN STATE MI ZIP 48088

TELEPHONE NUMBER(888)PSC-0911 FAX NUMBER: (877) 616-9334

REPRESENTATIVE NAME GARRY W. WATTS, TIMOTHY TEER (Print)

SIGNATURE OF AUTHORIZED REPRESENTATIVE Garry W Watts

TERMS NET 30 WARRANTY ONE (1) YEAR

E-MAIL sales@publicsafetycommunications.net DELIVERY FOB

EXCEPTIONS:

Any exceptions, substitutions, deviations, etc. from the specifications and this proposal must be stated below. The reasons for the exceptions, substitutions, deviations, etc. are an integral part of this bid offer.

Due to Motorola's exit from the Pager Manufacturing Business, we are including information on other models of Paging Equipment that we can offer in this bid. This equipment will meet your specific requirements as to pager functionality.
Pager numbers not in our ROE accounts will be charged $1.50 to be placed on vacation.

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

U. S. FUNDS: All prices quoted shall be in U. S. Currency.

City of Troy

SPECIFICATIONS
PAGER RENTAL

SCOPE: The contract shall include three (3) year requirements of pager rentals for the City of Troy, and the Tri-County Purchasing Cooperative Members consisting of the cities of Farmington Hills, Sterling Heights, Rochester Hills, Royal Oak, St. Clair Shores, Pontiac, and Warren. Any other Cooperative member may be added at the successful bidder's option.

PHONE NUMBERS:

Type 2 phone numbers are to be used for all pager rental, which shall be toll-free for area codes in the Tri-County Area. Type 2 lines are defined as those lines, which do not place a charge for the caller. The successful bidder shall use 800 numbers for Alpha-numeric paging terminal access. Numbers supplied shall be in the area code of the entity's phone system (i.e. 248 = City of Troy). The system shall also have the capability for direct telephone line connection from the entity's modem to the paging terminal.

VACATION SERVICE:

The City of Troy or Cooperative members reserve the right to put pagers with assigned phone numbers at certain times of the year on "Vacation". Vacation shall be defined as the process of making a pager with an assigned phone number INACTIVE during a non-peak time of the year or minimal usage period. When a "vacation" request is made by an entity, the monthly pager rental charge shall be discontinued until a request from the entity is made to activate the pager. If the vacation period exceeds one year the successful bidder may discontinue any one pager and notify the using department of the cancellation.

PAGER EXCLUSION:

The City of Troy or any Cooperative member shall reserve the right to exclude any pager rental from this contract if deemed in the entity's best interest to do so. An example of an excluded pager may be those used by undercover officers in the line of duty where the department's operations would be affected by a change in the current phone number(s).

PAGER MODELS:

All pagers are to be Motorola model pagers as follows, or an approved alternate that has the most current technology:

Numeric Pager	-	Motorola
Alpha Numeric Pager	-	Motorola Advisor Gold Flex Message
Two-Way Pager	-	Talkabout or Timeport

During the contract period, the successful bidder will be required to introduce upgraded equipment to all Cooperative Cities. At the request of an entity, the pagers will be upgraded to the new technology based upon availability by the successful bidder and will be at "no charge" to the governmental entity(s). The City of Troy and Cooperative members reserve the right to change the type of pager in any manner deemed necessary without incurring an additional cost for the change, and without having the phone number changed.

PAGING AREA:

Local coverage should be at approximately 2400 Baud Rate. Frequency Coverage for the Southeastern Michigan Area should include metropolitan Detroit and the approximate area south of a line from Bay City to Lansing. Statewide Coverage pricing should cover approximately 90% of the Lower Peninsula of the State of Michigan for Alpha-numeric and numeric pagers.

COVERAGE MAPS SHOWING TRANSMITTER LOCATIONS AND ASSOCIATED COVERAGE AREAS SHOULD BE INCLUDED WITH YOUR BID DOCUMENT. LABEL THE MAPS - ATTACHMENT A1, A2, ETC.

The designated Cooperative representative shall determine if a coverage area is acceptable to the City of Troy and the Cooperative. His/her decision shall be deemed in the Cooperative's best interest and will be final.

MAINTENANCE:

Any and all Maintenance is to be included in the bid price quoted. All pagers must be serviced within 24 hours after notification of a problem, and a "loaner" provided at no charge. Vendor will be responsible for pickup and delivery of the repaired unit at the following locations:

CITY OF TROY
Police Department, 500 W. Big Beaver Rd., Troy 48084
Police / Fire Training, 4850 John R, Troy, MI 48085
Building Department, 500 W. Big Beaver Rd., Troy 48084
Fire Department, 500 W. Big Beaver Rd., Troy 48084
Public Works, 4693 Rochester Rd., Troy 48085
Parks & Recreation, 3179 Livernois, Troy, MI 48083
P&R Garage, 4695 Rochester Rd., Troy, MI 48085
Sylvan Glen Golf Course, 5725 Rochester Rd., Troy, MI 48085
Engineering Department, 500 W. Big Beaver Rd., Troy 48084
Engineering Field Office, 3236 Rochester Rd, Troy, MI 48083

CITY OF FARMINGTON HILLS
Fire Headquarters, 31555 Eleven Mile Rd., Farmington Hills 48336
DPW , 27245 Halsted Rd., Farmington Hills 48331
San Marino Golf Course, 26634 Halsted Rd., F H 48331
City Hall, 31555 Eleven Mile Rd., Farmington Hills 48336
Police Department, 31655 Eleven Mile Rd., F H 48336

CITY OF STERLING HEIGHTS
City Hall, 50555 Utica Rd., Sterling Heights 48313
Police Department, 40333 Dodge Park, Sterling Heights 48313
Fire Department, 41625 Ryan Rd., Sterling Heights 48314
DPW Building, 7200 18 Mile Rd., Sterling Heights 48314

CITY OF ROYAL OAK
City Hall, 211 Williams St., Royal Oak 48067
Fire Department, 215 E. 6th Street, Royal Oak 48067
Ice Arena, 1403 Lexington, Royal Oak 48073
Public Service and Motor Pool, 1600 N. Campbell, Royal Oak 48067
Police Department, 221 E. 3rd, Royal Oak 48067

MAINTENANCE: continued

CITY OF WARREN
City Hall, 29500 Van Dyke, Warren 48093
Parks & Recreation, 32601 Warkop, Warren 48093
Cable Commission, 13333 Racine, Warren 48093
Stilwell Manor, 26600 Burg Rd., Warren 48093
Sanitation, 25601 Flanders, Warren 48093
DPW, 12801 Stephens, Warren 48089
Library, 5951 Beebe, Warren 48093
Water Department, 12821 Stephens, Warren 48089
Fire Department, 23295 Schoenherr, Warren 48093
Police Department, 29900 Civic Center Dr., Warren 48093
Waste Water, 32360 Warkop, Warren 48093

ROCHESTER HILLS
City Hall, 1000 Rochester Hills Drive, Rochester Hills, MI 48309
Public Safety Building, 1111 Horizon Court, Rochester Hills, MI 48309

ST. CLAIR SHORES
City Hall, 27600 Jefferson Circle, St. Clair Shores, MI 48081

CITY OF PONTIAC
City Hall, 47450 Woodward Ave., Pontiac, MI 48342
DPW, 55 Wessen, Pontiac, MI 48341

TERMINATION OF CONTRACT:

The City of Troy or any member of the Tri-County Purchasing Cooperative reserves the right to cancel their portion of the contract if an appropriate level of service is not maintained. The contract for any entity may be canceled by that governmental entity upon 30 Days written notice.

BILLING PROCEDURE:

Monthly billing is required although an Entity may elect to prepay on a monthly, quarterly, bi-annual or annual schedule. The invoices are to be sent directly to each entity. Each entity will process their appropriate paperwork to enter into contract with the successful bidder and will be solely responsible for their individual charges.

Invoices are to be broken down by each department (cost center) and must include the type of pager, phone number, and unit cost and any optional charges as bid in this document. Additional miscellaneous charges will not be allowed. Upon request, a summary monthly billing will be provided to the Purchasing Department of each entity at no additional cost. **MONTHLY BILLING AMOUNTS MAY FLUCTUATE DUE TO VACATION SERVICE OR ADDITIONAL ACTIVATIONS.**

The designated Cooperative representative will review a sample invoice prior to award. His/her decision as to acceptability of format will be deemed in the Cooperative's best interest and will be final. Additional reports may be requested which include all pagers including the Employee Option if available (AN ENTITY **WILL NEVER BE RESPONSIBLE** FOR BILLS INCURRED UNDER THE EMPLOYEE OPTION).

BILLING PROCEDURE: continued

ANNUAL BILLING: If the annual billing option is selected by an entity, that entity reserves the right to pay for any deletions or additions to the contracted number of pagers or services one time per year. The vendor must accurately reflect all additions or deletions to the contract in order for their bills to be paid by an entity.

BATTERIES: All rental pagers shall be supplied with batteries at NO CHARGE to the City of Troy or any participating member of the Cooperative. The successful bidder will also be responsible for all replacement batteries during the contract period and they should be supplied to all governmental entities on a monthly basis (1 battery per pager). The delivery location(s) of the replacement batteries will be at the discretion of the individual cities.

WITHDRAWAL OF AN ENTITY:

The Cooperative members reserve the right to withdraw from this contract if, and only if, the Elected Governing Board or Council in that Entity will not approve the contract as awarded.

The successful bidder is required to hold the prices for the other Member Entities unless more than one Entity of the existing participating members cannot get approval from their respective City Councils; then, the Cooperative Contract may be void if mutually agreed by the successful bidder and the remaining member entities.

PERFORMANCE: System performance shall be managed at an average throughput time of less than one minute (60 seconds) for message processing. System down time shall not be excessive.

DOCUMENTATION SHOWING SYSTEM PERFORMANCE AND RELIABILITY SHOULD BE INCLUDED WITH YOUR BID DOCUMENT AT THE TIME OF BID SUBMISSION.

LABEL THE PERFORMANCE DATA: B1, B2, B3, ETC.

VENDOR SUPPLIED PAGER EQUIPMENT LEASE / SERVICE AGREEMENTS:

If a paging equipment lease / service agreement is to be provided by the successful bidder for signature by each Cooperative entity, that agreement should be submitted with the bid proposal. The agreement will be reviewed by the City of Troy Law Department and will be amended to conform to the provisions set forth in this bid proposal. Unacceptable terms and conditions may be deleted or amended. There may be negotiations between the Law Departments of both parties in order to achieve an agreement acceptable to both parties. Other entities' law departments may require additional amendments to the agreement.

PROGRAMMING: The successful bidder shall also provide additional cap code(s) upon request as available and feasible. See the City of Troy Common Cap Code (used for group paging quantities listed below)

CITY OF TROY COMMON CAP CODE QUANTITIES BY DEPARTMENT [1]

DEPARTMENT	NUMBER OF COMMON CAP CODES
Fire Department	14 [2]
Streets	3
Parks and Recreation	1
Building Operations	1
Engineering Department	1
Sylvan Glen Golf Course	1
Police Department	1
Water Department	1
E.O.P.	1
DPW	1
Citywide	1
Estimated Total	26

[1] In addition to individual pager cap code
[2] In addition to individual pager cap code

ATTACHMENT 1
PROJECTED USAGE

CITY OF TROY

DEPARTMENT		QUANTITY	TYPE OF PAGER	COVERAGE
Assessing		3	Alpha-numeric	One Region – S.E. Michigan
Building		3	Alpha-numeric	One Region - S.E. Michigan
Building Operations		14	Alpha-numeric	One Region - S.E. Michigan
Engineering		17	Alpha-numeric	One Region - S.E. Michigan
Finance		1	Alpha-numeric	One Region – S.E. Michigan
Fire		196	Alpha-numeric	Statewide
Human Resource		3	Alpha-numeric	One Region - S.E. Michigan
Law		1	Alpha-numeric	Nationwide
Manager's Office		2	Alpha-numeric	Nationwide
Museum		1	Alpha-numeric	One Region – S.E. Michigan
Public Works	City Hall	1	Alpha-numeric	One Region – S.E. Michigan
	Motor Pool	1	Alpha-numeric	Statewide
		3	Alpha-numeric	One Region – S.E. Michigan
		1	Numeric	One Region – S.E. Michigan
	Streets	33	Alpha-numeric	One Region – S.E. Michigan
		1	Alpha-numeric	Statewide
	Water	35	Alpha-numeric	One Region – S.E. Michigan
Parks & Recreation		48	Alpha-numeric	One Region – S.E. Michigan
Planning		1	Alpha-numeric	One Region – S.E. Michigan
Purchasing		3	Alpha-numeric	Statewide
Police		90	Alpha-numeric	One Region - S.E. Michigan
		4	Alpha-numeric	Statewide
		4	Alpha-numeric	Nationwide
	GRAND TOTAL	466		

ATTACHMENT 1
PROJECTED USAGE

FARMINGTON HILLS

DEPARTMENT	QUANTITY	TYPE OF PAGER	COVERAGE
Building Maintenance	3	Alpha-numeric	S.E. Michigan
Building	3	Numeric	S. E. Michigan
Central Services	7	Alpha-numeric	S.E. Michigan
City Manager's Office	1	Numeric	S. E. Michigan
DPW	4	Alpha-numeric	S. E. Michigan
	3	Numeric	S.E. Michigan
Finance	3	Alpha-numeric	S. E. Michigan/ Statewide
Fire	20	Alpha-numeric	S. E. Michigan
Ice Area	4	Alpha-numeric	S.E. Michigan
Police	49	Alpha-numeric	S. E. Michigan
	2	Alpha-numeric	Nationwide
	4	Numeric	S.E. Michigan
Special Services	16	Numeric	S. E. Michigan/ 2 w/voicemail
	4	Alpha-numeric	S.E. Michigan
GRAND TOTAL	**123**		

Possible for 5 to 10 of the Two-ways – Statewide or Nationwide

ATTACHMENT 1
PROJECTED USAGE

STERLING HEIGHTS

DEPARTMENT	QUANTITY	TYPE OF PAGER	COVERAGE
Building	2	Numeric	S. E. Michigan
	10	Alpha-numeric	S. E. Michigan
Central Service	5	Numeric	S. E. Michigan
City Manager	1	Numeric	S. E. Michigan
Controller	1	Alpha-numeric	S. E. Michigan
Community Services	1	Numeric	S. E. Michigan
Finance	1	Numeric	S. E. Michigan
Fire Department	11	Numeric	S. E. Michigan
	5	Alpha-numeric	S. E. Michigan
Library	1	Alpha-numeric	S. E. Michigan
M.I.S.	5	Alpha-numeric	S. E. Michigan
Parks and Recreation	1	Alpha-numeric	S. E. Michigan
Police Department	80	Numeric	S. E. Michigan
Purchasing	1	Numeric	S. E. Michigan
Risk Management	1	Numeric	S. E. Michigan
Emergency Management	4	Alpha-numeric	Statewide
DPS (Public Service)	11	Numeric	S. E. Michigan
	1	Alpha-numeric	S. E. Michigan
GRAND TOTAL	**142**		

ATTACHMENT 1
PROJECTED USAGE

WARREN

TYPE & QUANTITY

DEPARTMENT	NUMBERIC	NUMBERIC W/ V.M.	ALPHA NUMBERIC	ALPHA NUMBERIC W/ V.M.	COVERAGE
ATTORNEY	1				S.E. MICHIGAN
BEAUTIFICATION	1				S.E. MICHIGAN
BUILDING	1				S.E. MICHIGAN
BUILDING MAINTENANCE	10		1		S.E. MICHIGAN
CABLE	4		1		S.E. MICHIGAN
CLERKS	2			1	S.E. MICHIGAN
DPW	18		3		S.E. MICHIGAN
ENGINEERING			2		S.E. MICHIGAN
FIRE			22		S.E. MICHIGAN
INFORMATION SYSTEMS	1				S.E. MICHIGAN
JOSEPH COACH		1			S.E. MICHIGAN
LIBRARY	3				S.E. MICHIGAN
MAYORS	2				S.E. MICHIGAN
PARKS & REC	8				S.E. MICHIGAN
PERSONNEL	3				S.E. MICHIGAN
PLANNING			1		S.E. MICHIGAN
PLANNING/CDBG	1				S.E. MICHIGAN
POLICE	66		14		S.E. MICHIGAN
PUBLIC SERVICE			2		S.E. MICHIGAN
PURCHASING	1				S.E. MICHIGAN
RENTAL	1				S.E. MICHIGAN

WARREN

Continued.

DEPARTMENT	NUMBERIC	NUMBERIC W/ V.M.	ALPHA NUMBERIC	ALPHA NUMBERIC W/ V.M.	COVERAGE
SANITATION	2		1		S.E. MICHIGAN
SERVICE			1		S.E. MICHIGAN
STILWELL	1	1			S.E. MICHIGAN
WWTP	15		1		S.E. MICHIGAN
WATER	18		1		S.E. MICHIGAN
COLUMN TOTALS	**159**	**2**	**50**	**1**	
GRAND TOTAL	**212**				

ATTACHMENT 1
PROJECTED USAGE

ROYAL OAK

DEPARTMENT	QUANTITY	TYPE OF PAGER	COVERAGE
Assessing	1	Numeric	S. E. Michigan
City Attorney	1	Numeric	S. E. Michigan
City Manager	2	Numeric	S. E. Michigan
Court	3	Numeric	S. E. Michigan
Engineering	1	Numeric	S. E. Michigan
Fire	14	Numeric	S. E. Michigan
Ice Arena	3	Numeric	S. E. Michigan
Library	1	Numeric	S. E. Michigan
Motor Pool	4	Numeric	S. E. Michigan
Parks and Recreation	1	Numeric	S. E. Michigan
Police	47	Numeric	S. E. Michigan
	1	Alpha-numeric	S. E. Michigan
Public Service	14	Numeric	S. E. Michigan
GRAND TOTAL	**93**		

ROCHESTER HILLS

DEPARTMENT	QUANTITY	TYPE OF PAGER	COVERAGE
Various	123	Alpha-numeric	Statewide
	2	Alpha-numeric	Nationwide

Possible for a couple of Two-ways – Nationwide

ST. CLAIR SHORES

DEPARTMENT	QUANTITY	TYPE OF PAGER	COVERAGE
Various	29	Alpha-numeric	S.E. Michigan

CITY OF PONTIAC

DEPARTMENT	QUANTITY	TYPE OF PAGER	COVERAGE
Various	160	Numeric	S.E. Michigan
	1	Alpha-numeric	S.E. Michigan

NETWORK SPECIFICS AND RELIABILITY

SBC Paging provides local and regional coverage in the SBC Paging footprint using the 931.3375 MHz frequency network. The SBC Paging 931.3375 MHz transmitter network typically operates at reliability levels that exceed 99.8%. The Glenayre switches operated at a 99.987% reliability level for all of 2002.

Overall network reliability for the last 5 years, is as follows (these figures include outages related to normal feature upgrades also):

	Transmitters	Switches
1997	99.9325%	99.9937%
1998	99.4669%	99.9681%
1999	99.8649%	99.9941%
2000	99.8928%	99.9871%
2001	99.8931%	99.9872%
2002	99.8942%	99.9873%

Paging Switches/Terminals

All pages route through a paging switch which handles all incoming calls and routes pages to the RF transmitter network in their respective geographic area. Once a page leaves one of these two switches it is sent to a satellite uplink via a dedicated data circuit (which is backed up by a dial-up circuit and a connection via the SBC Paging WAN). At the satellite uplink the page is sent to a satellite and distributed to the paging transmitter sites located in the appropriate area. The paging transmitter sites then send the page to the appropriate pager.

All pages are sent via telephone circuits and satellites. However, all telephone circuits have a minimum of 2 redundant paths and the entire telephone/satellite configuration is automatically bypassed in the event of a failure.

All switches associated with the SBC Paging network have redundant capabilities for all critical portions of the switch.

All switches have redundant power sources.

All switches are operated at the latest software revision.

Transmitter Equipment

SBC Paging transmitter sites typically operate at a reliability rate, which exceeds 99.8%.

Over 87% of all transmitter outages are due to commercial power outages or weather related items.

SBC Paging maintains emergency generators throughout the region to limit downtime associated with commercial power outages.

In most areas, the concentration of transmitter sites provides overlapping coverage that insures the reception of pages even in the event of a site failure.

All sites have fully automated alarming capabilities on a 24 hour by 7 day basis. Alarms are typically reported within 60 seconds of occurrence.

The Glenayre NetMan monitor's all network alarms and dispatches technical personnel 24 hours per day, 365 days per year.

All transmitter components are kept in stock in a number of locations though-out the SBC Paging region to insure that repairs are made on a timely basis.

All sites are equipped with automatic dial backup capabilities to prevent outages in the event of a satellite failure.

Paging Response Time

SBC Paging strives to deliver pages in less than 60 seconds. Pages are typically received in less than 30 seconds.

Total system availability is 99.95%. Ameritech automatically tests throughput in five-minute intervals by a dedicated computer that reports the averages daily to designated engineers and corporate employees.

Satellites

In the event of a satellite failure the paging transmitters automatically connect to the paging switch to receive traffic. This process is initiated in 10 to 30 seconds after a satellite failure, depending on the critical nature of the transmitter site, and normal paging is typically restored within 1 minute.

SBC Paging has the ability to supply NationSpan pagers with local coverage outside of the SBC Paging coverage area as well as nationwide, international and 2- way coverage through a strategic alliance with Weblink Wireless. As part of our relationship, SBC Paging has monthly performance reviews with WebLink Wireless. In addition, a monthly report card is completed based on account management, terminal outages, accuracy and timeliness of invoices.

ADVISOR Elite™

Features:	Benefits
FLEX™ Capable	Offers users the latest and most efficient technology affording extended battery life and page reliability.
Display Lines: 4	Easy to read entire text messages at a single glance.
Zoom Display: 2 Lines	Zoom in from 4 lines to 2 lines for a larger view of your messages.
Optimax EL™ Electra Light Display	Providing exceptional clarity and optimum readability in low-light conditions.
Total Character Memory: Up to 30,000	Enough room to store a book of information.
Message Slots: 34	Plenty of memory to receive and store all your important messages and up to 15 different information services.
Information Service Capability	Allows user to receive information services such as sports, weather, headline news, stocks.
Notebook Entries	Use the notebook entries to store any important messages for future reference. This could include messages containing names and phone numbers of friends, family, or business associates.
Shows Time and Date	Pager provides added convenience since it also acts as a watch and calendar.
Message Timestamping: Date and Time	Helps you prioritize your messages by knowing exactly what date and time they were received.
Message Alarm	No need to ever forget important dates in the future...like that special someone's birthday. Send yourself a message and set your message alarm to remind you of that important date in the future.
Alarm	You can set your pager to wake you up in the morning or to remind you of that important appointment.
Message Preview	Allows you to view the first line of each message for quick reference.

User Selectable Alerts	Choose your favorite, or change your alert so you can differentiate your pager from others.
Vibrating Alert	You can be alerted of incoming messages in a noisy environment or discreetly alerted when you do not want to disturb those around you with a loud alert.
Selective Erase	Allows you to erase messages that are no longer needed, thereby keeping your pager's memory organized.
Erase All	Keep your memory slots organized by easily erasing all read, unprotected messages when you no longer need to save them.
Memory Retention	Don't accidentally erase important messages by turning off your pager - the messages are retained when the pager is off.
Battery Backup	Retains messages in memory while replacing the battery.
Battery Gauge	Monitors your pager's energy level, so it is easy to see at a glance the remaining life of your battery.
Reminder Alert	A short friendly alert reminds you when you have not reviewed your messages.
Duplicate Message	Duplicate Messages are stored in the same memory slot as original message - saving memory space for new messages. The latest timestamp is used and a Duplicate prompt is displayed when the message is read.
Backlit Display	Allows you to easily read your messages at night or in a low light environment.
Battery: 1 AA	Replacements readily available.

Accessories

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Last updated: September 12, 2000

September 25, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Gary A. Shripka, Asst. City Manager/Services
Steven J. Vandette, City Engineer
John K. Abraham, Traffic Engineer

SUBJECT: Traffic Committee Recommendations

At the Traffic Committee meeting of September 17, 2003, the following recommendations were made for City Council approval:

1. Recommend no changes to traffic control at Andover and Hounds Chase (Item 5).

2. Recommend prohibiting left turns from the Shell station onto northbound Crooks from 7:00 a.m. to 6:00 p.m. and recommend driveway redesign to owners of Osborne Square (Item 6).

3. Recommend installation of permanent four-way STOP signs at Town Center and Civic Center (Item 7).

4. Recommend no changes to traffic control at Lanergan and Paddington and at Lanergan and Newgate (Item 8).

5. Recommend no changes to traffic control on Hidden Ridge at Colebrook (Item 9).

JKA/ln

TRAFFIC COMMITTEE 9/17/03
SUGGESTED RESOLUTIONS:

1. RESOLVED, that no changes be made to traffic control at Andover and Hounds Chase.

2. RESOLVED, that left turns be prohibited from the Shell station onto northbound Crooks from 7:00 a.m. to 6:00 p.m.

3. RESOLVED, that permanent four-way STOP signs be installed at Town Center and Civic Center.

4. RESOLVED, that no changes be made to traffic control at Lanergan and Paddington and at Lanergan and Newgate.

5. RESOLVED, that no changes be made to traffic control on Hidden Ridge at Colebrook.

DRAFT

The Traffic Committee meeting was called to order at 7:30 p.m. in the Lower Level Conference Room at Troy City Hall on September 17, 2003 by Jan Hubbell.

1. Roll Call

PRESENT:	Ryan Deel John Diefenbaker Ted Halsey Jan Hubbell Kaveri Korgavkar, Student Rep.
ABSENT:	Richard Kilmer Charles Solis Thomas Sawyer, Jr.
Also present:	John Abraham, Traffic Engineer Lt. Scott McWilliams, Police Department Lt. Robert Matlick, Fire Department
and Item 3	Dennis Torpey, 12830 Ratalee Lake Rd., Davisburg
Item 5	Peter Laze, 1547 Rockfield, Troy
Item 6	Joe Nasher, Shell Station Dr. H. Kezlarian, 873 Highwood, Bloomfield Joseph Morelli, 155 Millstone, Troy
Item 8	John Kelly, 2615 Lanergan, Troy Jeff Wolfe, 2720 Lanergan, Troy Keith Landen, 2880 Lanergan, Troy Mark Lablance, 2844 Lanergan, Troy Wayne Blizman, 2830 Lanergan, Troy Cathy Kerschenbaum, 2861 Lanergan, Troy

Resolution #TC-2003-09-001
Motion by Diefenbaker
Seconded by Deel

To excuse Mr. Kilmer as he is out of the City.
To excuse Mr. Solis.
To excuse Mr. Sawyer

YEAS: All-4

NAYS: None

ABSENT: Kilmer
Solis
Sawyer

MOTION CARRIED

2. Minutes – July 16, 2003

Resolution #TC-2003-09-002
Motion by Halsey
Seconded by Diefenbaker

To approve the July 16, 2003 minutes as printed.

YEAS: All-4

NAYS: None

ABSENT: Kilmer
Solis
Sawyer

MOTION CARRIED

PUBLIC HEARINGS

3. Request for Sidewalk Waiver – 3330 Rochester Road and Torpey

Dennis M. Torpey is requesting a waiver for the sidewalk at 3330 Rochester Road and Torpey. The sidewalk ordinance requires that sidewalk be installed in conjunction with the development of this parcel due to a recent lot split, combined and replatted. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

Petitioner states that there are no other sidewalks in the area, the sidewalk would lead nowhere and connect to nothing; the existing ditch would have to be filled, and it would not be feasible to move or alter the storm drain/catch basins in their present location.

The public hearing was declared open.

Dennis Torpey stated that there is no sidewalk on Torpey now and the cost to install a sidewalk there is very high. He said that the sidewalk would lead nowhere and therefore is not warranted. Installation of a sidewalk would require the drainage in the area to be reworked as there are currently ditches and catch basins where the sidewalk would be required. He stated that he has met all of the requirements for sidewalk waiver.

An E-Mail from a resident was received by the Engineering office stating that the sidewalk waiver should be denied. There is a school at the end of the street and the children's safety should be a high priority.

The public hearing was declared closed.

Mr. Diefenbaker questioned whose responsibility the cost of redesigning the drainage in this area would be and was informed that the party that puts in the sidewalk will also be responsible for all drainage changes due to the installation.

The Traffic Committee asked for a copy of the plan for the commercial building Mr. Torpey is constructing. Mr. Torpey produced a copy of the site plan for the committee to review. This would involve installation of around 240 feet of sidewalks.

After seeing the plan, Mr. Deel said that he would be against granting a waiver because there is a school at the end of the street; and with driveways for the building going to be on Torpey, there would be more traffic on Torpey where children are walking from the school. The sidewalk would connect to the one on Rochester Road and will improve pedestrian safety at this corner where the commercial building will be located on an otherwise residential roadway. He added that he sees a lot of kids walking in the area since he works in the area.

Ms. Hubbell stated that she would vote against the waiver due to the mentioned reasons and the fact that this is a corner lot, and sidewalks will have to start somewhere, and this would be a logical "beginning."

Resolution #TC-2003-09-003
Motion by Diefenbaker
Seconded by Halsey

1. WHEREAS, City of Troy Ordinances, Chapter 34, Section 8(D) allows the Traffic Committee to grant temporary waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

   WHEREAS, Dennis M. Torpey has requested a temporary waiver of the requirement to construct a sidewalk on the property because there are no other sidewalks in the area, the sidewalk would lead nowhere and connect to nothing; the existing ditch would have to be filled, and it would not be feasible to move or alter the storm drain/catch basins in their present location.

   WHEREAS, THE Traffic Committee has determined the following:

   a. A variance will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair established property values within the surrounding area, and

   b. A strict application of the requirements to construct a sidewalk would result in practical difficulties to, or undue hardship upon, the owners, and

c. The construction of a new sidewalk on the property line would lead nowhere and connect to no other walk, and thus will not serve the purpose of a pedestrian travel-way.

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a two-year waiver of the sidewalk requirement for the property at 3330 Rochester Road and Torpey, which is owned by Dennis M. Torpey.

YEAS: Diefenbaker
Halsey

NAYS: Hubbell
Deel

ABSENT: Kilmer
Solis
Sawyer

MOTION FAILED

Resolution #TC-2003-09-004
Motion by Deel
Seconded by Hubbell

1. WHEREAS, City of Troy Ordinances, Chapter 34, Section 8(D) allows the Traffic Committee to grant temporary waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

WHEREAS, Dennis M. Torpey has requested a temporary waiver of the requirement to construct a sidewalk on the property because there are no other sidewalks in the area, the sidewalk would lead nowhere and connect to nothing; the existing ditch would have to be filled, and it would not be feasible to move or alter the storm drain/catch basins in their present location.

WHEREAS, THE Traffic Committee has determined the following:

a. A decision could not be reached due to a split in the vote of granting a sidewalk waiver.

b. More information is needed in regards to pedestrian traffic on Torpey due to the school at the end of the street.

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee has tabled the discussion on a sidewalk waiver for Torpey until the October meeting.

YEAS: All-4

NAYS: None

ABSENT: Kilmer
Solis
Sawyer

MOTION CARRIED

4. Request for Sidewalk Waiver – 1547 Rockfield Ave. and Eleanor Ave.

Peter Laze is requesting a waiver for the sidewalk at 1547 Rockfield Ave. and Eleanor Ave. The sidewalk ordinance requires that sidewalk be installed in conjunction with the development of this parcel due to a recent lot split, combined and replatted. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks." Petitioner states that the area is already developed with no sidewalks existing, and the property has drainage ditches on Rockfield and Eleanor.

The public hearing was declared open.

Peter Laze stated that there are no sidewalks on Rockfield and putting a sidewalk on Rockfield after the lot split would not serve any purpose. There is a ditch on his property and this would also cause problems.

The public hearing was declared closed.

Resolution #TC-2003-09-005
Motion by Halsey
Seconded by Diefenbaker

1. WHEREAS, City of Troy Ordinances, Chapter 34, Section 8(D) allows the Traffic Committee to grant temporary waivers of the City of Troy Design Standards for Sidewalks upon a demonstration of necessity; and

   WHEREAS, Peter Laze has requested a temporary waiver of the requirement to construct a sidewalk on the property because the area is already developed with no other sidewalks in the area, the sidewalk would lead nowhere and connect to nothing, and there are ditches on both streets,

   WHEREAS, THE Traffic Committee has determined the following:

   a. A variance will not impair the public health, safety or general welfare of the inhabitants of the City and will not unreasonably diminish or impair established property values within the surrounding area, and

   b. A strict application of the requirements to construct a sidewalk would result in practical difficulties to, or undue hardship upon, the owners, and

c. The construction of a new sidewalk on the property line would lead nowhere and connect to no other walk, and thus will not serve the purpose of a pedestrian travel-way.

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a two-year waiver of the sidewalk requirement for the property at 1547 Rockfield and Eleanor, which is owned by Peter Laze,

YEAS: Halsey
Diefenbaker
Hubbell

NAYS: None

ABSENT: Kilmer
Solis
Sawyer

ABSTAIN: Deel

MOTION CARRIED

REGULAR BUSINESS

5. Change YIELD Sign to STOP Sign on Andover at Hounds Chase

Kristie Stefani, 5687 Andover, requests that the YIELD sign currently on Andover at Hounds Chase be replaced by a STOP sign. She is concerned about speeding and feels a STOP sign would slow down traffic. After a phone conversation on the subject, Dr. Abraham mailed Ms. Stefani our brochures on stop signs and the Neighborhood Traffic Harmonization Program. Ms. Stefani has indicated that she wishes to pursue the matter. The necessary forms and material have been mailed to Ms. Stefani.

Andover runs between Arlund way and Hounds Chase and has a down grade, it may be easy to pick up speed coming down Andover. Field observations indicate low traffic volumes and no major sight obstructions at the intersection of Hounds Chase and Andover.

The Traffic Engineer met with Ms. Stefani and performed a speed study between 4:30 and 5:15 p.m. It was found that the average speeds were 24 mph and the highest speed recorded was 29 mph. 21 vehicles were clocked in the 45-minute study. Ms. Stefani agreed that the actual speeds look to be much lower than what she had perceived. Different aspects of pedestrian and child safety were discussed during the study.

No one appeared before the committee to discuss this matter.

RESOLUTION #TC2003-09-006
Motion by Diefenbaker
Seconded by Deel

To recommend no changes.

YEAS: All-4

NAYS: None

ABSENT: Kilmer
Solis
Sawyer

MOTION CARRIED

6. Update on Concerns about Left Turns from Shell Station and Osborne Shopping Center at Crooks and Big Beaver.

Mr. Kilmer indicated at the November 2002 meeting that the gas station and the Osborne Shopping Center at the northwest corner of the intersection of Crooks and Big Beaver had some left-turn challenges; i.e., left turns onto Crooks Road which are very difficult, but motorists still try to do it. Attached is a collision diagram for the intersection of Crooks and Big Beaver for 2000 and 2001. In 2000, there were five crashes in the proximity of the gas station drive onto Crooks Road. Two angle-type crashes involved vehicles exiting the drive involved in crashes with southbound vehicles.

In 2001 there were four right-angle crashes involving vehicles trying to make a left turn from northbound Crooks into the gas station. There was one head-on crash related to the same maneuver. Three rear-end type crashes also occurred near the driveway. The rear end type crashes are typical at driveways such as this close to the intersection. Four right angle crashes and the head-on are of concern. There was one right angle crash involving vehicles entering the Osborne Shopping Center.

In 2000 there were four right angle crashes involving vehicles entering the gas station and six rear-end type crashes. There was one right angle and two rear end type crashes at the shopping center entrance.

The gas station drive is around 70 feet from the Big Beaver/Crooks intersection. This entrance is extremely close to the intersection and making left turns in and out of the entrance is very challenging. The Big Beaver and Crooks intersection is one of the top three intersections in the City with the highest number of crashes. This intersection also is among the intersections carrying the highest volume of traffic in the City.

The driveway into Osborne Square has been discussed at the staff level earlier to find a solution to the extra wide driveway. It is a double driveway and the unrestricted open pavement causes confusion as to where motorists have to enter and exit.

Observations show that on many occasions there are two vehicles waiting to exit parallel to each other at the driveway in such a way that entering vehicles do not know where to enter. A median in the driveway assigning entry and exit points may help resolve this. However, since it is private property we can only advise the property owners of this.

Joe Nasher states it is very difficult for customers to turn left onto Crooks; however, everyone still tries to do so and it blocks other potential customers from getting to the gas pumps. He would like to see a no left turn sign installed at least during the peak rush hour times of 7:00 am through 6:00 pm at the gas station.

Joe Morelli, 155 Millstone, Troy, owner of Papa Romano's, stated that a no left turn sign out of his parking lot would not be helpful as he is too far down the block for it to make any difference. He stated that the problem is because of Einstein Bagel and the fact that the restaurant and parking lot is not big enough for the amount of business they do.

Dr. Kezlarian, 873 Highwood, Bloomfield, owner of mall where Einstein Bagel and the flower shop are located, stated that if all three places, i.e. Shell, Einstein, Papa Romano's had no left turn signs then that would probably help the situation.

John Abraham stated that Einstein and Osborne Square have an extra wide drive and four cars can fit in the drive, therefore allowing more than one person to try the left turn at one time. He recommends a redesign of the driveway so that these two venues have a joint access and eliminate the two entrances and two exits.

Committee members would like to see the driveway redesigned and they would like to see the drawings of the redesigned driveway.

Resolution #TC2003-09-007
Motion by Halsey
Seconded by Diefenbaker

a. To recommend prohibiting left turns from the Shell station onto northbound Crooks from 7:00 am to 6:pm.

b. To recommend driveway redesign to owners of Osborne Square.

YEAS: All-4

NAYS: None

ABSENT: Kilmer
Solis
Sawyer

MOTION CARRIED

7. Install Four Way STOP signs at the Intersection of Civic Center Drive and Town Center Drive

On July 17, 2003, a temporary Traffic Control Order was issued by the traffic engineer on the request of the Police Department and many City employees. Employees reported that they get into near miss situations at the intersection on a daily basis. The intersection was formerly 2-way STOP controlled with STOP signs on Civic Center Drive at Town Center Drive.

Town Center Drive traffic did not have to stop but on many occasions motorists stopped on Town Center at the intersection, further causing confusion. A conflict study was performed at the intersection to find the number of "near-miss" situations. It was found that there were 2 to 4 near misses in an hour. Our police officers also reported seeing near-miss situations. The curves on three of the approaches to the intersection may have some effect on the safety and further, Civic Center is boulevarded, while Town Center does not have a median, which also may be causing the confusion. Two years ago supplemental signs were posted under the STOP signs that read "CROSS TRAFFIC DOES NOT STOP" for better guidance. However, some amount of confusion still exists.

Installation of a multi-way STOP would be warranted under one of the following conditions:

a. Where traffic signals are warranted and urgently needed, the multi-way STOP is an interim measure that can be installed quickly to control traffic while arrangements are being made for traffic signal installation.

b. An accident problem as indicated by five or more reported accidents of the type susceptible to correction by a multi-way STOP during a 12-month period. Such accidents include right and left turn collisions.

c. Minimum Traffic Volume – The total vehicular volume entering the intersection from all approaches must average at least 500 vehicles per hour for any eight hours of an average day.

A 24-hour volume study performed for the intersection shows the following:

Direction	Per Day
Civic Center Northbound	2006
Civic Center Southbound	1246
Town Center Eastbound	731
Town Center Westbound	2615

Civic Center carries around 3252 vehicles in a day while Town Center carries around 3346 in a day. The intersection, therefore, has a balanced distribution which also may be leading some motorists to think both are equally important. A crash analysis revealed that there have been three crashes of the right-angle type in the past three

years. The above data does not meet the warrants for a four-way STOP controlled intersection as per the Michigan Manual of Uniform Traffic Control Devices.

No one appeared before the committee to discuss this matter.

Mr. Halsey confirmed with the traffic Lieutenant and the Traffic Engineer that there have been no problems since the installation of the temporary all-way stop sign.

RESOLUTION #2003-09-008
Motion by Halsey
Seconded by Deel

To recommend installing permanent four-way STOP signs at Town Center and Civic Center.

YEAS: All-4

NAYS: None

ABSENT: Kilmer
Solis
Sawyer

MOTION CARRIED

8. Install All-Way STOP Signs at the intersections of Lanergan and Paddington and at Lanergan and Newgate

Laurie Kelly of 2615 Lanergan requests all-way STOP signs at the intersections of Lanergan with Paddington and Newgate. Ms. Kelly lives at the corner of Newgate and Lanergan and reports that traffic on Lanergan moves at high speed and feels that the STOP signs will slow the traffic. Ms. Kelly's concern is for kids in the neighborhood, and particularly because there are no sidewalks. Two of the Kellys' neighbors also called the City regarding the same concerns. Information on STOP signs and the Neighborhood Traffic Harmonization program was mailed to the residents. The procedure for getting sidewalks installed on Lanergan was also discussed. City policy requires that sidewalks can be installed on residential roadways based on a petition that a majority of residents on the street support and the cost of the installation will be special assessed to the benefiting residents.

Ms. Kelly also feels that there are a number of motorists who cut through the subdivision using Lanergan to get from Adams to Coolidge.

Lanergan runs between Adams Road and Beach, and then continues as Salem and Kristin to Coolidge. Harlan School is on the west side of Adams Road, across from Lanergan.

The intersection of Paddington and Lanergan is really a combination of two "T" intersections. The west "T" intersection where Paddington runs to the north from Lanergan and the east "T" intersection that has Paddington running south from

Lanergan are both STOP controlled with STOP signs on Paddington to assign right of way to Lanergan. Paddington has a curve approaching Lanergan from both sides.

Traffic counts indicate that Paddington carries around 140 vehicles in a day, and Lanergan around 540 vehicles in a day (counts taken in July). Since this is a combination of two "T" intersections, making this an all-way STOP intersection will be challenging and may make it very confusing. None of the warrants for an all-way STOP-controlled intersection are met for this intersection.

The intersection of Lanergan and Newgate is again a "T" intersection with Newgate terminating at Lanergan. Newgate carries around 130 vehicles in a day. The usual range of traffic volumes on Troy residential roads is between 300 to 5000 vehicles in a day. Traffic volumes on all three roadways are very low when compared to an average residential street.

A traffic speed study was performed on Lanergan between Beach and Paddington. Average speeds were found to be 26.03 miles per hour between 4:30 and 5:30 p.m. Eleven westbound vehicles and twelve eastbound vehicles were clocked in the half-hour study.

A similar study was performed on Lanergan between Adams and Paddington. Eleven westbound vehicles and thirteen eastbound vehicles were clocked between 5:00 and 5:30 p.m. The average speed in this stretch was 29.2 mph. The highest speed clocked was 39 mph.

Enforcement activities in the subdivision also do not show a speeding problem. It should be noted that STOP signs are not speed control devices. The only effect would be that motorists might slow down around 150 feet from the sign and if confronted with signs that are not warranted, try to "make up" for the lost time at STOP signs. Unwarranted signs may also dilute the credibility of existing signs and increase violations at the signs.

Installation of a multi-way STOP would be warranted under one of the following conditions:

a. Where traffic signals are warranted and urgently needed, the multi-way STOP is an interim measure that can be installed quickly to control traffic while arrangements are being made for traffic signal installation.

b. An accident problem as indicated by five or more reported accidents of the type susceptible of correction by a multi-way STOP during a 12-month period. Such accidents include right and left turn collisions.

c. Minimum Traffic Volume – The total vehicular volume entering the intersection from all approaches must average at least 500 vehicles per hour for any eight hours of an average day.

None of the warrants were met for the intersections under consideration.

John Kelly, 2615 Lanergan, stated that Lanergan is being used as a cut through and people are not only cutting through but speeding as well. There are children playing out all the time and there are no sidewalks, therefore it is even more dangerous for their children. He said that the traffic count study conducted was done on a holiday weekend and therefore not accurate.
Wayne Blizman, 2830 Lanergan, stated that cut through traffic is going too fast and something has to be done regarding this. He said they are open to other options besides stop signs; i.e., speed bumps.

Jeff Wolfe, 2720 Lanergan, does not think that Lanergan should be a through street he thinks the street should be blocked off. He stated that it is a ½ mile road and people are treating it as such instead of treating it as a residential road.

Keith Landen, 2880 Lanergan, said that Lanergan is getting to be the Indy 500 and he sees the same cars all the time.

Cathy Kirschenbaum, stated that it is being used as a cut through street and it is getting worse and worse.

Mark Lablance, 2844 Lanergan, stated that there are only two stop signs in the entire one-mile length of Lanergan.

All residents have said that they have notified the police of the cut through and speeding traffic, and when police come out motorists slow down. But if there is not a police car there, they go as fast as they want.

Jan Hubbell stated that even if they do put up stop signs they might not do the job the residents are hoping for. She stated that it could cause more problems because people would probably run the stops or speed up in between stop signs to make up for lost time.

John Abraham made a presentation on the Neighborhood Traffic Harmonization Program and explained how this may help resolve some of their concerns. They have all agreed to this and will contact him to set up a date to have their first meeting.

Resolution #2003-09-9
Motion by Diefenbaker
Seconded by Deel

To recommend no changes.

YEAS: All-4

NAYS: None

ABSENT: Kilmer
Solis
Sawyer

MOTION CARRIED

9. Install STOP sign on Hidden Ridge at Colebrook

Brian Weiss of 805 Colebrook requests that the YIELD sign on Hidden Ridge at the intersection of Colebrook be replaced with a STOP sign. Mr. Weiss indicated that motorists do not pay heed to the YIELD sign and he has had to stop on Colebrook, even though he has the right of way, to avoid motorists entering Colebrook after violating the YIELD sign.

Colebrook carries around 1500 vehicles per day and Hidden Ridge carries around 825 vehicles per day. Residential street traffic in Troy ranges between 300 and 5000 vehicles per day. There are no significant sight obstructions at the intersection.

No one appeared before the committee to discuss this matter.

Resolution #2003-09-010
Motion by Diefenbaker
Seconded by Deel

To recommend no changes.

YEAS: All-4

NAYS: None

ABSENT: Kilmer
Solis
Sawyer

MOTION CARRIED

10. Visitors' Time

No one appeared to address the Committee on items not on the agenda.

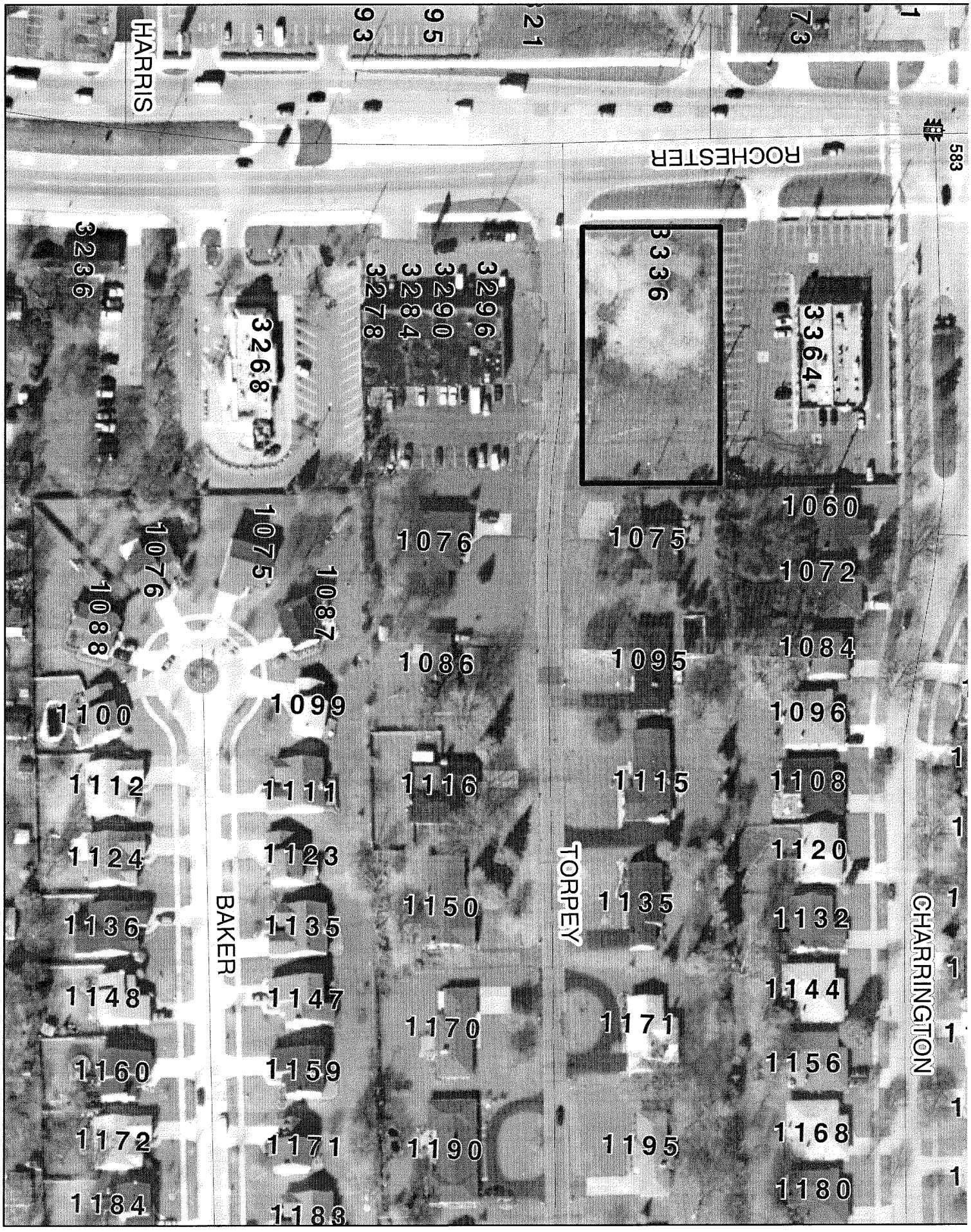
11. Other Business

12. Adjourn

The meeting was adjourned at 8:58 p.m. The next meeting is scheduled for October 16, 2003.

SIGNED: _____
Jan Hubbell, Vice-Chair

ITEM 3


583
ROCHESTER
HARRIS
BAKER
TORPEY
CHARRINGTON
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1172
1183
1184
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75
150
300
450
600
Feet

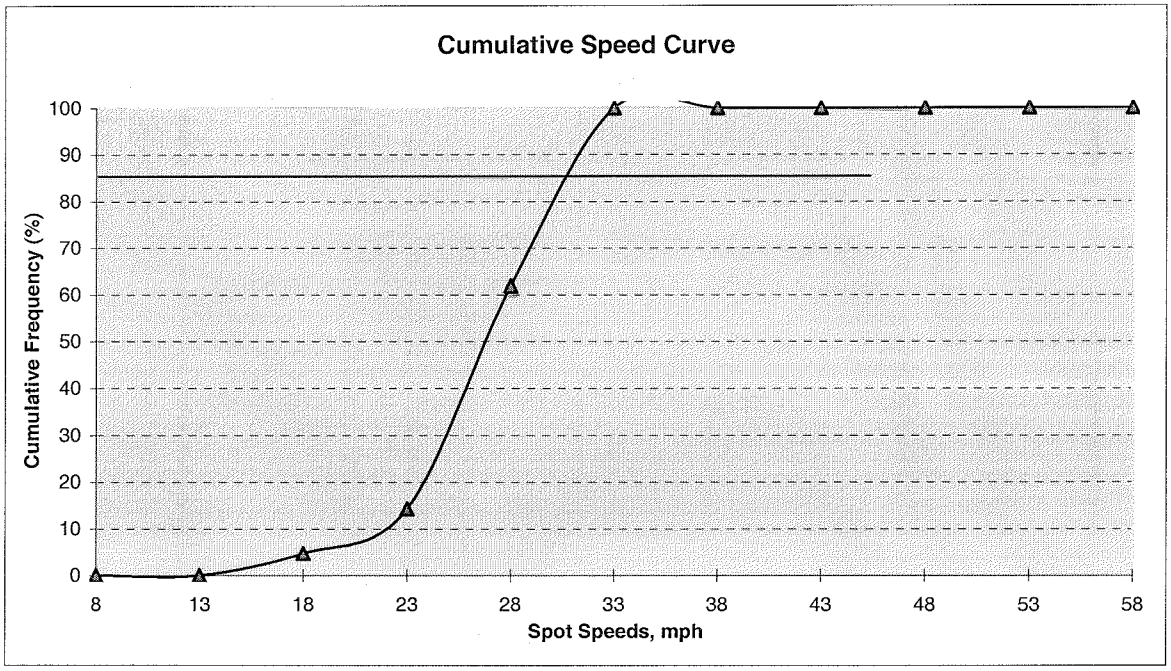
HAMMAN
CYNTHIA
ROCKFIELD
ELEANOR
ATHENS HIGH SCHOOL
N
0
145
290
580
870
1,160
Feet

ITEM 4

Andover near Hounds Chase
7/23/02 4:30 to 5:15 PM

Speed (mph)		Number of Vehicles Clocked
6 to 10		0
11 to 15		**1**
16 to 20		**2**
21 to 25		**10**
26 to 30		**8**
31 to 35		0
36 to 40		0
41 to 45		0
46 to 50		0
51 to 55		0
56 to 60		0
Total # vehicles		21

AVERAGE SPEED	23.952	Miles per hour
HIGHEST SPEED RECORDED	29	Miles per hour

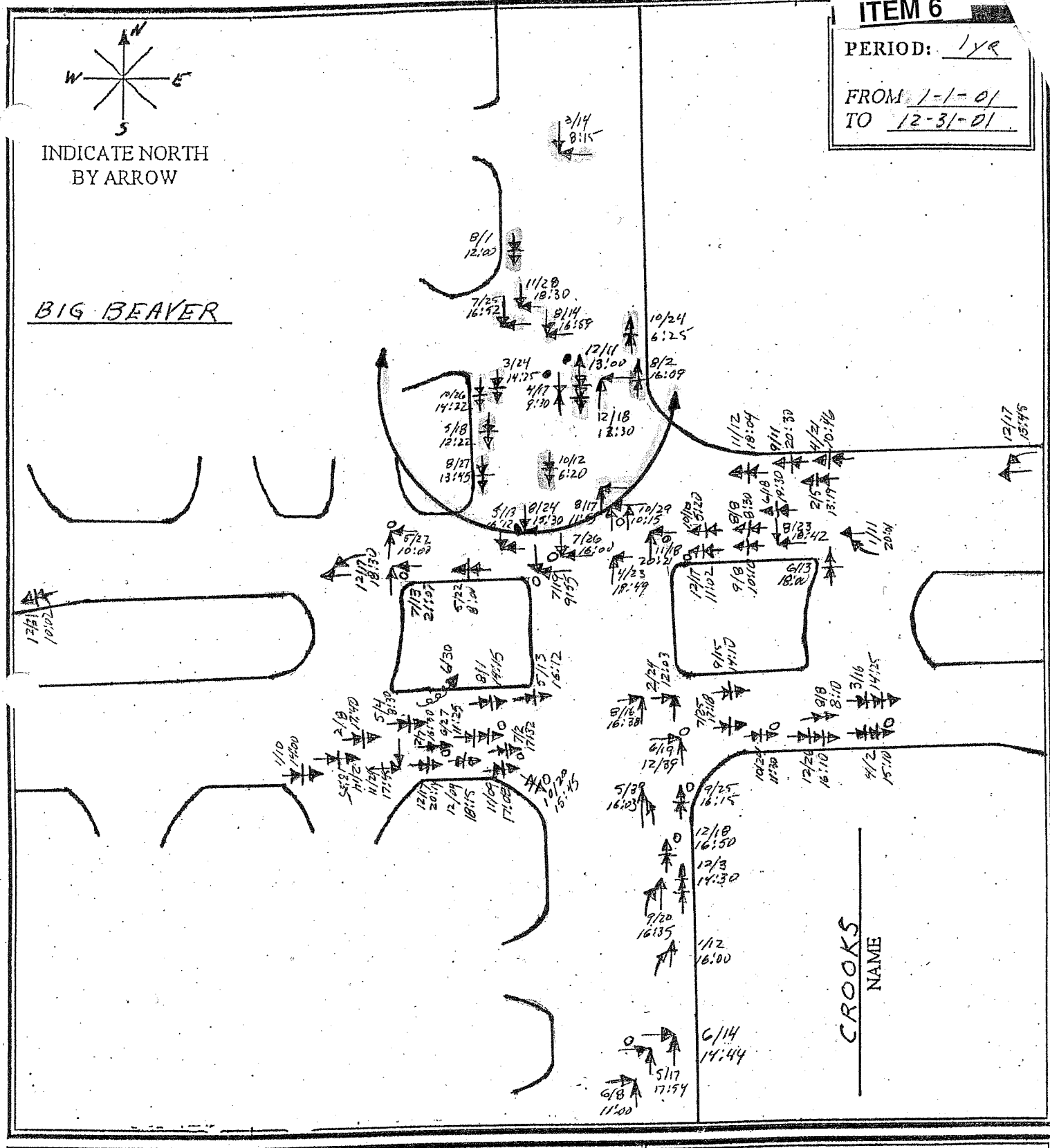


COLLISION DIAGRAM

ITEM 6

PERIOD: 1 YR

FROM 1-1-01
TO 12-31-01



SYMBOLS	TYPES OF COLLISIONS
MOVING VEHICLE	REAR END
BACKING VEHICLE	HEAD ON
PEDESTRIAN	SIDE SWIPE
PARKED VEHICLE	RIGHT ANGLE
FIXED OBJECT	LEFT TURN HEAD ON
INJURY ACCIDENT	OUT OF CONTROL

FOR EACH ACCIDENT SHOW:

1. Date & Time
2. Weather & Road Surface Conditions

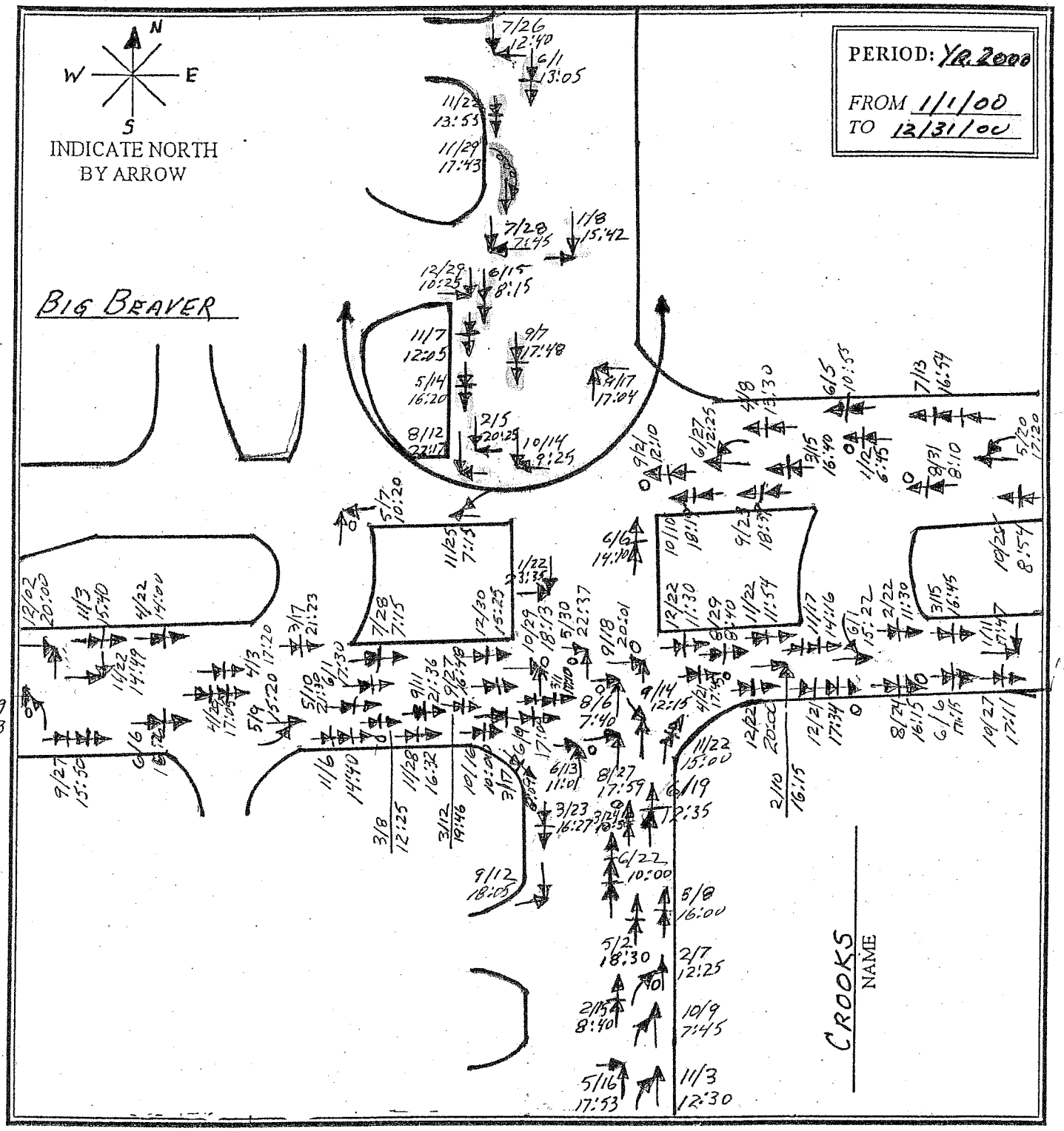
BIG BEAVER &
CROOKS

BY: [illegible] DATE: 6-12-02

1 YR.

ITEM 6

COLLISION DIAGRAM



SYMBOLS	TYPES OF COLLISIONS	FOR EACH ACCIDENT SHOW:
MOVING VEHICLE	REAR END	1. Date & Time
BACKING VEHICLE	HEAD ON	2. Weather & Road Surface Conditions
PEDESTRIAN	SIDE SWIPE	BIG BEAVER & CROOKS
PARKED VEHICLE	RIGHT ANGLE	
FIXED OBJECT	LEFT TURN HEAD ON	
INJURY ACCIDENT	OUT OF CONTROL	BY: HJ DATE: 8/2/01

3095
3075
3065
3045
3043
3015
GAS STATION
around 60 feet
around 70 feet
CROOKS
BIG BEAVER
BIG BEAVER
596
76
0
40
80
160
240
320
Feet

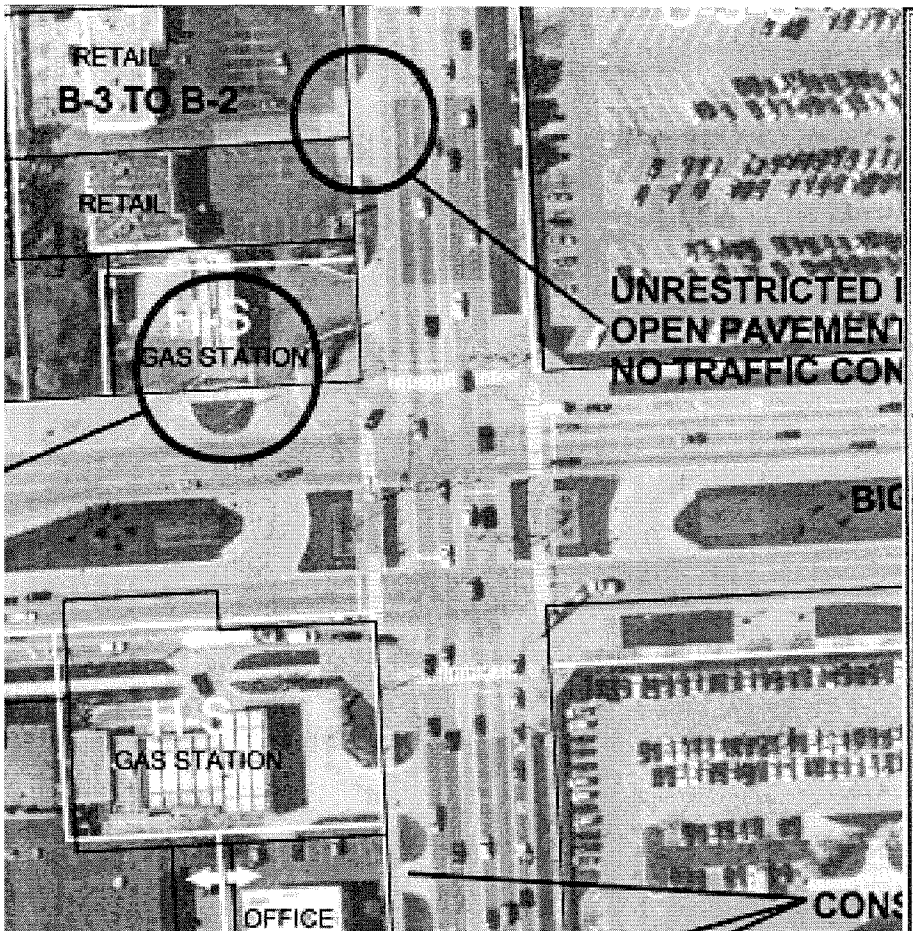
ITEM 6

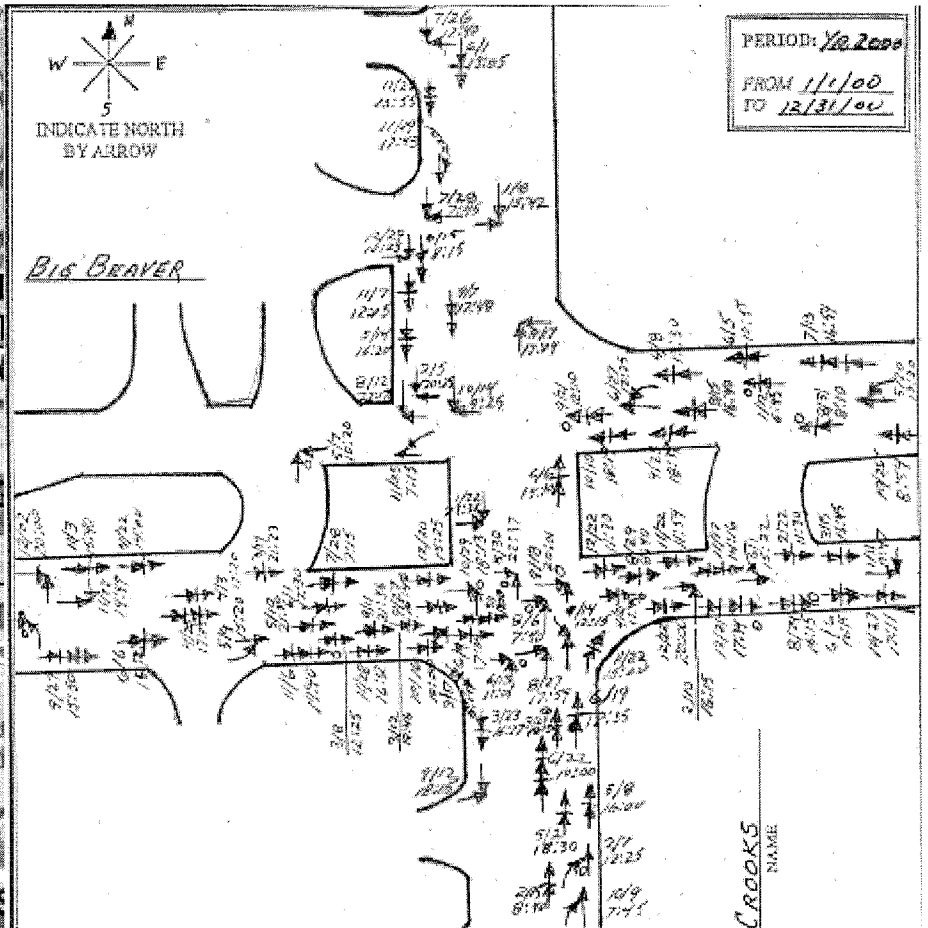
City of Troy

OSBORNE SQUARE
SHOPPING CENTER,

60' DRIVEWAY (DOUBLE NORMAL WIDTH)
CAUSES SOME CONFUSION.

ITEM 6





SB - 18069

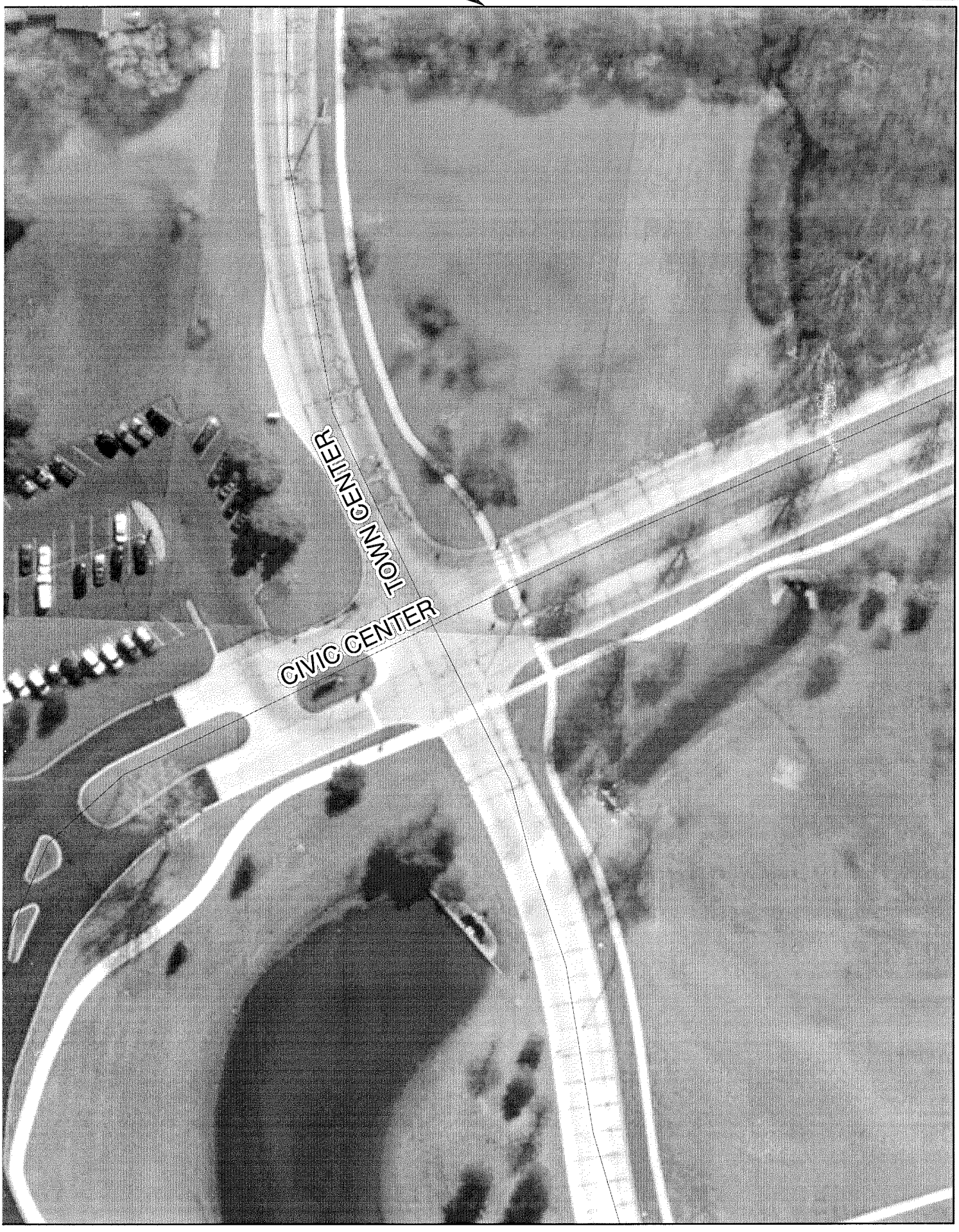
WB 18086

7413

7913

ITEM 6

ITEM 7



ITEM 8

N
NEWGATE
LANERGAN
PADDINGTON
PADDINGTON
BOLINGBROKE
0
55
110
220
330
440
Feet

HIDDEN RIDGE
COLEBROOK
TROMBLEY
ROCHESTER
N
0
100
200
400
600
800
Feet

ITEM 9

September 23, 2003

TO: The Honorable Mayor and City Council

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

RE: Sole Source -
Fire Department Hydraulic Rescue Cutters

RECOMMENDATION

The Fire Department is requesting approval to purchase seven (7) Hurst hydraulic rescue cutters from Apollo Fire Equipment at an estimated cost of $27,650.00. Apollo Fire Equipment is the sole source provider of Hurst Rescue Equipment in Michigan.

BACKGROUND

- The Fire Department has in place seven (7) Hurst Rescue Systems at each station and the Training Center. These systems consist of a hydraulic pump, spreader, cutter, and three (3) different size rams. Hurst has introduced a new cutter, which provides considerably more cutting force, which is important in extrications involving newer vehicles. Our existing cutters were purchased in the early 1980s.

- It is important that we purchase Hurst Brand equipment for compatibility issues. Many of the hydraulic rescue systems available use different types of hydraulic fluid, or different operating pressures. It is very important that system components, such as cutters, not be interchanged between brands of systems. There presently is no trade in program available for our old cutters. We can attempt to sell them outright, or have them converted for other types of rescue uses.

- Apollo Fire Equipment is the only vendor for Hurst Equipment in Michigan. Hurst distributors from other states are prohibited from selling in states other than their home state. With these prohibitions in place, if we were to go out to bid, Apollo would be the only bidder.

BUDGET

Funds are budgeted in the Fire Operating Supplies Account #338.7740.

Prepared by: Richard Sinclair, Assistant Fire Chief

APOLLO
FIRE EQUIPMENT COMPANY
FIRE APPARATUS REPAIR, INC.

ORDER ☐
QUOTATION ☑

QUOTATION NO. 7336

DATE 9/10/03

TERMS Net 30

F.O.B. Delivered

QUOTE VALID FOR 90 DAYS.

PROJECTED DELIVERY DATE 30 days

Troy F.D.
Attn.: Chief Nelson

CUSTOMER PHONE _____ FAX: 248 689 7520 EMAIL: _____

QUANTITY	PART NO.	DESCRIPTION	PRICE EACH	TOTAL AMT.
7	362R356	X-Tractor II cutter	3950	27,650

1-800-626-7783
FAX: (586) 752-6907
12584 LAKESHORE DRIVE, ROMEO, MI 48065

BY X [signature]

FORM #02 PILGRIM PRTG. (586) 752-6094

September 30, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Cindy Stewart, Community Affairs Director
Laura Fitzpatrick, Assistant to the City Manager

SUBJECT: Governor's "Cool" Cities Initiative

Attached find a letter from Governor Granholm. In it, she invites communities to form a "Cool" Cities Advisory Group. This group would meet to share ideas and create recommendations on what makes a city "cool," and how the state might partner with the City on these efforts.

The insights of the advisory group will be combined with similar input from other community groups and will be presented to a state-level advisory panel working directly with the governor and her staff.

Group size and composition is up to the City, however, note that there is an emphasis on young people's involvement with the initiative.

Should you recommend formation of such an advisory group staff recommends the following:

Meeting Date:	Wednesday, October 29th
Meeting Time:	7:00 to 9:00 PM at City Hall
Group Composition:	Seven members: Four representatives from the Youth Council and three representatives from the Ethnic Issues Advisory Board. These representatives to be chosen based on interest *and* availability for the meeting date.
Process:	Group will meet on October 29, 2003 and create a list of recommendations about what makes a city "cool." See attached list of discussion questions. Staff will forward these insights to the governor by November 5, 2003.

JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

JOHN D. CHERRY, JR.
LT. GOVERNOR

September 10, 2003

RECEIVED
SEP 15 2003
CITY OF TROY
CITY MANAGER'S OFFICE

Honorable Matt Pryor
500 W. Big Beaver Rd.
Troy, MI 48084-5254

Dear Mayor Pryor:

What makes a city "cool"? Is it a leafy, green park and an inviting public square? Or is it a sidewalk bistro and an internet café? Maybe it's a jazz club or a coffee house that invites office workers to linger in your downtown well past 5:00. Maybe it's nothing more extravagant – or more important – than a quality neighborhood school, a job within walking distance and a safe path for getting to both.

Whatever your vision of a cool city, I want to help you achieve it.

Building vibrant, energetic cities that attract jobs, people and opportunity to our state is a key component of my economic vision for Michigan. Vital cities will not only open new horizons for urban residents, they also enhance our effort to preserve the green space that surrounds our metropolitan areas and attract the diverse mix of workers so essential to our new knowledge-driven economy.

I have asked Director David Hollister and the new Department of Labor and Economic Growth to coordinate my administration's overall agenda for cities and specifically to oversee our "cool cities" initiative. While you may have seen me wearing sunglasses as a fun symbol of this effort, our goal is much more concrete. Our intention is two-fold: first, to raise the dialogue about supporting and investing in our cities to a state-wide discussion, and; second, to determine – from your perspective – what state tools will be most effective in your city-building efforts.

Specifically, we would like you to convene a local "cool cities" advisory group to find ways to make people – and particularly young people – more interested in living, working and shopping in your city. The composition, operation and duration of your local advisory group would be up to you. We, however, hope that your group would share its ideas and recommendations on how the state might partner with you on these efforts. To initiate this dialogue, I have enclosed an outline and ask that the response be sent to Director Hollister no later than November 5, 2003

This won't be easy given the current budget constraints I know that we all face, but with creativity and hard work, I believe we can not only succeed, but have fun in the process. This is, as I said in my State of the State address this year, an excellent opportunity for us to work in the rain instead of merely waiting for the storm to blow over.

Printed by members of SEIU

For more information on this initiative, please contact Bob Johnson, Senior Executive Assistant Director, DLEG at (517) 335-6799 or Emily Fleury, Executive Assistant - Policy Section, Office of the Governor at (517) 373-6469. In the meantime, thank you for taking the time to help me think about what makes our cities "cool." As my teenage girls take great glee in telling me, I'm the least cool person they've ever met…so your help is truly critical. This will be fun work with a serious goal: making Michigan and her cities magnets for economic growth and opportunity. Thank you for being part of it.

Sincerely,

Jennifer M. Granholm
Governor

Enclosure

"Cool" Cities: Making Michigan a Magnet for Economic Growth and Opportunity

Building vibrant, energetic cities that attract jobs, people and opportunity to our state is a key component of Governor Jennifer Granholm's economic vision for Michigan. Below, please find a few guidelines for the work that we hope your local "cool city" advisory group will help us accomplish. Thank you for including your community in this critical dialogue.

What do I need to do to get involved?

Contact Bob Johnson or Emily Fleury at the State of Michigan *by September 22* to let Director David Hollister know that your community would like to be part of this effort.

Bob Johnson
517-335-6799
rejohns@michigan.gov

Emily Fleury
517-335-7824
fleurye@michigan.gov

What should my advisory group look like?

We leave the group's size and composition up to you. Our hope, however, is that you will gather a diverse group of citizens from all sectors of the community who can offer input into what makes a city "cool." In other states, local groups have been comprised of historical preservation professionals, retailers, restaurateurs, hotel owners, downtown development professionals, young people, students, city planners, arts and cultural organizations, entertainment venue representatives, city planners and club and coffeehouse owners…to name just a few.

What will the group do?

We hope the group will focus their discussions providing input on five key questions:

1. What defines a cool city? What makes your city particularly special or "cool"?
2. How can the state best help your city – and other communities – be "cool"?
3. What does a cool city look like? How does it use its space? What kinds of services are offered?
4. What does your city – and other communities like it – do to attract jobs and people to your community? What could it do?
5. What does your city – and other communities like it – do to attract young professionals and young people to your community? What could it do?

The insight your group offers in these areas will be combined with similar input from other community groups and will be presented to a state-level advisory panel working directly with Director Hollister and the Governor on this issue. The state-level panel will then use this information to help the director and the Governor develop policies and tools to help cities thrive.

When should my group meet?

Again, we leave those details up to you. Following are a few dates to guide your planning.

Sept. 22	Cities indicate interest in participation to Bob Johnson or Emily Fleury
Oct. 15	Cities provide names of local committee members
Nov. 5	Cities groups provide input to state-level advisory group
Mid-Nov.	State-level advisory group begins its work
Dec. 15	Governor Granholm reviews input from city advisory groups –groups invited to attend conference to hear results. *Details to be Announced.*

Memorandum

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Lori Grigg Bluhm, City Attorney
John M. Lamerato, Assistant City Manager/Finance and Administration
Tonni L. Bartholomew, City Clerk

Date: October 2, 2003

Re: Charter Revision Committee Draft Agenda

The Charter Revision Committee is slated to meet on Tuesday, October 21, 2003. Attached, is a draft agenda with back-up documentation. The items listed are proposed for forwarding to the Charter Revision Committee. They have not received formal action from City Council regarding the placement on the agenda.

The City Charter being the primary organizational document that was adopted nearly 50 years ago should be changed only after deliberate consideration. City Administration respectfully requests that due to the gravity of any changes to the Charter that Council formally approve a resolution to direct the Charter Revision Committee to review and recommend to Council possible Charter revision questions that would be submitted to the Troy voters.

Several Charter sections have been targeted as possible items for consideration by different submitters, as set forth below. City Administration has concern that some of the proposed amendments may be in conflict with state or federal law or other Charter provisions. Additionally, there is concern that adoption of some of the proposed revisions indicated in the citizen communication, while appearing to be minimal in nature and of a general “house cleaning” nature may have a significant impact on staffing and city operations. For these reasons, City Administration respectfully requests that if City Council wants the proposed revisions to be submitted to the Charter Revision Commission, that the submittals be first presented to City Administration for a legal review and staff analysis to determine the organizational ramifications and staffing impact.

Additionally, City Management believes that absent significant impact to community values or city operations, housekeeping type issues should not be brought before the voters. These issues do not impact how municipal business is conducted regardless of the outcome of the

ballot initiative. Commingling these issues with issues of substance may be confusing and cumbersome to the voter.

Items submitted by Council Members:

a) 3.8.5 (Congress Term Limitations Mayoral Letter of Support) – Submitted by Mayor Pryor
b) 5.10 Initiative and Referendum – Submitted by Council Member Howrylak
g) 5.11 Initiatory and Referendary Petitions – Submitted by Council Member Howrylak
c) 7.3 Election Dates – Submitted by Council Member Howrylak
d) 7.5 Elective Officers and Terms of Office – Submitted by City Administration*
e) 7.5.5 (Council Term Limits)
f) 7.9 Nominations – Submitted by City Administration*
g) 12.1 Purchase and Sale of Property – (Reverse Auction) Submitted by Council Member Beltramini

Items submitted by Peter Ziegenfelder via several emails:

h) 2. Further Definition of Power
i) 3.3 Election of Councilmen
j) 3.6 Compensation of Councilmen
k) 3.13 Relationship of Council to Administrative Service
l) 3.15 Treasurer: Functions and Duties
m) 3.16 Assessor: Functions and Duties
n) 4.7 Organization and Rules of the Council
o) 4.8 Investigations
p) 5.5 Penalties for Violations of Ordinances
q) 5.11 Initiatory and Referendary Petitions
r) 5.14 Ordinance Suspended: Miscellaneous Provisions on Initiatory and Referendary Petitions
s) 6.11 Delivery of Office
t) 6.12 Pecuniary Interest Prohibited
u) 7.5.5 (Council Term Limitation)
v) 12.1 Purchase and Sale of Property
w) 12.2 Contracts
x) 13.1 General Powers Respecting Utilities
y) 14.1 Granting of Public Utility Franchise
z) 15.3 Interpretations
aa) 15.4 Definition of Publication, Mailing of Notice
bb) 15.7 Penalties for Violation of This Charter

Charter Section 7.5, Elective Officers and Terms of Office, and 7.9, Nominations, were placed on the list for Consideration because of their relationship to the Section 7.3, Election Dates. It should be noted that the State House of Representatives has passed several bills related to election consolidation and the matter is currently in the Senate. The feeling in Lansing is that the bills have a very good chance of passing the Senate and Governor

Granholm has indicated she will sign the bills as long as they are bi-party. Should the Election Consolidation Bills become law, the City of Troy's General Election will be shifted to odd year Novembers. The City will have one opportunity to change the date of that election, by resolution, to either the first Tuesday after the first Monday in May or August. It should be noted that there is only one opportunity to submit this resolution and this must be done between September 1 and December 31, 2004.

Should the City elect to remain with the odd year November dates, the terms of office for the Mayor and Council Members would be required to change to an even number of years. Most cities in Michigan conduct their General City Elections on odd year Novembers and they have two (2) or four (4) year terms.

Charter Section 7.9 bases the calculation date on a calendar day rather than a number of days. This section would also require change should election consolidation pass.

CHARTER REVISION COMMITEE

AGENDA
October 21, 2003 – 3:00 PM
Conference Room C – City Hall
500 West Big Beaver, Troy, MI 48084
(248) 524-3316

DRAFT

1. Call to Order

2. Roll Call: Lillian Barno, Daniel H. Bliss, Jerry E. Bloom, Shirley Kanoza, Robert Noce, Mark R. Solomon, Cynthia A. Wilsher

3. Approval of Minutes: December 4, 2001

4. Proposed Charter Amendments:
   a) 3.8.5 (Term Limitations for Congress)
   b) 5.10 Initiative and Referendum
   c) 7.3 Election Dates
   d) 7.5 Elective Officers and Terms of Office
   e) 7.5.5 Term Limits
   f) 12 PURCHASES – CONTRACTS - LEASES

5. Adjournment

NOTICE: People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.

Lori Grigg Bluhm
City Attorney, City of Troy
(248) 524-3323

-----Original Message-----
From: Dave Lambert [mailto:dave@lambertonline.net]
Sent: Monday, November 12, 2001 10:45 PM
To: City of Troy: Szerlag (2)
Cc: City of Troy:Lori Bluhm
Subject: Charter Revision Committee

John:

I would like to have the Charter Revision Committee look at the feasibility of moving City elections to a Tuesday. Are there any state laws or regulations that would interfere with that kind of a change?

Dave Lambert
E-mail: dave@LambertOnline.net
Web Page: www.LambertOnline.net

c: Lori B.

-----Original Message-----
From: Pete Ziegenfelder [mailto:pete_ziegenfelder@wideopenwest.com]
Sent: Monday, February 24, 2003 7:29 PM
To: Robin E. Beltramini; Anthony N. Pallotta; Cristina Broomfield; David Eisenbacher; David Lambert; Lori Grigg Bluhm; Martin Howrylak; Matt Pryor
Subject: Troy Ordinance Review - Chapter 22 - Wastewater
The Honorable Mayor and Honorable City Council Members,

Mrs. Lori Bluhm, City Attorney
Troy City Hall
500 West Big Beaver Road
Troy, MI 48084-5285

Peter F. Ziegenfelder
3695 Forge Drive
Troy, MI 48083-5638

Dear Mayor, City Council Members, and City Attorney:

I have been asked by Councilman Eisenbacher and Mayor Pro Tem Howrylak to do an informal review as a private citizen of the City of Troy Code of Ordinances with the intent to find, in my personal opinion, outdated ordinances. I shall lead off subsequent e-mails with the previous sentence to give a base line as to why I am sending these notes if the first place. I shall not review the chapters on Zoning and Planning or Traffic as there are committees to address these areas.

In my review of the Troy City Code I have found an entire chapter that could be removed. It is Title II - Utilities and Services Chapter 22 - Wastewater. The chapter states:
"WASTEWATER
Adopted 12/10/90 to be effective upon publication by O.C.
(Not done as of 3/28/91)"

This chapter needs either to be removed entirely or updated to reflect the intended direction. I can only presume that O.C. means Oakland County. "O.C." should never be in any ordnance. If O.C. means Oakland County, it should be spelled out.

Respectfully yours,
Peter F. Ziegenfelder

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-----Original Message-----
From: Pete Ziegenfelder [mailto:pete_ziegenfelder@wideopenwest.com]
Sent: Thursday, February 27, 2003 9:09 PM
To: Robin E. Beltramini; Anthony N. Pallotta; Cristina Broomfield; David Eisenbacher; David Lambert; Lori Grigg Bluhm; Martin Howrylak; Matt Pryor
Subject: Troy Ordinance Review - City Charter - Chapter 2 - Section 2.2(n)
The Honorable Mayor and Honorable City Council Members,

Mrs. Lori Bluhm, City Attorney
Troy City Hall
500 West Big Beaver Road
Troy, MI 48084-5285

Peter F. Ziegenfelder
3695 Forge Drive
Troy, MI 48083-5638

Dear Mayor, City Council Members, and City Attorney:

I have been asked by Councilman Eisenbacher and Mayor Pro Tem Howrylak to do an informal review as a private citizen of the City of Troy Code of Ordinances with the intent to find, in my personal opinion, outdated ordinances. I believe all ordinances should be held to the following test. Is it reasonably and prudently enforceable? If not, it should be removed from our books. I shall not review the chapters on Zoning and Planning or Traffic as there are committees to address these areas.

To better understand the ordinances one must first understand the City Charter since all governance of the citizens of Troy stems from there. I know that there is a Charter Revision Committee, but I do not know how to send my observations to them.

In Chapter 2 - Municipal Powers under Section 2.2 - Further Definition of Powers: (n) "The prohibiting or regulating of all landings of aircraft within its boundaries, and, for the purpose of promoting and preserving the public peace, safety and welfare, controlling and regulating the use of the air above the city by aircraft of all types." I may be completely off base here, but I do not see how the City of Troy can reasonably and prudently enforce "regulating the use of the air above the city by aircraft of all types".

Respectfully yours,
Peter F. Ziegenfelder

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-----Original Message-----
From: Pete Ziegenfelder [mailto:pete_ziegenfelder@wideopenwest.com]
Sent: Tuesday, March 04, 2003 10:08 AM
To: Robin E. Beltramini; Anthony N. Pallotta; Cristina Broomfield; David Eisenbacher; David Lambert; Lori Grigg Bluhm; Martin Howrylak; Matt Pryor
Subject: Troy Ordinance Review - City Charter - Section 3.3 - "Election of Councilmen
The Honorable Mayor and Honorable City Council Members,

Mrs. Lori Bluhm, City Attorney
Troy City Hall
500 West Big Beaver Road
Troy, MI 48084-5285

Peter F. Ziegenfelder
3695 Forge Drive
Troy, MI 48083-5638

Dear Mayor, City Council Members, and City Attorney:

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To better understand the ordinances one must first understand the City Charter since all governance of the citizens of Troy stems from there. I know that there is a Charter Revision Committee, but I do not know how to send my observations to them.

In Section 3.3 - "Election of Councilmen:" should this not be changed to "Election of Council" or "Election of Councilperson"? Just a thought.

Respectfully yours,
Peter F. Ziegenfelder

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-----Original Message-----
From: Pete Ziegenfelder [mailto:pete_ziegenfelder@wideopenwest.com]
Sent: Tuesday, March 04, 2003 10:44 AM
To: Robin E. Beltramini; Anthony N. Pallotta; Cristina Broomfield; David Eisenbacher; David Lambert; Lori Grigg Bluhm; Martin Howrylak; Matt Pryor
Subject: Troy Ordinance Review - City Charter - Chapter 3 - Section 3
The Honorable Mayor and Honorable City Council Members,

Mrs. Lori Bluhm, City Attorney
Troy City Hall
500 West Big Beaver Road
Troy, MI 48084-5285

Peter F. Ziegenfelder
3695 Forge Drive
Troy, MI 48083-5638

Dear Mayor, City Council Members, and City Attorney:

I have been asked by Councilman Eisenbacher and Mayor Pro Tem Howrylak to do an informal review as a private citizen of the City of Troy Code of Ordinances with the intent to find, in my personal opinion, outdated ordinances. I believe all ordinances should be held to the following test. Is it reasonably and prudently enforceable? If not, it should be removed from our books. I shall not review the chapters on Zoning and Planning or Traffic as there are committees to address these areas.

To better understand the ordinances one must first understand the City Charter since all governance of the citizens of Troy stems from there. I know that there is a Charter Revision Committee, but I do not know how to send my observations to them.

In Chapter 3, Section 3.15 - Treasurer: Functions and Duties (f) "The Treasurer shall perform such other duties as may be prescribed for him by this charter, by the Council or by the City Manager." and Section 3.16 - Assessor: Functions and Duties "He shall perform such other duties as may be prescribed for him in this charter, by the Council, or by the City Manager." seem to be in direct conflict with Section 3.13 - Relationship of Council to Administrative Service. It states, "Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the City Manager, and neither the council nor any member thereof shall give orders to any of the subordinates of the City Manager."

Section 3.13 is to prevent any member of council giving orders to city employees. However, Sections 3.15(f) and 3.16 state that "the council" which may mean the entire council or it may mean an individual member of council may give the Treasurer and the Assessor orders.

An easy way to clear this up would be to place in the Charter or any ordinance that the entity known as the Troy City Council which is made up of 6 Council-Persons and the Mayor be referred to as City Council. So, 3.15(f) would read, "The Treasurer shall perform such other duties as may be prescribed for him by this charter, by City Council or by the City Manager."

As a final thought, we should remove all gender references from the wording in the Charter. So, 3.15(f) would then read, "The Treasurer shall perform such other duties as may be prescribed for the Treasurer by this charter, by City Council or by the City Manager."

Respectfully yours,
Peter F. Ziegenfelder

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-----Original Message-----
From: Pete Ziegenfelder [mailto:pete_ziegenfelder@wideopenwest.com]
Sent: Sunday, March 16, 2003 8:33 AM
To: Robin E. Beltramini; Anthony N. Pallotta; Cristina Broomfield; David Eisenbacher; David Lambert; Lori Grigg Bluhm; Martin Howrylak; Matt Pryor
Subject: Troy Ordinance Review - City Charter - Chapter 4 - Section 7
The Honorable Mayor and Honorable City Council Members,

Mrs. Lori Bluhm, City Attorney
Troy City Hall
500 West Big Beaver Road
Troy, MI 48084-5285

Peter F. Ziegenfelder
3695 Forge Drive
Troy, MI 48083-5638

Dear Mayor, City Council Members, and City Attorney:

I have been asked by Councilman Eisenbacher and Mayor Pro Tem Howrylak to do an informal review as a private citizen of the City of Troy Code of Ordinances with the intent to find, in my personal opinion, outdated ordinances. I believe all ordinances should be held to the following test. Is it reasonably and prudently enforceable? If not, it should be removed from our books. I shall not review the chapters on Zoning and Planning or Traffic as there are committees to address these areas.

To better understand the ordinances one must first understand the City Charter since all governance of the citizens of Troy stems from there. I know that there is a Charter Revision Committee, but I do not know how to send my observations to them.

In Chapter 4 - The Council Procedure and Miscellaneous Powers and Duties in Section 4.7 - Organization and Rules of the Council it makes extremely restricted provision for abstaining from voting. In section 4.7(b) it explicitly requires everyone to vote yes or no. In section 4.7(c) "No member of the Council shall vote on any question in which he has a financial interest, other than the common public interest, or on any question concerning his own conduct, . . .". I propose that this section be expanded to include any fiduciary interest that any City Council Member might have. This would remove any hint of impropriety on the part of City Council that they were biased for, or against, some matter that a City Council Member is profoundly involved in.

With this change, section 4.7(c) would read "No member of the Council shall vote on any question in which he has a financial or profound fiduciary interest, other than the common public interest . . .".

Respectfully yours,
Peter F. Ziegenfelder

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-----Original Message-----
From: Pete Ziegenfelder [mailto:pete_ziegenfelder@wideopenwest.com]
Sent: Saturday, April 26, 2003 4:41 PM
To: Mrs. Bluhm; Councilman Eisenbacher; Councilman Howrylak; Councilwoman Beltramini; Councilwoman Broomfield; Councilwoman Stine; Mayor Pro Tem Lambert; Mayor Pryor
Subject: Troy Ordinance Review - City Charter - Cost-of-Living Adjustments
The Honorable Mayor and Honorable City Council Members,

Mrs. Lori Bluhm, City Attorney
Troy City Hall
500 West Big Beaver Road
Troy, MI 48084-5285

Peter F. Ziegenfelder
3695 Forge Drive
Troy, MI 48083-5638

Dear Mayor, City Council Members, and City Attorney:

I have been asked by Councilmen Eisenbacher and Howrylak to do an informal review as a private citizen of the City of Troy Code of Ordinances with the intent to find, in my personal opinion, outdated ordinances. I believe all ordinances should be held to the following test. Is it reasonably and prudently enforceable? If not, it should be removed from our books. I shall not review the chapters on Zoning and Planning or Traffic as there are committees to address these areas.

To better understand the ordinances one must first understand the City Charter since all governance of the citizens of Troy stems from there. I know that there is a Charter Revision Committee, but I do not know how to send my observations to them.

The City Charter needs to be amended to require every ordinance that imposes a dollar amount have a cost-of-living adjustment included to keep pace with inflation or deflation. Take for instance a fine of $1,000.00 in 1970 is worth $4,536.59 in 2002 adjusted dollars using the United States Department of Labor's Bureau of Labor Statistics' Consumer Price Index. What might have been a deterrent in 1970 does not have the same level of deterrent in 2002 without a cost-of-living adjustment. Fees should also have a cost-of-living adjustment made, but only as a percentage of inflation, such as - this fee will increase every two years at 80% of the average of the Consumer Price Index for those two years.

In Chapter 3 - Organization of Government in Section 3.6 - Compensation of Councilmen, the original amount was $10.00 per session. Lets say that are 26 regular session of Council with 6 Study Session per year. That comes to 32 session for which Council members should be compensated for. In 1955, the amount would have been $320.00. In 2002 adjusted dollars, that same amount is around $2,156.65. This section was changed in 1979 to be $25.00 per session, which would have yielded $800.00 in 1979 money or about $1,883.72 in adjusted 2002 dollars. In 1989, the Charter was changed so that Council received $2,100 per year, no matter how many meetings they went to. Once again, this amount has not kept up with inflation. $2,100.00 in 1989 dollars is worth approximately $3,013.51 in 2002 dollars. In other words, this amount has been reduced to around $1,463.41 in 1989 dollars. I would be in favor of bringing the level of compensation up to $290.00 per month with a cost-of-living adjustment automatically made every two years.

In Chapter 4 - The Council Procedure and Miscellaneous Powers and Duties in Section 4.8 - Investigations, it states "may be punished by a fine of not to exceed five hundred dollars". This section has not changed since its inception in 1955. $500.00 in 1955 dollars is worth nearly $3,369.77 in 2002 dollars. In other words, this fine has been reduced to $74.19 in 1955 dollars. Not what the framers of the City Charter had in mind as a deterrent. There are the same dollar provisions in:

Chapter 5 - Legislation in Section 5.5 - Penalties for Violations of Ordinances; Chapter 6 - General Provisions Regarding Officers and Personnel of the City in Section 6.11 - Delivery of Office; and Chapter 15 - Miscellaneous in Section 15.7 - Penalties for Violation of This Charter.

In Chapter 6 - General Provisions Regarding Officers and Personnel of the City in Section 6.12(a) - Pecuniary Interest Prohibited, it states "in excess of one hundred dollars". This section has not changed since its inception in 1955. $100.00 in 1955 dollars is worth nearly $673.95 in 2002 dollars. In other words, this excess has been reduced to $14.84 in 1955 dollars.

Even in Chapter 12 - Purchases - Contracts - Leases, which was most recently changed in 1998 has not kept pace with inflation. In Section 12.1 - Purchase and Sale of Property, it states "purchase or sale in amount not in excess of ten thousand dollars". $10,000.00 in 1998 dollars has the buying power of something like $11,048.02 in 2002 dollars. However, this section is well ahead of the curve when you consider that in the 1955 Charter the amount was $1,000.00 and that amount in 2002 adjusted dollars has the buying power of $6,739.54.

Also in Chapter 12 Section 12.2 - Contracts, there are two areas "Any contract or agreement in an amount of one thousand dollars or more" and "City to pay an amount of one thousand dollars". This section has not changed since its inception in 1955. $1,000.00 in 1955 dollars is worth roughly $6,739.54 in 2002 dollars. In other words, this amount has been reduced to $148.38 in 1955 dollars.

In Chapter 13 - Municipal Utilities in Section 13.1 - Purchase and Sale of Property, are the statements "sealed bids from $500 to $1,000" and "sale in amount not in excess of one thousand dollars". Also in Section 13.1(b) "In all sales or purchases in excess of one thousand dollars". This section has not changed since 1965. A $1,000.00 in 1965 dollars is worth more or less $5,678.62 in 2002 dollars. In other words, this amount has been reduced to $176.10 in 1965 dollars. This amount started out as $500.00 in 1955 and $500.00 in 1955 is worth in the region of $3,369.77 in 2002 dollars.

The city is losing revenue every year that we do not have an automatic cost-of-living adjustment in the City Charter and in every ordinance that imposes a fine or collects revenue. The City Charter must be amended to require every ordinance that has a dollar amount in it be required to have a cost-of-living adjustment automatically made built into the ordinance.

Respectfully yours,
Peter F. Ziegenfelder

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-----Original Message-----
From: Pete Ziegenfelder [mailto:pete_ziegenfelder@wideopenwest.com]
Sent: Sunday, May 11, 2003 8:47 AM
To: Mrs. Bluhm; Councilman Eisenbacher; Councilman Howrylak; Councilwoman Beltramini; Councilwoman Broomfield; Councilwoman Stine; Mayor Pro Tem Lambert; Mayor Pryor
Subject: Troy Ordinance Review - City Charter - Number of Signatures Needed
The Honorable Mayor and Honorable City Council Members,

Mrs. Lori Bluhm, City Attorney
Troy City Hall
500 West Big Beaver Road
Troy, MI 48084-5285

Peter F. Ziegenfelder
3695 Forge Drive
Troy, MI 48083-5638

Dear Mayor, City Council Members, and City Attorney:

I have been asked by Councilmen Eisenbacher and Howrylak to do an informal review as a private citizen of the City of Troy Code of Ordinances with the intent to find, in my personal opinion, outdated ordinances. I believe all ordinances should be held to the following test. Is it reasonably and prudently enforceable? If not, it should be removed from our books. I shall not review the chapters on Zoning & Planning or Traffic as there are committees to address these areas.

To better understand the ordinances one must first understand the City Charter since all governance of the citizens of Troy stems from there. I know that there is a Charter Revision Committee, but I do not know how to send my observations to them.

In Section 5.11 - Initiatory and Referendary Petitions of Chapter 5 - Legislation of the Troy City Charter, it states: "An initiatory or a referendary petition shall be signed by not less than ten per cent of the registered electors of the city, as of the date of the last regular city election". This is outrageous. It should be 10 percent of the registered electors of the city that voted in the last mayoral election, as of the date of that city election. You could also use the last gubernatorial election, or even the last presidential election. However, I consider that the last mayoral election is the fairest way to determine the number of signatures needed on an initiatory or referendary petition.

In Section 5.14 - Ordinance Suspended: Miscellaneous Provisions on Initiatory and Referendary Petitions of Chapter 5 - Legislation of the Troy City Charter, it states: "The presentation to the Council by the Clerk of a valid and sufficient referendary petition containing a number of signatures equal to twenty-five percent of the registered electors of the city as of the date of the last regular city election". This is an extreme amount of voters. It should be 25 percent of the registered electors of the city that voted in the last mayoral election, as of the date of that city election.

Respectfully yours,
Peter F. Ziegenfelder

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-----Original Message-----
From: Pete Ziegenfelder [mailto:pete_ziegenfelder@wideopenwest.com]
Sent: Sunday, August 31, 2003 8:04 AM
To: 'Mrs. Bluhm'; 'Councilman Eisenbacher'; 'Councilman Howrylak'; 'Councilwoman Beltramini'; 'Councilwoman Broomfield'; 'Councilwoman Stine'; 'Mayor Pro Tem Lambert'; 'Mayor Pryor'
Subject: Troy Ordinance Review - City Charter - Non-partisan Ballot
The Honorable Mayor and Honorable City Council Members,

Mrs. Lori Bluhm, City Attorney
Troy City Hall
500 West Big Beaver Road
Troy, MI 48084-5285

Peter F. Ziegenfelder
3695 Forge Drive
Troy, MI 48083-5638

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In Chapter 3 - Organization of Government in Section 3.3 - Election of Councilmen it states, "The members of the Council shall be elected on a non-partisan ballot . . .". I take "non-partisan" to mean no political party affiliation. Therefore, I think that it is against the election rules for any candidate to state that they are a Democrat or a Republican or a member of any political party. I believe that the City Clerk's office should inform candidates that they cannot put any party affiliation on any election material and the candidates should refrain from mentioning which party they may or may not belong.

By the way, though this has nothing to do with anything, I consider myself a conservative Democrat or a liberal Republican.

Respectfully yours,
Peter F. Ziegenfelder

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-----Original Message-----
From: Pete Ziegenfelder [mailto:pete_ziegenfelder@wideopenwest.com]
Sent: Sunday, August 31, 2003 7:53 AM
To: 'Mrs. Bluhm'; 'Councilman Eisenbacher'; 'Councilman Howrylak'; 'Councilwoman Beltramini'; 'Councilwoman Broomfield'; 'Councilwoman Stine'; 'Mayor Pro Tem Lambert'; 'Mayor Pryor'
Subject: Troy Ordinance Review - City Charter - Term Limits
The Honorable Mayor and Honorable City Council Members,

Mrs. Lori Bluhm, City Attorney
Troy City Hall
500 West Big Beaver Road
Troy, MI 48084-5285

Peter F. Ziegenfelder
3695 Forge Drive
Troy, MI 48083-5638

Dear Mayor, City Council Members, and City Attorney:

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To better understand the ordinances one must first understand the City Charter since all governance of the citizens of Troy stems from there. I know that there is a Charter Revision Committee, but I do not know how to send my observations to them.

In Chapter 7 - Elections, in Section 7.5.5, there is no title. This section should have a title. I propose "Term Limits".

In Chapter 7 - Elections, in Section 7.5.5 it states, "An elected member of the City Council shall not serve more than three terms as Councilperson. The Mayor shall not serve more than two terms as Mayor. Any portion of a term served shall constitute one full term. This amendment shall apply only to terms starting after passage of this amendments. (11-08-94)". NOTE: "amendments" should be singular, "amendment".

Here are my radical thoughts on this subject. Any person should be able to serve as Mayor or as a Councilperson as long as the electorate is willing to elect them, with these restrictions: An elected member of the City Council shall not serve more than three consecutive terms as Councilperson. The Mayor shall not serve more than two consecutive terms as Mayor. The key word here is "consecutive". If a Councilperson or the Mayor is forced not to run because they have served their "consecutive" terms, then they must wait four (4) years before they can run again for an open seat on Council or for the Mayors office. Then they may serve another three (3), if a Councilperson, or two (2) if mayor, consecutive terms before they must sit out four (4) years.

Along these same lines, a Councilperson voted out of office should not be able to run again for the next open Council seat. They should have to wait the three (3) years that the seat they lost is occupied before they can run again for any open Council seat. After all, the people entitled to vote just removed them from office.

Respectfully yours,
Peter F. Ziegenfelder

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-----Original Message-----
From: Pete Ziegenfelder [mailto:pete_ziegenfelder@wideopenwest.com]
Sent: Monday, May 26, 2003 9:31 AM
To: 'Mrs. Bluhm'; 'Councilman Eisenbacher'; 'Councilman Howrylak'; 'Councilwoman Beltramini'; 'Councilwoman Broomfield'; 'Councilwoman Stine'; 'Mayor Pro Tem Lambert'; 'Mayor Pryor'
Subject: Troy Ordinance Review - City Charter - Public Utilities
The Honorable Mayor and Honorable City Council Members,

Mrs. Lori Bluhm, City Attorney
Troy City Hall
500 West Big Beaver Road
Troy, MI 48084-5285

Peter F. Ziegenfelder
3695 Forge Drive
Troy, MI 48083-5638

Dear Mayor, City Council Members, and City Attorney:

I have been asked by Councilmen Eisenbacher and Howrylak to do an informal review as a private citizen of the City of Troy Code of Ordinances with the intent to find, in my personal opinion, outdated ordinances. I believe all ordinances should be held to the following test. Is it reasonably and prudently enforceable? If not, it should be removed from our books. I shall not review the chapters on Zoning & Planning or Traffic as there are committees to address these areas.

To better understand the ordinances one must first understand the City Charter since all governance of the citizens of Troy stems from there. I know that there is a Charter Revision Committee, but I do not know how to send my observations to them.

While reading Section 14.1 - Granting of Public Utility Franchises of Chapter 14 - Public Utility Franchises of the Troy City Charter I had a thought. I would like to see all utilities made Public just like the water department. The problem is not who supplies the service, though you can argue that one company is less expensive than the other or one provides better service, but who owns the physical wire or pipe that comes into my house. I should not have to worry that I buy the service from company "A", but company "B" owns the physical connection. When there is a problem, they point fingers at one another and the problem does not get resolved. In my biased opinion, the telephone company, the electric company, and the gas company should all be public utilities run and regulated just like the City of Troy Water Department. I know that this probably will never happen, but I wanted to make my view known.

While we are on the subject, an I might be wrong on this, but why are the cable companies not regulated by the Public Service Commission just like the Electric Company and the Gas Company? Do they not supply a service just like the Electric Company? Should they not go before a public body to get their rates approved to show that they are not taking advantage of consumers? I for one think that they should. I also think that the Troy City Council should take a stand and enact a resolution in favor of making such a thing happing. Going along with my first paragraph, the physical cable should be owned an operated by the City of Troy, just like the City of Troy Water Department, but that the City controls which "cable" company, or companies, supply the actual programming. Some how, of course, the individual citizen would need to be able to choose which cable company and "package" that they want.

Respectfully yours,
Peter F. Ziegenfelder

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Finally, the recipient should check this e-mail and any attachments for the presence of viruses. Although I sacn e-mail for viruses, I accepts no liability for any damage caused by any virus transmitted by this e-mail.

-----Original Message-----
From: Pete Ziegenfelder [mailto:pete_ziegenfelder@wideopenwest.com]
Sent: Monday, May 26, 2003 9:44 AM
To: 'Mrs. Bluhm'; 'Councilman Eisenbacher'; 'Councilman Howrylak'; 'Councilwoman Beltramini'; 'Councilwoman Broomfield'; 'Councilwoman Stine'; 'Mayor Pro Tem Lambert'; 'Mayor Pryor'
Subject: Troy Ordinance Review - City Charter - Interpretations
The Honorable Mayor and Honorable City Council Members,

Mrs. Lori Bluhm, City Attorney
Troy City Hall
500 West Big Beaver Road
Troy, MI 48084-5285

Peter F. Ziegenfelder
3695 Forge Drive
Troy, MI 48083-5638

Dear Mayor, City Council Members, and City Attorney:

I have been asked by Councilmen Eisenbacher and Howrylak to do an informal review as a private citizen of the City of Troy Code of Ordinances with the intent to find, in my personal opinion, outdated ordinances. I believe all ordinances should be held to the following test. Is it reasonably and prudently enforceable? If not, it should be removed from our books. I shall not review the chapters on Zoning & Planning or Traffic as there are committees to address these areas.

To better understand the ordinances one must first understand the City Charter since all governance of the citizens of Troy stems from there. I know that there is a Charter Revision Committee, but I do not know how to send my observations to them.

Section 15.3 - Interpretations, of Chapter 15 - Miscellaneous, of the Troy City Charter should be in the front of the Charter not the rear. This way when someone is reading the Charter, from front to back, they will come across the definitions for words that are used in the Charter.

Also, why is the table of contents in the back of the Charter? Is it a written legal document thing or can the table of contents be moved to the front?

Respectfully yours,
Peter F. Ziegenfelder

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-----Original Message-----
From: Pete Ziegenfelder [mailto:pete_ziegenfelder@wideopenwest.com]
Sent: Monday, May 26, 2003 10:03 AM
To: 'Mrs. Bluhm'; 'Councilman Eisenbacher'; 'Councilman Howrylak'; 'Councilwoman Beltramini'; 'Councilwoman Broomfield'; 'Councilwoman Stine'; 'Mayor Pro Tem Lambert'; 'Mayor Pryor'
Subject: Troy Ordinance Review - City Charter - Definition of Publication
The Honorable Mayor and Honorable City Council Members,

Mrs. Lori Bluhm, City Attorney
Troy City Hall
500 West Big Beaver Road
Troy, MI 48084-5285

Peter F. Ziegenfelder
3695 Forge Drive
Troy, MI 48083-5638

Dear Mayor, City Council Members, and City Attorney:

I have been asked by Councilmen Eisenbacher and Howrylak to do an informal review as a private citizen of the City of Troy Code of Ordinances with the intent to find, in my personal opinion, outdated ordinances. I believe all ordinances should be held to the following test. Is it reasonably and prudently enforceable? If not, it should be removed from our books. I shall not review the chapters on Zoning & Planning or Traffic as there are committees to address these areas.

To better understand the ordinances one must first understand the City Charter since all governance of the citizens of Troy stems from there. I know that there is a Charter Revision Committee, but I do not know how to send my observations to them.

In Section 15.4 - Definition of Publication, Mailing of Notices, of Chapter 15 - Miscellaneous, of the Troy City Charter it states ". . . for the publishing or publication of notices or ordinances shall be met by publishing an appropriate insertion in a newspaper published . . ." should also include delivered at no charge to each citizen, or household, in the City of Troy. The "Troy Times" which is mailed to each household at no charge to the citizens living in that household is a good example of a publication that could include the "publishing or publication of notices or ordinances". This way notices and ordinances are sent to each household and official notice does not rely on each citizen picking up a publication by chance.

Respectfully yours,
Peter F. Ziegenfelder

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Finally, the recipient should check this e-mail and any attachments for the presence of viruses. Although I sacn e-mail for viruses, I accepts no liability for any damage caused by any virus transmitted by this e-mail.

TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: October 1, 2003
SUBJECT: Approval of Outside Legal Consultant

The City of Troy has occasionally utilized the professional services of attorney Neil Lehto for telecommunications matters. On May 7, 2001, City Council authorized the retention of Mr. Lehto's law firm, O'Reilly, Rancilio, Nitz, Turnbull & Andrews. However, Neil Lehto has recently left the law firm, and has started his own practice. He is requesting the City of Troy enter into a contract with him, and allow him to continue his representation of the City of Troy. His hourly rate will remain consistent at $ 225.00 per hour. It is my recommendation that the City of Troy continue its professional relationship with Neil Lehto. A proposed resolution is attached for your consideration.

As always, if you have any questions concerning the above, please let me know.

NEIL J. LEHTO.
Attorney and Counselor at Law
4035 IVERNESS LANE
WEST BLOOMFIELD, MICHIGAN 48323-1714

TELEPHONE AND FACSIMILE (248) 851-4276
E-MAIL nlehto@sbcglobal.net

October 2, 2003

Lori G. Bluhm, City Attorney
City of Troy
500 W. Big Beaver Road
Troy, MI 48084-0851

RE: Engagement Letter

Dear Ms. Bluhm:

I am pleased that you have chosen me as legal counsel to the City in connection with certain cable television, telecommunications, wireless cell phone towers, public utility, right of way and related matters. In order to focus upon your particular legal needs and concerns and to avoid any unnecessary misunderstanding regarding costs and fees, I am providing this written agreement to provide any legal services. The purpose of this letter is to explain the scope of my engagement as legal counsel and to explain the financial arrangements for payment for services rendered and costs incurred.

1. Scope of Engagement. I will provide you with professional legal services regarding certain cable television, telecommunications, wireless cell phone tower, public utility, right of way and related matters assigned to me. My client in this matter will be the City of Troy. My obligation to represent you does not begin unless and until you sign this engagement letter. I do not guarantee results or any outcome in any particular case. I will endeavor to give you my professional advice in light of the applicable law and the particular facts of this matter that you have made known to us. In order for me to represent you in the manner most beneficial to you, I will need your cooperation and your candor.

2. **Conflict of Interest Waiver.** I am currently engaged "of counsel' to the law firm of O'Reilly, Rancilio, Nitz, Andrews, Turnbull & Scott, P.C., which represents the cities of Fraser and Sterling Heights, Warren Consolidated Schools, Utica Community Schools, South Oakland Resource Recovery Authority and General Motors Acceptance Corporation among many others. I will not represent the City in any matter involving these entities. Further, you agree that you will not use my representation of the City to seek to disqualify the firm from representing such existing clients in any matter, including a matter adverse to Troy's interest, as long as, in the case of an adverse matter,

I am not the lawyer personally representing these entities, and the lawyer representing these entities has not gained any confidential information from me about the matter.

3. **Attorney Fees**. My fees for this matter will be based upon the amount of time spent at rates in effect at the time of the performance of the services. The hourly billing rate is adjusted from time to time. My hourly billing rate presently is $225 per hour. The City will be billed for all of my time spent concerning this matter including, but not limited to, all telephone conferences, travel to and from or waiting at any court, tribunal, agency or meeting place. You will be responsible for all costs or disbursements in addition to the hourly fee.

4. **Costs.** The performance of legal services involves costs and expenses that we normally ask the City to pay directly or for which we will ask you to reimburse us should we pay these costs and expenses on its behalf. In circumstances involving any substantial expenditure to outside vendors (such as expert witnesses, depositions, travel expenses, lab tests or the like) I may ask that the City advance those sums to me before I expend them or I may request that the City pay the vendor directly.

5. **Monthly Statements and Payment Terms**. I will send you monthly billing statements setting forth my fees for services rendered, disbursements incurred during the billing period. If you have a question about any bill or about the services performed, please call me when you receive the statement. If no comment about a statement is made within thirty days of its date, I will assume that you have reviewed it and find it acceptable. My bill is payable upon receipt. In the event that the bill will not be paid within thirty days, it is imperative that you contact me to make other arrangements. Interest at the highest legal rate may be charged after 30 days. If such other arrangements are not made and a bill is not paid within 60 days after its date, I will consider your account delinquent.

6. **Withdrawal from Representation**. If at any time you want to terminate my services, please notify me in writing. Likewise, if at any time i find that I am unable to continue representing you, I will notify you in writing. Michigan Rule of Professional Conduct 1.16 allows me to withdraw from representation of a client for certain reasons including: (a) the client insists upon pursuing a course of action that I consider repugnant or imprudent; (b) the client fails to pay fees and costs as agreed upon after receiving reasonable warning that continued non-payment will result in withdrawal; or (c) continued representation of the client will result in an undue financial burden upon the attorney or the Firm. At termination, we are entitled to all monies owed for work performed to the date of withdrawal as well as all costs advanced on the City's behalf. As soon as possible after any such termination, a final bill will be prepared and sent to you.

7. **File Retention Policy**. At the conclusion of any City matter, you may retrieve the contents of the file to which you are legally entitled and also to have access to the file. I may charge you a fee for the service of searching the file and for any associated copy costs. My firm policy is to destroy files one year after the file is closed. By signing this agreement, you agree with this file retention policy.

If you agree on behalf of the City to be bound by the terms and conditions of this letter, I ask that you sign this document in the space provided below and return it to us at your earliest convenience.

Very truly yours,

Neil J. Lehto

I have read this agreement and on behalf of the City of Troy agree to the terms and conditions set forth and agree that there are no other agreements, oral or otherwise between us. Accepted this _____ day of _____, 2003:

_____

September 30, 2003

To: Mayor Pryor
Members of Troy City Council

Fm: Troy City Planning Commission

Re: Request for Joint Meeting

I am writing on behalf of the Troy City Planning Commission to request a joint meeting with The Council. There are a number of critical issues that need to be addressed, and a joint meeting is the best mechanism for their resolution.

Attached is a copy of the resolution we passed. It identifies two main areas for discussion and a number of possible topics under each one. Obviously, items for discussion can be added or deleted, as you desire. We also recommend that an independent facilitator be utilized to make the meeting as efficient as possible.

While everyone has busy schedules, particularly with the upcoming holiday season, we hope that such a joint meeting can be scheduled in the near future. We look forward to hearing your thoughts on a possible meeting date and an agenda.

Larry Littman
Chairman
Troy City Planning Commission

Communications and Procedures

- Communication with City Council and City Administration - Ongoing and Regularly Scheduled Meetings.

- Information to Planning Commission (e.g., elevations, drainage, landscaping, grading (existing and proposed)) for review and/or approval - What and When
-
- Revamp PUD Procedure.

- Final Site Plan Approval.

- Planning Commission Budget.

Special Projects

- Work Breakdown and Support for Maple Road Study.

- Table of Contents for City Code – Information for Users.

- Review Berm and Wall Requirements.

- Suggested Projects for Next Year.

Resolution # PC-2003-09-020
Moved by: Storrs
Seconded by: Strat

RESOLVED, That City Council entertain a joint meeting with the Planning Commission to discuss "Communications and Procedures" and "Special Projects", and any other relevant items City Council may wish to discuss; and

FURTHER RESOLVED, It is suggested that an individual from neither legislative body act as the meeting facilitator.

Yes: Kramer, Littman, Schultz, Storrs, Strat, Vleck, Waller, Wright
No: None
Absent: Chamberlain

MOTION CARRIED

September 30, 2003

To: Honorable Mayor and City Council

From: John Szerlag, City Manager
Gary A. Shripka, Assistant City Manager, Services
Lori Grigg-Bluhm, City Attorney
Steven Vandette, City Engineer

Subject: Cost Participation Agreement with Sterling Heights, Gibson Drain South Lake Cleanout Project

RECOMMENDATION:

It is recommended that the Cost Participation Agreement with Sterling Heights for the Gibson Drain South Lake Cleanout project be approved. The cost of the project based on the low bid received by Sterling Heights is $657,200. The administration, management and oversight of the Project will be done by Sterling Heights and its consulting engineers, Hubbell, Roth and Clark, Inc. The cost of this work will be shared equally with Sterling Heights as approved by Council Resolution #2002-11-593 on November 4, 2002. The total estimated cost of the project is $788,640 and the estimated cost to the City of Troy is $394,320.

BACKGROUND:

The South Lake basin is located southeast of Long Lake and Dequindre and receives flow from the Nelson and Gibson Drains located in Sections 11, 12 and 13 in the City of Troy. Although the pond receives approximately 90% of its water from Troy, the City of Sterling Heights offered to split the cost 50/50 with Troy. Cleanout of approximately 25,000 cubic feet of sediment from the basin will restore its capacity and effectiveness as an important flood control structure for the area.

During design of the storm sewer for Troy's Long Lake Road project from Carnaby to Dequindre, discussions with Sterling Heights were held regarding Troy's need for an improved storm outlet for Long Lake east into Sterling Heights. This improved drain outlet would flow into the same lake detention basin that contains sediment buildup from Troy. As part of our discussions with Sterling Heights all parties recognized the need for cleanout of sediment from

the basin as essential for our improved outlet and restoration of flood control for the downstream properties in Sterling Heights

FUNDING

Funds are available for the City of Troy's share of this project in the 2003/03 Capital Drains Fund, account number 401516.7989.1000.

From: "Clark A. Andrews" <candrews@ornats.com>
To: "Thomas DeHondt" <tdehondt@sterling-heights.net>
Cc: "Michelle Coil" <mcoil@ornats.com>
Subject: COST PARTICIPATION AGREEMENT10-1-03.doc
Date: Wed, 1 Oct 2003 13:47:49 -0400
X-Mailer: Microsoft Outlook Express 6.00.2800.1106
X-IMID: websense.sterling-heights.net

COST PARTICIPATION AGREEMENT FOR GIBSON DRAIN SOUTH LAKE CLEANOUT PROJECT

This **Cost Participation Agreement for Gibson Drain South Lake Cleanout Project** is made this _____ day of _____, 2003 between the **CITY OF STERLING HEIGHTS**, a Michigan municipal corporation, of 40555 Utica Road, Sterling Heights, Michigan 48311-8009 (**"Sterling Heights"**) and the **CITY OF TROY**, a Michigan municipal corporation, of 500 West Big Beaver Road, Troy, Michigan 48084 (**"Troy"**).

RECITALS

A. Sterling Heights and its Office of Engineering issued an Advertisement for Bids and Bid Specifications (collectively **"Bid Specifications"**) for the Gibson Drain South Lake Cleanout Project (**"Project"**), soliciting proposals for the dredging of the lake and disposal of the dredged materials and other associated work as itemized in the Bid Specifications, a copy of which is on file with the Sterling Heights Office of Engineering, which is incorporated by reference into this Agreement.

B. In response to the City's request, Dan's Excavating (**"Contractor"**) submitted a responsive proposal dated August 26, 2003 (**"Contractor's Proposal"**) to do the Project work, a copy of which is on file with the Sterling Heights Office of Engineering, which is incorporated by reference into this Agreement.

C. The Contractor's Proposal was the lowest qualified proposal received by Sterling Heights, and the Sterling Heights City Council is considering awarding the contract to Dan's Excavating in accordance with the Contractor's Proposal and the Bid Specifications, for the Base Bid plus Alternate A in the amount of $657,200.00, subject to approval of this Agreement by Troy.

D. The Gibson Drain provides a storm drainage outlet to properties in the Cities of Sterling Heights and Troy.

E. Troy is in agreement that the Gibson Drain South Lake is in need of the work set forth in the Bid Specifications, and Troy has agreed to share the cost of completing the Project equally with Sterling Heights in accordance with the terms of this Agreement, the Bid Specifications, and the Contractor's Proposal and wish to commit that understanding to writing in this Agreement.

NOW THEREFORE in consideration of the mutual covenants set forth herein in conformity with applicable law Sterling Heights and Troy agree as follows:

FROM :City of Sterling Heights FAX NO. :15862764063 Oct. 01 2003 02:23PM P2/5

1. **Ratification of Bid Specifications; Authorization to Proceed with Project Contract.** Sterling Heights and Troy ratify the Bid Specifications for the Project, and accept the Contractor's Proposal, and authorize Sterling Heights to enter into a contract with Dan's Excavating, (the **"Contract"**) the low qualified bidder for the Project, to proceed with the Project work in accordance with the Bid Specifications and the Contractor's Proposal, a copy of which is on file with the Sterling Heights Offices of the City Clerk and Engineering.

2. **Cost Sharing Between Sterling Heights and Troy.** Sterling Heights and Troy agree to share the construction cost of the Project as more fully described in the Bid Specifications and the Proposal, according to the following cost sharing ratios:

Troy	50%
Sterling Heights	50%

3. **Project Administration.** Sterling Heights and Troy acknowledge and agree that the design, administration, management, and oversight of the Project shall be done by Sterling Heights and its consulting engineers, Hubbell, Roth & Clark, Inc. The cost of the design of the Project shall be borne solely by Sterling Heights. The cost of the administration, management and oversight of the Project shall be finally determined at the end of the completion of the Project and shall be equally shared by Sterling Heights and Troy.

4. **Initial Deposit of Funding by Troy.** Upon execution of this Agreement by Sterling Heights and Troy, and execution of the Contract for the Project work by Sterling Heights and Dan's Excavating, Sterling Heights shall issue an invoice to Troy for 25% of (i) the estimated construction cost of the Project work as set forth in the Bid Response, and (ii) the estimated cost of administration, management, and oversight of the Project, which invoice shall be paid by Troy within 30 days of the date of receipt.

5. **Additional Progess Payments.** As work on the Project progresses, Sterling Heights will periodically submit progress billings to Troy for the remainder of Troy's share of the Project cost which shall be paid by Troy within 30 days of the date of receipt.

6. **Representation Regarding Troy Funding.** Troy represents to Sterling Heights that it has sufficient funds available to pay its obligations under this Agreement and will pay to Sterling Heights all sums due within 30 days of receipt of progress billings.

7. **Representation Regarding Sterling Heights Funding.** Sterling Heights represents to Troy that it has sufficient funds available to pay its obligations under this Agreement and the Contract with Dan's Excavating executed pursuant to such Contractor's Proposal.

8. **Final Adjustment After Project Completion.** Troy and Sterling Heights acknowledge that there may be some adjustment to the Contract and the final Contract price based on actual conditions encountered. The final actual amount of Project cost will be determined upon completion of the project. Final adjustments in the financial obligations of Sterling Heights and Troy under this Agreement will be made upon completion of the Project.

9. **Interpretation and Construction of Cost Partcipation Agreement.** This Cost Participation Agreement was prepared by Clark A. Andrews, Assistant City Attorney for the City of Sterling Heights, on behalf of Sterling Heights. In the event of any dispute regarding the meaning of the terms of this Agreement, a court construing or interpreting any provision of this Agreement shall not construe or interpret the language against Sterling Heights on the basis that a Sterling Heights City Attorney was the drafter, due to the fact that both parties (with the input from their respective city attorneys) have had an opportunity to contribute substantially to the Agreement's final content.

10. **Authority.** Each person executing this Agreement represents and warrants to the other party that he/she has the authority to execute the Agreement on behalf of the party for whom such person is signing.

11. **Governing Law.** This Agreement is made in the State of Michigan and shall be construed in accordance with its laws.

CITY OF STERLING HEIGHTS, a Michigan municipal corporation

By:

_____

Richard J. Notte
Its: Mayor

And

By:

_____

Walter C. Blessed
Its: City Clerk

CITY OF TROY, a Michigan municipal corporation

By:

_____

Matt Pryor
Its: Mayor

And

By:

_____

Tonni L. Bartholomew
Its: City Clerk

FROM :City of Sterling Heights FAX NO. :15862764063 Oct. 01 2003 02:24PM P4/5

[Acknowledgments follow on next page]

STATE OF MICHIGAN)
) SS
COUNTY OF MACOMB)

The foregoing instrument was acknowledged before me this ____ day of _____, 2003, by Richard J. Notte and Walter C. Blessed, Mayor and City Clerk respectively of the City of Sterling Heights, a Michigan municipal corporation, on behalf of the municipal corporation.

_____

Notary Public
Macomb County, Michigan
My Commission Expires: _____

STATE OF MICHIGAN)
) SS
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this ____ day of _____, 2003, by Matt Pryor and Tonni L. Bartholomew, Mayor and City Clerk respectively of the City of Troy, a Michigan municipal corporation, on behalf of the municipal corporation.

_____

Notary Public
Oakland County, Michigan
My Commission Expires: _____

October 1, 2003

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Scheduling of Study Sessions Following Adjournment of Regularly Scheduled Council Meetings on the First and Third Mondays

This is the first month where we begin scheduling an additional Council meeting on the fourth Monday. Our interest in adding this meeting is to have the first and third Council meetings pertain primarily to public hearings that should not generate a lot of public participation, consent items and regular business items. The third monthly meeting on the fourth Monday will be reserved for public hearings and other items involving a high degree of citizen participation.

Conducting meetings in the above fashion will, in theory, have us adjourn by 10:00 PM or so on the first and third Mondays. Since our average time spent for consent and regular business items combined is less than one hour, there should be plenty of time to discuss community policy/vision issues which take the form of green policy memos, proposed ordinances, study session topics, and presentations. Given this, attached is a blanket resolution calling for study sessions subsequent to adjournment of our regular City Council meetings on the first and third Mondays. However, I would recommend that these study sessions be canceled should the regular meeting run past 10:00 p.m. Even though a decision will not be made at these meetings, there could well be people interested in our topics and we would not want to keep them waiting very long. Physically, these study sessions would be moved to the council boardroom.

As always, please call should you have any questions.

June 30, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager's Office

SUBJECT: Request to Consider Scheduling City Council Meetings on Fourth Mondays

Although our major capital initiatives are behind us for the next decade or so, I don't believe this is going to result in shorter City Council meetings. Thus in the interest of more efficient and effective meetings which also could assure crisp public participation, please consider scheduling the fourth Monday from September through May for regular City Council meetings. Additionally, the objective of these meetings would be primarily to handle public hearings and other issues that normally involve a high degree of public participation.

There are several benefits of structuring our meetings in this fashion:

1) The first and third Mondays will be used primarily for *Consent*, and *Regular Business* items. And since our average time spent for *Consent* and *Regular Business* items combined is less than one hour, this will leave us plenty of time while we're all still fresh to discuss community policy/vision issues which take the form of green policy memos, proposed ordinances, study session topics.

2) Although we'll have a slate of public hearings on fourth Mondays, perhaps as many as six or seven on average, when we're done with the public hearings, we're done. And it'll be my job as manager not to clutter that agenda with other *Consent*, *Regular Business* items, or even *Reports/Communications* unless same are absolutely critical to the ongoing operations of the City of Troy. Of course, at times there are some *Regular Business* items, such as site plan approvals, that may be placed on the fourth Monday calendar because there may be a high degree of public participation. In any event, limiting fourth Mondays to these types of items will allow Council more time to study the issues without having to worry about 50 or 60 other items on the same agenda. So too, many staff members attending the first and third Monday meetings would not be required to attend the fourth Monday meeting as only a handful of staffers are normally involved in topics that generate citizen participation.

Conversely, staffers attending the fourth Mondays may not be required to attend the first and third Mondays if they have nothing on the *Consent* or *Regular Business* agenda.

3) Individual or small numbers of residents/property owners currently waiting for hours to speak on a *Consent* or *Regular Business* item would no longer have to do so.

This request should be taken in the context of a process in an evolutionary state. It could be modified at any time including reverting to our existing practice of having Council meetings on the first and third Mondays and scheduling study sessions when we can.

Please bring this matter up for a brief discussion if you think it has any merit.

As always, I'll be happy to respond to any comments you have.

JS/mr\AGENDA ITEMS\07.07.03 – Request for 4th Monday Council Meetings

c: T. Bartholomew, City Clerk
L. Grigg Bluhm, City Attorney
C. Craft, Police Chief
J. Lamerato, Assistant City Manage/Finance & Administration
W. Nelson, Fire Chief
G. Shripka, Assistant City Manager/Services

October 1, 2003

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Request for Study Session: Goals and Objectives

Our ongoing strategic planning process contains four primary elements:

1) Review and calibration of community values and goals by City Council.

2) Goals and objectives presentation by City Management.

3) Evaluation of Manager predicated on obtaining goals and objectives set by Council.

4) Development of budget document allocating resources to meet objectives.

Our planning session with Mr. Carl Hendrickson of Market Measurement is set for October 25, 2003. Thus I recommend Council set a study session to review goals, objectives, and accomplishments for some time in the fore part of November. Please know that this meeting should be separate from our proposed study sessions that will occur after the first and third Council meetings because of the proposed length of this topic; which will be approximately two hours.

JS/mr\AGENDA ITEMS\2003\10.06.03 – Goals and Objectives Session

Council Comments 1

Marriage Protection Amendment Resolution

WHEREAS, in 1996, President Clinton signed the Defense of Marriage Act, which denied federal recognition of same-sex marriages; and

WHEREAS, President George W. Bush has stated that our country should not compromise its fundamental beliefs that marriage is defined strictly as a union between a man and a woman and that his office is reviewing alternatives to codify such fundamental beliefs; and

WHEREAS, as a matter of public policy, Michigan recognizes that it has a compelling interest in encouraging, supporting, and protecting marriage and that a union contracted between individuals of the same sex is not a marriage in this State; and

WHEREAS recent court rulings in other states could be used to invalidate Michigan's present law prohibiting same-sex marriages; and

WHEREAS, the people of the City of Troy have the right to vote on an issue that so fundamentally affects the fabric and social foundation of our families and communities; and

WHEREAS, a constitutional amendment may more properly reflect Michigan's commitment to and compelling interest in promoting the traditional institution of marriage for the betterment of our society.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Troy supports placing an amendment to the Michigan State Constitution, securing the definition of marriage as exclusively between one man and one woman, before the voters of the State of Michigan.

Cristina L. Broomfield
Phone: 248.~~24.0774~~ 879-2175
Fax: 248.~~524.9504~~

FAX TRANSMISSION DATE: 9-29-03

TO: John Szeruc

FAX: 248-524-0851

FROM: Cristina Broomfield

RE: Oct 6th Agenda Item

PAGES: 4wo including Cover

COMMENTS:

John;
Could you please include this on Oct 6th agenda under council comments? I tried to E-mail BUT couldn't connect - (?) Call me if you have any questions —

Have A Good Day —

Cristina —

Council Comments 2

Oakland County Michigan

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Oakland County Drain Office

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John P. McCulloch
Drain Commissioner

The Oakland County Drain Commissioner's Office is faced with many challenges in the 21st century. It must provide leadership in areas of regional cooperation in order to make responsible decisions about infrastructure, the environment and water quality.

The Drain Commissioner's Office is a key component in providing you with quality water supply, drainage systems and sewage disposal systems...and doing it in a way that keeps our environment safe and promotes responsible growth.

Michigan State law, The Drain Code--Act 40 of 1956, as amended, gives the County Drain Commissioner powers and responsibilities to govern legally established drainage systems within the County. The County Drain Commissioner also has additional statutory responsibilities (Act 342, etc.), along with other responsibilities delegated by the Oakland County Board of Commissioners.

Key Staff:

John P. McCulloch
Drain Commissioner

Kevin R. Larsen
Chief Deputy Drain Commissioner

Douglas A. Buchholz, P.E.
Deputy and Manager
Operations and Maintenance Division

Joseph P. Kozma, P.E.
Deputy and Manager
Engineering and Construction Division

Contact Information
Public Works Building 95 West
One Public Works Drive

Spotlight On

Current Water Not
Notices regarding c
water emergencies.

News & Events

Report on Detroit W
Rate-Setting Policy
Acrobat PDF file siz

More News & Event

Waterford, Michigan, USA, 48328-1901
Phone: 248-858-0958
Hours: 8:30 a.m. to 5:00 p.m.

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OAKLAND COUNTY DRAIN COMMISSIONER
John P. McCulloch

John P. McCulloch
DRAIN COMMISSIONER
248.858.0598

Kevin R. Larsen
CHIEF DEPUTY
DRAIN COMMISSIONER
248.858.0981

September 19, 2003

Dear Community Leader:

Enclosed is a copy of a report conducted by Raftelis Financial Consulting of Kansas City, Missouri, which analyzes the Detroit Water and Sewerage Department's policies with respect to rate setting and related financial issues.

I have shared this report with Detroit Mayor Kwame Kilpatrick and we both agree that these issues should be addressed at the Southeast Michigan Consortium for Water Quality which was established by U.S. District Judge John Feikens with a wide membership of leaders and community activists from both the public and private sectors.

I hope you will take the time to study the report. If you have any questions regarding the report, please feel free to contact my office.

Thank you,

Very truly yours,

John P. McCulloch

JPM/jb

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Executive Summary

Review and Analysis
Detroit Water & Sewerage Department
Fiscal Year 2003-04

This executive summary of the report conducted by Raftelis Financial Consulting is intended to identify some of the areas of concern over the Detroit Water and Sewerage Department's method of setting its water and sewer rates. The findings indicate that Oakland County and other suburban customers are paying inflated rates. A summary of those findings is as follows:

Wastewater Rates

The report notes that DWSD's failure to comply with the "Maximum Debt Financing" provisions of the 1978 and 1982 Rate Settlement Agreements is estimated to have increased the wastewater revenue requirement for fiscal year 2003-04 for three Oakland County sewage districts by $4,450,000. That figure can be doubled when the previous fiscal year is included because it also appears DWSD did not comply with the requirement for that year.

Additionally, there is a potential failure to comply with the limitations on direct charges from the City to DWSD as set forth in the 1978 Rate Settlement Agreement. The City of Detroit charges DWSD for services provided to it by other city departments. The 1978 Rate Settlement Agreement establishes limitations on the amount of direct charges from the City to the DWSD. However, no detailed analysis of the direct charges has been made since the Rate Settlement Agreement was reached some 25 years ago.

There is a need to limit the annual "payment for indirect benefits or services" charged to suburban wholesale customers as set forth in the 1978 Rate Settlement Agreement. The original amount set forth in the 1978 Rate Settlement Agreement was $1 million, with a provision to be

increased by 5 percent each year. Today, the amount has grown to $3.4 million. If the original amount had been tied to the consumer price index, today's amount would be 17 percent less, or about $2.8 million.

Based on the information provided, the total financial impact on Oakland County and the communities it represents amounts to approximately $8.9 million for fiscal years 2002-03 through 2003-04. (That amount does not include the financial impact to Oakland County communities that contract directly with the DWSD.)

Water Rates

The estimate of water loss quantities and the allocation of water loss responsibility among the retail and wholesale customers is a major concern. While lost or "unaccounted for" water is a natural part of any water system, it is appropriate to allocate responsibility for water loss in the development of water rates. However the DWSD's water rates indicated several problem areas with the allocation of water loss. Since 1980 DWSD has used a water loss percentage of 14.5% of metered sales in the calculation of water rates. DWSD's reported water loss has ranged from 16% to 19% during the last five years. Understatement of the quantity of water loss shifts costs from Detroit retail customers to suburban wholesale customers. That translates into nearly a million dollars ($830,800) for the fiscal years 1999-00 through 2003-04. (This amount does not include Oakland County communities that contract directly with the DWSD.)

The next area of concern is depreciation expense. Depreciation expense is a major component of the revenue requirement used for establishing suburban wholesale water rates. But DWSD has consistently overstated the depreciation expense used in setting suburban wholesale rates. The overstatement has impacted the suburban wholesale customers alone because the DWSD retail rate is calculated to meet the system's cash requirements after allocation of costs to its suburban wholesale customers. The impact on Oakland County communities of this overstatement is about $1.2 million for the fiscal years 1999-00 thorough 2001-02. Again, this amount does not include Oakland County communities that contract directly with the DWSD.

Another area of concern is the element of the DWSD revenue requirement known as Return on Rate Base. The rate of return is a figure that should provide a reasonable return to the

City reflecting the City's ownership of the water system and the associated risks and responsibilities of ownership. However, in recent years, when the DWSD five alternative calculations of rates of return were considered to determine a final figure for the water rate calculation, it consistently selected the highest of the alternative methods or one higher than the alternative methods. The financial impact on Oakland County over the past five years is nearly $4 million when compared to the average rate of return from DWSD's five alternative methods.

In order to establish a fair rate, so-call "demand factors" must be taken into consideration. In other words, the rate must recognize the maximum day and maximum hour demands customers place on the system. Prior to fiscal year 2004, demand factors were estimated based on studies undertaken in the 1980's. Since fiscal year 1986-87, demand factors have not changed. Several years ago DWSD began to upgrade the data gathering technology for the suburban master meters, which allows DWSD to gather hourly demand data from the suburban master meters. Even though much of the data gathered last summer was not usable for the development of the fiscal year 2004 rates, DWSD chose to use the available data and estimate the balance. This was then weighted with the historical data using a 25% weighting for the new estimates and a 75% weighting for the historical data. No changes were made to the demand factors assigned to the City of Detroit. That resulted in a substantial increase for the suburban customers. DWSD provided minimal justification and support for the changes in suburban demand factors and no attempt was made to evaluate the demand factor for Detroit retail customers.

Based on the information provided, the underestimate of water loss and the overestimate of depreciation expense have a significant financial impact on Oakland County and the communities it represents. The total impact is approximately $4 million for fiscal years 1999-00 through 2001-02. This figure does not include fiscal year 2002-03 because DWSD's audit has not yet been issued. It also does not include the financial impact to Oakland County communities that contract directly with the DWSD.

RAFTELIS FINANCIAL CONSULTING, PA

2300 Main, Suite 900
Kansas City • Missouri • 64108

Phone 816 • 448 • 3725
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www.raftelis.com

August 27, 2003

Mr. John McCulloch,
Drain Commissioner
Oakland County Michigan
1 Public Works Drive
Waterford, MI 48328

Dear Mr. McCulloch:

We have completed our review and analysis of the Detroit Water and Sewerage Department's ("DWSD") fiscal year 2003-04 water and wastewater rates and are submitting this letter report summarizing our findings. Our work included two meetings with DWSD's rate consultant, Black & Veatch, attendance at the Detroit Water Board public hearing on January 22, 2003, and a presentation of our preliminary findings to you and representatives of the Southeast Oakland County Water Authority on March 12, 2003.

In order to assist us in our review, we were provided various documents from DWSD that were requested by your office. These documents included, but were not limited to, print outs from the DWSD water and wastewater rate models for fiscal years 1999-00, 2000-01, 2001-02, 2002-03, and 2003-04; audited financial statements of the City of Detroit's water and wastewater systems for fiscal years 1999-00, 2000-01, and 2000-02; the official statement issued by the City of Detroit for its $139,080,000 Sewage Disposal System Second Lien Revenue Bonds (Variable Rate Demand), Series 2001 (E); the official statements issued by the City of Detroit for its $302,485,000 Water Supply System Revenue Senior Lien Bonds, Series 2001-A and its $108,985,000 Water Supply System Revenue Second Lien Bonds, Series 2001-B; and a report

entitled Water Rate Model Review CS-950 prepared for the Detroit Water and Sewerage Department by Black & Veatch, dated 1985. Other documents provided by your office which were used in our review included the material provided by DWSD as part of its communications for the then proposed fiscal year 2003-04 water and wastewater rates and the various wastewater rate settlement agreements between the Detroit Water and Sewerage Department and its suburban wholesale and industrial customers.

As a result of our review, we have identified numerous areas of concern with regard to DWSD's application of the water and wastewater rate methodology. It is our opinion that these areas of concern have resulted in higher water and wastewater rates for Oakland County as well as other suburban wholesale customers. Our findings are presented below, first for wastewater followed by water.

WASTEWATER RATES

Since 1978, DWSD's wastewater rates have been the subject of numerous complaints filed in Federal District Court culminating in rate settlement agreements in 1978, 1980, 1982, 1995, and 1999. The negotiations resulting in these settlement agreements and the ongoing involvement of the Court have resulted in substantial oversight of the wastewater rate process by the parties.

Our review of the fiscal year 2003-04 wastewater rates indicates that DWSD has followed nearly all of the provisions of the rate settlement agreements. Our review also revealed several non-compliance issues and areas of concern that Oakland County should take into consideration as new wastewater service contracts with the City of Detroit are negotiated. The issues identified in our review are as follow:

1. Failure to comply with the "Maximum Debt Financing" provisions of the 1978 and 1982 Rate Settlement Agreements,
2. Potential failure to comply with the limitations on direct charges from the City to DWSD as set forth in the 1978 Rate Settlement Agreement,

3. The impact of the annual "payment for indirect benefits or services" charged to suburban wholesale customers as set forth in the 1978 Rate Settlement Agreement and the advisability to attempt limitation of that payment.

Maximum Debt Financing

Paragraph 5. B. of the 1978 Rate Settlement Agreement stipulates:

> "Maximum Debt Financing. Detroit shall obtain capital funds for the expansion, renewal and reconstruction of common use or solely suburban use major capitol assets or improvements from the issuance of revenue bonds, to the maximum extent possible together with maximum use of coverage monies generated thereby."

This is further defined in the note on Exhibit B of the Agreement,

> "Maximum debt financing will result in the lowest annual revenue requirement. If more bonds are sold coverage will control requiring greater revenue. If fewer bonds are sold, greater cash financing of capital improvements will result in increased annual revenue requirements. For fiscal year 1978-79 total revenue must equal $69,032,600 to meet coverage requirements. For the first 6-months of fiscal 1980 $41,025,100 in revenues are required to meet coverage (82,052,200 divided 2 = 41,025,100)."

Since 1978 Detroit has restructured its revenue bond ordinances, which, among other things, have reduced the required debts service coverage ratios. The coverage ratios as shown in the official statement issued by the City of Detroit for its $139,080,000 Sewage Disposal System Second Lien Revenue Bonds (Variable Rate Demand), Series 2001 (E) that were in effect for the fiscal 2003-04 wastewater rates are as follows

- Senior Lien Indebtedness – 120%
- Junior Lien Indebtedness – 110%
- SRF Junior Lien Bonds – 100%

The Maximum Debt Financing provisions of the 1978 Rate Settlement Agreement were followed by DWSD for many years. However, it appears that in recent years a decision was made by DWSD to increase the coverage ratios targeted in the rate development and look-back process

thereby increasing the total revenue requirement for wastewater service and violating the requirements of the 1978 Rate Settlement Agreement.

The impact of this violation in the fiscal year 2003-04 wastewater rates is substantial. In fact, if the Maximum Debt Financing requirement had been followed; no increase in rates would have been required for fiscal year 2003-04. The impact of not following the Maximum Debt Financing Requirements in the fiscal year 2003-04 wastewater rates is estimated to have increased the wastewater revenue requirement for the three Oakland County Sewage Districts by the following amounts:

- Clinton-Oakland – $1,200,000
- Evergreen-Farmington - $1,450,000
- Southeastern Oakland County S.D.S.- $1,800,000

It appears that the fiscal year 2002-03 wastewater rates also do not comply with the Maximum Debt Financing requirement. The impact on the three Oakland County sewer districts would be approximately the same as the fiscal year 2003-04 impact.

Direct Charges from City of Detroit

The City of Detroit charges DWSD for services provided by other departments of the City. Section 11.D. of the 1978 Rate Settlement Agreement established limitations on the amount of direct charges from the City to DWSD which can be included in the wastewater rates,

> "DWSD may continue to include in its rates charged for direct services which the City currently renders and bills to DWSD. Such "direct services" shall be limited to the kinds of services historically provided by offices, departments or agencies of the City of Detroit such as various kinds of licenses and permits, electricity, steam, water, paving, vehicles, and rubbage pick-up; the Ombudsman, the cost of which will be allocated between the customers within the City of Detroit based on the proportionate number of

> complaints or inquireries by each such class of customers; and those which were included in the DWSD budget for fiscal 1978.
>
> No additional charges may be made for "direct services" provided by other or additional City offices, departments and/or agencies without the prior agreement of the contracting parties. Such agreement shall not be unreasonably denied or delayed should it appear that the particular service or services result in a legitimate, direct benefit to the system and its customers."

It is our understanding that no detailed analysis of the direct charges has been made since the 1978 Rate Settlement Agreement. In order to be assured that the direct charges included in the DWSD budget and wastewater rates, an analysis of these costs should be undertaken. This analysis will require the detailed costs included in the Fiscal year 1977-78 budget and subsequent DWSD budgets. This issue has been raised by members of the First Tier Customer Sewer Rate Task Force implemented as part of DWSD's CSO partnering process. It is our understanding, though, that detailed discussions have not yet occurred as part of the Task Force meetings.

Payments for Indirect Benefits

As part of the 1978 Rate Settlement Agreement, the parties agreed that retail customers within the City of Detroit should be compensated for indirect services the City provides to the wastewater system. This amount was set at $1,000,000 for fiscal year 1977-78 and increased by 5% each year. This amount is reflected in the wastewater rate determination as "Adjustment A" and is added to the revenue requirement allocated to the wholesale customers with a corresponding deduction to the revenue requirement allocated to retail customers within the City of Detroit.

The amount of "Adjustment A" has grown to $3,386,500 in the fiscal year 2003-04 wastewater rates. The resulting allocation of this "Adjustment A" to the Oakland County sewer districts was as follows:

- Clinton-Oakland - $333,200
- Evergreen-Farmington - $435,400
- Southeastern Oakland County S.D. S. - $645,500

It is interesting to note that if the original $1,000,000 had been indexed by the consumer price index rather than the 5% annual rate, the amount of "Adjustment A" in fiscal year 2003-04 would be approximately $2,800,000, a reduction of about 17%.

Even though DWSD's treatment of "Adjustment A" is in compliance with the 1978 Rate Settlement Agreement, Oakland County should consider proposing to DWSD a limitation to the amount or an alternative index to adjust the amount on an annual basis.

WATER RATES

Since 1980 DWSD has established water rates using the "utility basis" of determining revenue requirements for customers outside the City limits. Under the utility basis, the revenue requirements include operation and maintenance expense, depreciation expense, and return on the net book value of the investment in water system facilities providing water service to customers outside the City limits.

The underlying methodology used by DWSD in determining water rates was established as part of a major water and wastewater rate study conducted for DWSD by Camp Dresser and McKee in 1978-80. This water rate methodology was modified slightly in the mid-1980's as the rate models were transitioned from the City's main frame computer system to personal computers operated by DWSD staff.

Unlike the wastewater rates, DWSD's water rates are not subject to a true up, or "look back", calculation to correct for inaccuracies in the projected water sales and revenue requirements used in calculating the rates. As such, the ultimate fairness and equity of the water rates are highly dependent upon the accuracy of the forecasts used by DWSD in setting the rates.

Our review of DWSD's fiscal year 2003-04 water rates along with a review of the water rates for fiscal years 1999-00, 2000-01, 2001-02, and 2002-03 identified the following concerns:

1. The estimate of water loss quantities used in the development of water rates as compared to the water loss reported by DWSD,
2. The projected depreciation expense used in the revenue requirements and the rate calculation as compared to the actual depreciation expense reported in DWSD's audited financial statements,
3. The rate of return used for determining the water rates to wholesale customers,
4. The projected operation and maintenance expense compared to the actual operation and maintenance expense reported in DWSD's audited financial statements, and
5. The customer demand factors used in the fiscal year 2003-04 water rates.

Water Loss

Lost or unaccounted for water is a natural part of all water systems. The causes for lost water include such things as meter slippage, water line breaks, leaking pipe joints, and unmetered use for things such as water line flushing and fire fighting. Recognizing that there is a cost associated with water loss, it is appropriate to allocate responsibility for water loss in the development of water rates. Review of the DWSD's water rates revealed that the amount of water loss used in the development of the water rates was substantially less than the amount of water loss reported by DWSD.

Since 1980 DWSD has used a water loss percentage of 14.5% of water production in the calculation of its water rates. As shown in Table 1, during fiscal years 1994-05 to 1999-00, the

water loss reported by DWSD has ranged from 15.67% to 18.64%, an average of 17.18%. This is the most recent water loss data received from DWSD.

Table 1

DWSD Reported Water Loss Quantities

Fiscal Year Ended June 30	Water Sales (Mcf)	Total Water Produced (Mcf)	Unaccounted for Water (Mcf)	Unaccounted for Water - % of Production
2000	26,344,100	31,965,700	5,621,600	17.59%
1999	27,577,100	32,837,300	5,260,200	16.02%
1998	26,208,600	31,078,500	4,869,900	15.67%
1997	25,983,900	31,936,000	5,954,100	18.64%
1996	26,198,200	31,631,400	5,433,200	17.18%
1995	25,563,100	31,157,900	5,594,800	17.96%

Water Loss Impact

DWSD's continued use of an unaccounted for water estimate of 14.5% of total water production has understated the amount of unaccounted for water experienced and reported by DWSD. Since the retail water customers are responsible for a greater proportion of the unaccounted for water due to retail meter slippage and the water lost in the retail distribution system, the understatement of the amount of unaccounted for water understates the costs assigned to DWSD's retail customers and as such overstates the costs assigned to its suburban wholesale customers. We have estimated the amount of the overstatement of costs to the Oakland County entities participating in this study by using the average water loss percentage of 17.18% instead of the 14.5% used by DWSD. The amounts of the overstatement of costs are summarized in Table 2.

Table 2

Financial Impact of DWSD's Understatement of Unaccounted for Water -$

Oakland County Customer	1999-00	2000-01	2001-02	2002-03	2003-04
Keego Harbor	500	500	500	500	500
Royal Oak Township	800	800	800	800	900
Commerce Township	4,400	6,200	6,000	5,600	6,200
City of Farmington Hills	41,000	50,800	53,300	51,900	49,500
West Bloomfield Township	44,800	46,200	50,700	57,400	58,400
SOCWA	59,200	60,000	58,700	58,400	58,000
Oakland Co. Drain Commissioner	(500)	(500)	(400)	(600)	(500)
Total	150,200	164,000	169,600	174,000	173,000

The reason that the costs to the Oakland County Drain Commissioner increase with the higher water loss percentage is due to its low volume of water use which results in a higher weighting of lost water per unit of water sales relative to other suburban customers.

Depreciation Expense

Depreciation Expense is a major component of the revenue requirement used for establishing suburban wholesale water rates. A review of DWSD's audited financial statements reveals that in recent years DWSD has consistently overstated the depreciation expense used in setting its water rates. A comparison of the amount of depreciation expense used by DWSD in setting water rates with the actual depreciation expense from DWSD's audited financial statements is shown on Table 3.

Table 3

Comparison of Depreciation Expense Used in Rates with Audited Financial Results

Fiscal Year	Depreciation Expense Used in Water Rates	Actual Depreciation From Audit	Difference
1998-99	$25,541,700	$20,766,954	$4,774,746
1999-00	$27,783,901	$22,444,715	$5,339,186
2000-01	$29,015,972	$28,229,448	$676,524
2001-02	$33,121,300	$26,484,192	$6,637,108

The overstatement of depreciation expense has only impacted the suburban wholesale customers since the DWSD retail rate is calculated to meet the system's cash basis revenue requirements after allocation of the utility basis costs to the suburban wholesale customers. The impact of the overstatement of depreciation expense on the Oakland County entities for the fiscal years 1999-00 through 2001-02 is shown in Table 4.

Table 4

Financial Impact of DWSD's Overstatement of Depreciation Expense - $

Oakland County Customer	1999-00	2000-01	2001-02
Keego Harbor	3,300	500	4,300
Royal Oak Township	3,000	400	3,600
Commerce Township	16,500	3,100	28,500
City of Farmington Hills	132,000	22,600	212,300
West Bloomfield Township	121,600	16,500	173,900
SOCWA	207,300	15,000	249,400
Oakland Co. Drain Commissioner	600	0	600

Total	484,300	58,100	673,600

Rate of Return on Rate Base

The next element of the DWSD revenue requirement is Return on Rate Base. This is determined by multiplying a rate of return by the projected rate base. The projected rate base is the projected net book value (original cost less accumulated depreciation) of the water system facilities providing service to suburban wholesale customers plus the value of inventories less the value of contributed assets. The rate of return is a figure that should provide a reasonable return to the City reflecting the City's ownership of the water system and the associated risks and responsibilities of ownership.

In recent years, the DWSD water rate model examined five alternative calculations of rates of return to determine a final figure for the water rate calculation. The alternatives for the last five years are summarized in Table 5.

Table 5

Alternative Rates of Return From DWSD Rate Model

Alternative Rate of Return Method	2000	2001	2002	2003	2004
1. Equity Rate= G.O. Bond Rate	5.64%	5.97%	5.93%	5.53%	5.23%
2. Equity Rate =G.O.=Balance Sheet	6.02%	6.19%	6.14%	5.93%	5.79%
3. Equity Rate = 90% of Private Utilities	6.52%	6.74%	6.56%	6.25%	-
4. Equity Rate = 100% of Private Utilities	-	-	-	-	6.74%
5. ROI = 125% of Cost of Debt	6.66%	6.83%	7.01%	6.88%	6.47%
6. ROI = 1.50% over Cost of Debt	6.82%	6.96%	7.11%	7.00%	6.68%
7. Average of Methods	**6.33%**	**6.54%**	**6.55%**	**6.32%**	**6.18%**
8. *Override Rate (Rate Used)*	***7.20%***	***7.00%***	***7.00%***	***6.75%***	***6.75%***

It should be noted that for the fiscal year 2003-04 water rates, DWSD changed method 3 where the equity rate is set at 90% of the equity rate for private utilities allowed by the Michigan Public Utilities Commission ("PUC") to 100% of the equity rate allowed by the PUC. If the 90% figure had been used, the method 3 result for fiscal year 2003-04 would have been 6.48% and the average of all methods would have been 6.13%.

As shown in Table 5, DWSD has consistently selected a rate of return that was either the highest of the alternative methods or higher than the alternative methods. In all cases the selected rate of return exceeded the average of the methods considered. The financial impact of setting a rate of return using the average of the various methods rather than the override rate of return used by DWSD is shown on Table 6.

Table 6

Financial Impact of Using the Average Rate of Return Instead of the Override Rate of Return - $

Oakland County Customer	1999-00	2000-01	2001-02	2002-03	2003-04
Keego Harbor	7,600	4,200	4,100	3,800	4,900
Royal Oak Township	6,800	3,600	3,400	3,200	4,600
Commerce Township	38,500	28,300	27,000	23,800	35,800
City of Farmington Hills	304,900	203,400	202,400	190,400	242,000
West Bloomfield Township	281,600	155,100	166,800	172,200	241,600
SOCWA	444,300	225,000	220,400	219,200	289,800
Oakland Co. Drain Commissioner	1,200	500	600	600	600
Total	1,084,900	620,100	629,700	613,200	819,300

Operation and Maintenance Expense

The final element of DWSD's revenue requirements is operation and maintenance expense. In DWSD utilizes its preliminary budget for calculation of its proposed water rates each year. In

recent years the actual operation and maintenance expense reported in DWSD's audited financial statements has been substantially higher than the operation and maintenance expense used in the development of the water rates. A comparison of actual and budgeted operation and maintenance expense is shown on Table 7.

Table 7

Comparison of Operation and Maintenance Expense Used in Rates With Audited Financial Results - $

Fiscal Year	Operation and Maintenance Expense Used in Rates	Actual Operation and Maintenance Expense from Audit	Difference
1998-99	119,489,000	125,855,200	(6,366,200)
1999-00	120,581,700	146,559,200	(25,977,500)
2000-01	127,394,300	146,794,100	(19,399,800)
2001-02	131,800,000	155,246,900	(23,446,900)

As shown in Table 7, DWSD's actual operation and maintenance expense has been significantly higher than the amounts used in the development of water rates for fiscal years 1998-99 through 2001-02, the last year for which audited data is available. Unfortunately, the cost categories used in DWSD's audited financial statements do not align completely with the categories used in calculating the water rates. As such, it is not possible to determine the financial impact of the understatement of operation and maintenance expense. This analysis can be done if DWSD would provide the actual operation and maintenance expense broken down in the same cost categories used in the water rate model.

The total financial impact on the Oakland County customers participating in this study resulting from the understatement of water loss, the overstatement of depreciation expense, and the use of the high rates of return is shown in Table 8. Only fiscal years 1999-00, 2000-01, and 2001-02 are shown since DWSD's audit for fiscal year 2002-03 has not yet been completed.

Table 8

Financial Impact of Water Loss, Depreciation Expense and Rate of Return Issues - $

Oakland County Customer	1999-00	2000-01	2001-02
Keego Harbor	11,400	5,200	8,900
Royal Oak Township	10,600	4,800	7,800
Commerce Township	59,400	37,600	61,500
City of Farmington Hills	477,900	276,800	474,000
West Bloomfield Township	448,000	217,800	391,400
SOCWA	710,800	300,000	528,500
Oakland Co. Drain Commissioner	1,300	0	800
Total	1,719,400	842,200	1,472,900

Demand Factors

The DWSD water rate methodology includes recognition of the maximum day and maximum hour demands customers place on the system. Prior to fiscal year 2003-04, demand factors were estimated based on studies undertaken in the 1980's. Since fiscal year 1986-87 these demand factors have not changed.

Several years ago DWSD began to upgrade the data gathering technology for the suburban master meters, which allows DWSD to gather hourly demand data from the suburban master meters. DWSD used the data from the new metering technology during the summer of 2002 in an attempt to update the maximum day and maximum hour demand factors for the suburban wholesale customers. However, appropriate data was not usable for all suburban meters. In order to fill the data gaps, DWSD chose to apply the system-wide peaking factor for those meters for which maximum day and maximum hour data was unavailable. The new demand data was then weighted with the historical data using a 25% weighting for the new estimates and a 75% weighting for the historical data. No changes were made to the demand factors assigned to then City of Detroit. The result of this change in the estimate of demand factors was a

substantial increase in the portion of costs assigned to the maximum day cost components. In addition, the suburban share of these cost components also increased significantly.

DWSD provided minimal justification and support for the changes in suburban demand factors. It also appears that no attempt was made to evaluate the demand factor for Detroit retail customers or to validate the new assumptions against the System operating statistics. The adjustments to the suburban demand factors does not appear justified based on the information provided. Due to the complex nature of the DWSD water rate model, it is not possible to estimate the impact of the changes in the suburban demand factors without reconstructing the rate model. This could be done fairly easily, however, with a copy of the electronic version of the model.

As discussed above, our review of DWSD's fiscal year 2003-04 and several prior year water and wastewater rates revealed a number of problem areas that have the effect of shifting costs to suburban customers. The financial impact on the Oakland County customers that are participating in this study is substantial.

We will be pleased to meet with you to discuss our findings in more detail. In the meantime, if you have any questions, please do not hesitate to contact me.

Very truly yours,

William G. Stannard

CIVIL SERVICE COMMISSION (ACT 78)
MINUTES
Tuesday, January 30, 2003 - 7:00 PM

Call to Order: Chairman McGinnis called the meeting to order at 7:00 PM in the Lower Level Conference Room of the Troy City Hall - 500 W. Big Beaver Road, Troy, Michigan 48084.

Roll Call: PRESENT: Chairman Donald E. McGinnis, Jr.
Commissioner Patrick Daugherty
Commissioner Norman (Don) Michaelson
ABSENT: Commissioner David C. Cannon (Absent/Excused)

Also Present: Lori Bluhm - City Attorney, Peggy Clifton - Human Resources Director, Police Chief Charles Craft, Lieutenant Gerard Scherlinck, Lieutenant Keith Frye, Officer Andrew Breidenich - TPOA President, Barbara A. Holmes - Deputy City Clerk, Sharalyn Arft – Human Resources Specialist, Jeanette Menig – Human Resources Specialist, Craig Lange - Lange & Cholack, P.C., Police Officer Paul Cicchini, Rodger Webb – Attorney for Petitioner, Christine Felts - Christine Felts & Associates

Approval of Minutes of January 7, 2003:

Resolution #CSC-2003-01-001
Moved by Michaelson
Seconded by Daugherty

RESOLVED, That the Minutes of the meeting of January 7, 2003, be approved as presented.

Yes: McGinnis, Daugherty, Michaelson
No: None
Absent: Cannon

Petitions and Communications: None

New Business: None

RECESS: 7:03 PM – 8:35 PM

Old Business: Continuation Act 78 Appeal Hearing – Officer Paul Cicchini

Mr. Webb advised that the defendant party wishes to remove their appeal from the Act 78 jurisdiction and move forward into formal binding arbitration.

Mr. Lange advised there is a stipulation for that.

Chair McGinnis noted that both parties are in agreement.

Adjournment: The meeting was adjourned at 8:38 PM.

_____ _____

Donald E. McGinnis, Jr., Chairman Barbara A. Holmes, Deputy City Clerk

LIQUOR ADVISORY COMMITTEE MINUTES – DRAFT July 14, 2003

A regular meeting of the Liquor Advisory Committee was held on Monday, July 14, 2003, in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the Meeting to order at 7:25 P.M.

ROLL CALL:

PRESENT: Max K. Ehlert, Chairman
Henry W. Allemon
Alex Bennett
Anita Elenbaum
W. Stan Godlewski
James C. Moseley
James R. Peard
Carolyn Glosby, Assistant City Attorney
Sergeant Thomas J. Gordon
Pat Gladysz

ABSENT: Stephanie Robotnik, Student Representative

Resolution to Excuse Student Representative Robotnik

Resolution #LC2003-07-001
Moved by Moseley
Seconded by Allemon

RESOLVED, that Student Representative Robotnik's absence at the Liquor Advisory Committee meeting of July 14, 2003 BE EXCUSED due to her resignation from the Committee. She has graduated from high school and will be leaving soon for college.

Yes: All-7
No: None
Absent: Robotnik

Resolution to Approve Minutes of May 12, 2003 Meeting

Resolution #LC2003-07-002
Moved by Bennett
Seconded by Moseley

RESOLVED, that the Minutes of the May 12, 2003 meeting of the Liquor Advisory Committee be approved.

Yes: All-7
No: None
Absent: Robotnik

Agenda Items:

1. **BOWL ONE BAR, INC.**, 1639 E. Fourteen Mile, Troy, MI 48084, Oakland County, request to **transfer ownership** of 2002 Class C licensed business with dance permit, official permits (food and bowling), and 2 bars, from Bowl One Lanes, Inc.; and cancel existing A-Concourse permit. [MLCC REQ ID# 198341]

Present to answer questions from the committee were Mark Voight, Ralph Pety, and Diane Voight.

The representatives recently purchased Bowl One Bowling Center. They also own 23 other bowling centers, including Troy Lanes. They are very active in Troy, supporting the Community Coalition and programs in the Troy School District. They have no expansion plans and ultimately would like to sell the vacant land-locked parcel located in the rear of their property. Bowl One has 365 parking spaces and 425 seats. Their employees are all required to sign a policy statement regarding alcohol sales. This document is kept in their employee files. All managers, counter staff, and servers are trained through the TIPS program. The owners have a “zero tolerance” policy regarding sales of alcohol to minors or intoxicated patrons.

Resolution #LC2003-07-003
Moved by Bennett
Seconded by Moseley

RESOLVED, that BOWL ONE BAR, INC., 1639 E. Fourteen Mile, Troy, MI 48084, Oakland County, be allowed to transfer ownership of 2002 Class C licensed business with dance permit, official permits (food and bowling), and 2 bars, from Bowl One Lanes, Inc.; and cancel existing A-Concourse permit.

Yes: All-7
No: None
Absent: Robotnik

2. **THE NOODLE SHOP, CO. – COLORADO, INC.,** requests a **new full year Tavern** license with Official Permit (Food) to be located at 3119 Crooks Rd., Troy, MI 48084, Oakland County. *New construction; structure not yet complete* [MLCC REQ ID# 224536]

Present to answer questions from the committee were Jenny Gannon and John Breunig.

This restaurant is currently under construction at the former Denny's location on Crooks just north of Big Beaver. The building is 7,500 square feet and the restaurant will lease 2,700 square feet. A two-minute computer presentation outlining the nature of the business was shown. Their current plans are for 85 parking spots, 49 interior seats, and 16 patio seats. The 49 interior seats could possibly be increased to 66. This restaurant chain features a dine-in or carry-out menu of noodle dishes from around the world and attracts families and business patrons. They offer fast service, low prices, and a no-tip policy.

The committee discussed at length the 1993 City Council resolution that outlines a 200-seat minimum for establishments to be granted a liquor license.

Resolution #LC2003-07-004
Moved by Moseley
Seconded by Allemon

RESOLVED, The Noodle Shop, Co. – Colorado, Inc., BE DENIED their request for a new full year Tavern license with Official Permit (Food) to be located at 3119 Crooks Rd., Troy, MI 48084, Oakland County.

Yes: Allemon, Ehlert, Moseley
No: Bennett, Elenbaum, Godlewski, Peard
Absent: Robotnik

Resolution #LC2003-07-005
Moved by Peard
Seconded by Elenbaum

RESOLVED, The Noodle Shop, Co. – Colorado, Inc., BE GRANTED their request for a new full year Tavern license with Official Permit (Food) to be located at 3119 Crooks Rd., Troy, MI 48084, Oakland County.

Yes: Elenbaum, Godlewski, Peard
No: Allemon, Bennett, Ehlert, Moseley
Absent: Robotnik

The request stands as not approved by the committee.

3. **DE LA SALLE CATERING CORPORATION**, 6950 Rochester, Troy, MI 48098, Oakland County, request to **transfer stock** (2002 licensing year) in 2002 Class C licensed business with dance permit and 3 bars by adding Frank Petruzzello (332 shares) and Donna Brady (332 shares) as new stockholders through transfer of 664 shares of stock from existing stockholder, Joseph Petruzzello. [MLCC REQ ID# 189832]

Present to answer questions from the committee were Frank Petruzzello and Donna Brady.

The two representatives stated that this was their father's establishment and they have been involved in the operation of this business since 1979. They have no future expansion plans. There are 260 parking spots and 600 seats. All fire exits are up to code. They have received no liquor violations. All managers are TIP certified, and all employees are trained by the managers and senior bartenders.

Allemon questioned whether an entrance/exit along South Boulevard has ever been considered. Mr. Petruzzello answered that they plan to add an entrance/exit when South Boulevard is widened and sewer improvements are made.

Sgt. T. Gordon stated that the City inspections are currently underway on this property. Approval of this request should be on the condition that the inspections are approved.

Resolution #LC2003-07-006
Moved by Ehlert
Seconded by Moseley

RESOLVED, that De La Salle Catering Corporation, 6950 Rochester, Troy, MI 48098, Oakland County, be allowed to transfer stock (2002 licensing year) in 2002 Class C licensed business with dance permit and 3 bars by adding Frank Petruzzello (332 shares) and Donna Brady (332 shares) as new stockholders through transfer of 664 shares of stock from existing stockholder, Joseph Petruzzello.
This request is approved on the condition that the City inspections are approved.

Yes: All-7
No: None
Absent: Robotnik

There was a discussion regarding the criteria for the 200-seat rule.

There was a discussion regarding the violation by Motor City Café.

There was a discussion regarding changing the start time of these meetings from 7:30 to 7:00. Sgt. T. Gordon stated he would check into this matter with the City Clerk's Office. Unless the committee members are otherwise advised, the next meeting will begin at 7:00.

The Meeting adjourned at 8:25 P.M.

_____
Max K. Ehlert, Chairman

_____
Patricia A. Gladysz, Clerk-Typist

TROY CATV ADVISORY COMMITTEE – DRAFT July 24, 2003

Call to Order

The regular meeting was called to order at 7:03 p.m. in Conference Room C at City Hall.

Roll Call

Present:	Richard Hughes	Monika Sata
	Penny Marinos	Fan Lin
	Brian Wehrung	
	Cindy Stewart	
	Dick Minnick	

Excuse Absent Members

Kent Voigt, Jerry Bixby and Shazad Butt

Introduction

Fan Lin, Student Rep, Junior at International Academy this fall. Resident of Troy for 6 years.

Bryan presented a certificate of appreciation to Monika Sata for her service to CATV as a student rep during this past year. She will attend Michigan in the fall.

Approval of Minutes

Motion to approve minutes of May 1, 2003 by Hughes, second by Mennick.
Approved unanimously.

Correspondence

A. WOW – addition of new services effective June 9, 2003

B. COMCAST – changes to equipment charges – member comment - seems like every meeting Comcast has price increases for something.

Old Business

A. Cable Complaint Logs
Marinos, Minnick and Sata did not see their complaints listed.

Minnick: January – March channel 4 had double images; Marinos: channel 9 problems in May. Sata: fuzzy picture in June. Marinos and Minnick's problem still has not been taken care of. Marinos - serviceman out, problem not taken care of. Minnick – Serviceman out, problem not resolved. Told him that someone else would come out, but never did. Three weeks later he called and they had no record of original call and visit.

Wehrung: February/March had a Comcast complaint not on the books

Board would like Cable company to follow up with all service complaints in a more professional manner. Can they give customer a service number so customer can refer back? Would be nice to get a letter saying the problem has been resolved.

WOW – 1st and 2nd quarter - Grade B

1st quarter – other than customer on hold for 3 hours, handled all complaints in a very reasonable timeframe. Out of 17 problems 1st quarter, 8 cable related, 9 internet.

2nd quarter – April – 3 out of 7 cable problems
May – 2 out of 9 cable problems
June – 1 out of 13 cable problems

14 cable problems identified from 1st and 2nd quarter – all resolved relatively quickly.

COMCAST – 3rd month of the 1st quarter & 2nd quarter – Grade B+
March - 3 cable problems
April 8 - cable problems
May 2 - cable problems
June 4 - cable problems

Board agrees that both Cable Companies need to explain how they selected these customers. Is this all complaints? Does not appear to be since four members' complaints are not listed. What constitutes complaint on this log? What system problems are there? Can we get a monthly list?

New Business

A. CATV Mission Statement

Motion (CA-2003-07-001) by Marinos, second by Minnick to remove "TV" from all points in Mission Statement and Goals 3rd, 4th and 11th paragraph and last paragraph change to …are receiving the highest quality of services available. Approved unanimously.

B. Consider committee name change from CATV Advisory Committee to Cable Advisory Committee (CAC) at the October meeting. Reminder via e-mail to everyone regarding name change consideration.

C. CMN Report – CMN contract up December 2004 – Community to watch public access and evaluate programming. Send comments to Cindy Stewart. Ask CMN to add CATV committee on their mailing list for newsletter.

D. Change to member list Fan's email – Darknezz @ Comcast.net

E. WTRY Cable Guide July and August

F. ICCA meeting minutes

Motion to adjourn by Mariono, second by Sata. Meeting adjourned at 9:02 p.m.

CITY OF TROY
CABLE ADVISORY COMMITTEE
MISSION STATEMENT
(adopted July 14, 1999 & revised May 24, 2003)

MISSION: To serve as liaison between City Council and citizens of Troy relative to cable issues.

To receive comments and suggestions from fellow citizens and neighbors for presentation to the committee on all cable matters.

To make recommendations to the Troy City Council relative to the City's Cable ~~TV~~ franchise, including any and all activities which may affect the quality or level of service provided to Troy residents.

In order to fulfill this mission to meet on a regular basis to discuss and review all aspects of the quality and service of Cable ~~TV~~ available to Troy citizens including:

FRANCHISE PROVIDERS (current are Comcast and WideOpenWest)
To monitor and review financial and performance reports as provided to ICCA by the franchisees. To review and recommend action as appropriate in the establishment and negotiation of franchise agreements or amendments to these agreements. To receive and consider presentations as requested from the management representatives of the franchisees.

INTERGOVERNMENTAL CABLE COMMUNICATIONS AUTHORITY (ICCA)
To monitor and review correspondence, reports and presentations of the ICCA that may affect or impact the quality or level of service to Troy citizens. This is specifically related to the ICCA consortium agreement.

COMMUNITY MEDIA NETWORK (CMN) - Channels 18 & 52
To monitor and review correspondence, reports and presentations of the CMN or other groups that may affect the quality or level of public access service to Troy citizens. These reviews would include quality of product and access to airtime, equipment and other services with the express purpose of providing for local access programming services and opportunities for individuals and groups.

GOVERNMENT ACCESS / WTRY - Channels 10 & 53
To monitor the quality of product and level of service of the local government access channel provided to the City of Troy as part of the franchise agreement. In this role the committee will request regular reports from the WTRY management and provide opinions to WTRY staff on minor issues and provide recommendations on major issues to City Council.

STEWARDSHIP OF FUNDS
To review requests, assess needs and make recommendations to City Council relative to the awarding and disbursement of available funds to support access channels as provided in the franchise agreements.

LEGISLATION

To review new and proposed local, state and federal legislation relative to providing a point of view to City Council relative to suggested actions.

TECHNOLOGY DEVELOPMENTS

To be aware of new technological developments relative to Cable ~~TV~~ service with the objective of assuring that the residents of Troy are receiving the ~~best service and the~~ highest quality of ~~programming~~ services available.

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, August 13, 2003, at City Hall, 500 W. Big Beaver, Troy, MI Conference Room C. The meeting was called to order at 3:03 p.m.

TRUSTEES PRESENT:	Mark Calice Robert Crawford Thomas Houghton, Chair David A. Lambert John M. Lamerato John Szerlag
TRUSTEES ABSENT:	Charles Campbell
ALSO PRESENT:	Laura Fitzpatrick Brad Lee Armstrong, Gabriel, Roeder, Smith & Company Roger Kowalski, Retiree William Need, Retiree

MINUTES

Resolution # ER – 2003 - 08- 025
Moved by Lambert
Seconded by Lamerato

RESOLVED, That the minutes of the July 09, 2003 meeting be approved.

Yeas: All 6
Absent: Campbell

OTHER BUSINESS – RETIREE REPRESENTATION ON BOARD

The Board reviewed a request made by several current retirees to consider adding a DB Retiree to the board.

OTHER BUSINESS – DECEMBER 31, 2002 ACTUARIAL VALUATION

Brad Lee Armstrong, Gabriel, Roeder, Smith & Company presented the December 31, 2002 Actuarial Valuation to the board.

DECEMBER 31, 2002 ACTUARIAL VALUATION

Resolution # ER – 2003 - 08- 026
Moved by Crawford
Seconded by Calice

RESOLVED, That the Board receive and file the December 31, 2002 Actuarial Valuation and take into consideration suggestions mentioned.

Yeas: All 6
Absent: Campbell

INVESTMENTS

Resolution # ER – 2003 - 08- 027
Moved by Crawford
Seconded by Lambert

RESOLVED, That the following investments be purchased: Purchase $500,000 Ford Motor Credit 6.50% due 8/20/10; 9,000 shares Dover Corp.; 10,000 shares Charter One Financial and utilize the UBS cash management amount for idle cash.

Yeas: All 6
Absent: Campbell

EXCUSE ABSENT MEMBERS

Resolution # ER – 2003 – 08 - 028
Moved by Crawford
Seconded by Lamerato

RESOLVED, That Charles Campbell be excused.

Yeas: All 6
Absent: Campbell

The next meeting is September 10, 2003 at 3:00 p.m. at the Outdoor Education Center.

The meeting adjourned at 4:31 p.m.

Robert Crawford, Vice Chairman

John M Lamerato, Secretary

JML/bt\Retirement Board\2003\8-13-03 Minutes_Final.doc

ANIMAL CONTROL APPEAL BOARD MINUTES – DRAFT September 3, 2003

+A regular meeting of the Animal Control Appeal Board was scheduled to be held on Wednesday, September 3, 2003 at 7:30 P.M. in Conference Room C of Troy City Hall, 500 West Big Beaver Road.

ROLL CALL:

PRESENT: Jayne Saeger, Chairperson
Al Petrulis
Sergeant Robert Kowalski
Pat Gladysz

ABSENT: Kathleen Melchert, Vice Chairperson
V. James Viola, Secretary
Harriet Barnard

There were not enough Committee members present to form a quorum and hold a meeting.

The next meeting is scheduled for Wednesday, March 3, 2004 at 7:30 P.M. in Conference Room C.

_____
Jayne Saeger, Chairperson

_____
Patricia A. Gladysz, Clerk-Typist

TROY ETHNIC ISSUES ADVISORY BOARD – DRAFT September 9, 2003

Call to Order

The regular meeting was called to order at 7:10 p.m. in Conference Room C at Troy City Hall.

Roll Call

Present:	Anju Brodbine	Oniell Shah
	Amin Hashmi	Tom Kaszubski
	Padma Kuppa	Hailu Robele
	Charles Yuan	Flora Tan
	Cindy Stewart, City liaison	
	Kara Huang, student rep	
	Katie Beyer, student rep	

Approval of Minutes

Motion by Brodbine, support by Yuan to approve August 12, 2003 minutes. Approved unanimously.

New Business

A. Change meeting schedule to 1st Tuesday of each month at 7 pm. Motion by AB, second by FT. Approved beginning with October meeting on 10/7/03.
B. Troy Daze
    a. Parade
        i. Padma contacted Interstate Towing, they would loan flatbed. Do we want it at this late date?
        ii. Anju got loan of 6 M pickup that could carry 6 kids. Amin has a friend who would loan a Dodge pickup. We could have adult marchers around pickups with kids in costume on the trucks. Dragon and banner need two adults to hold them each. Amin and Charles will get dragons.
        iii. Padma left message with Athens International Club and Kara with Troy High.
    b. Booth
        i. Anju will come set up at 10 am on Friday.
        ii. Purple skirting and tablecloths.
        iii. Schedule members in two hour time blocks to man the booth.

Old Business

A. Sights & Sounds on October 11 featuring India
B. Padma will contact the groups and determine a contact person
C. Resource list before October 7 meeting all information is due to Cindy

D. Board might have to meet a few times before October 11 for planning. Room is booked. Padma will not be at the event, she leaves for India September 23
E. Diversity Week is May 2-9, follow-up calls and letters to schools and PTOs in October and November
F. Make copies of letter for booth to pass out
G. EthniCity Assistance- not able to help this year due to EIA Board booth and parade participation
H. Law Brochure
    a. Charles will ask at Chinese School if someone will translate the brochure
    b. Amin will translate in Urdu
    c. Flora will find translator for Korean, Chaldean, Arabic
    d. Oniell will find translators for Hindi and Gujrathi
    e. Padma will find Telugu and Romanian
    f. Kara will find Spanish translation
    g. Cindy will check websites: www.freetranslation.com and translator.com

I. Padma met a woman who adopted a child from Nepal. Are there any resources or anything the EIA can do to help? Cindy will check Ann Scherlinck re: support groups.

Motion by Kuppa, second by Yuan to adjourn - Meeting adjourned at 8:20 pm

_____

Tom Kaszubski, EIA Board Chairman

_____

Cindy Stewart, Recording Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Littman at 7:30 p.m. on September 9, 2003, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:
Gary Chamberlain
Dennis A. Kramer
Lawrence Littman
Robert Schultz
Walter Storrs
Thomas Strat
Mark J. Vleck
David T. Waller (arrived 7:46 p.m.)
Wayne Wright

Also Present:
Brent Savidant, Principal Planner
Susan Lancaster, Assistant City Attorney
Kathy Czarnecki, Recording Secretary

2. MINUTES

Resolution # PC-2003-09-013
Moved by: Storrs
Seconded by: Schultz

RESOLVED, To approve the August 26, 2003 Special/Study Meeting minutes as published.

Yes: Kramer, Littman, Schultz, Storrs, Strat, Vleck, Wright
No: None
Abstain: Chamberlain
Absent: Waller (arrived 7:46 p.m.)

MOTION CARRIED

3. PUBLIC COMMENTS

There was no one present who wished to speak.

TABLED ITEM

4. 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 presented a summary of the Planning Department report for the proposed Sterling Corporate Center PUD. Mr. Savidant reported the revised PUD booklets were delivered to the Planning Department after the Labor Day holiday, which did not allow sufficient time for review by the Planning Department and Planning Consultant prior to tonight's meeting.

Chuck DiMaggio of Burton Katzman, 30100 Telegraph Road, Suite 366, Bingham Farms, was present. Mr. DiMaggio reported that a number of changes have been made to the project as a result of the meeting with City staff and a very clear sense of direction was received from staff with respect to the Big Beaver Corridor goals and objectives. Mr. DiMaggio noted three very important items that are inclusive of the revised booklets are: (1) a pledge of financial support to the City in the undertaking of the Big Beaver corridor study; (2) an analysis of the I-75 to Crooks Road node; and (3) additional pedestrian improvements to the sidewalk systems and additional amenities.

PUBLIC HEARING OPENED

No one was present to speak.

Resolution # PC-2003-09-014
Moved by: Littman
Seconded by: Strat

RESOLVED, That the Preliminary Plan for a Planned Unit Development (PUD 3), 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 October 14, 2003 Regular Meeting, for the following reasons:

1. The 35-day period will provide the Planning Department, City Planning Commission, Planning Consultant and the applicant an opportunity to review the revised Planned Unit Development application that was submitted to the City of Troy on September 2, 2003.

Yes: All present (8)
No: None
Absent: Waller (arrived 7:46 p.m.)

MOTION CARRIED

Chairman Littman announced that the Public Hearing would remain open for the October 14, 2003 Regular Meeting.

SITE PLAN

5. PUBLIC HEARING SITE PLAN REVIEW (SP 146-C) – Troy Commons Retail Center, Proposed Restaurant and Retail Building, Northwest Corner of Rochester and Big Beaver, Section 22 – B-2 and B-3 (Consent Judgment)

Ms. Lancaster reported that City Council has final approval on the Consent Judgment matter, and that a majority vote of the members present is necessary as a recommending body to City Council.

Mr. Savidant presented a summary of the Planning Department report for the proposed restaurant and retail building at Troy Commons. Mr. Savidant reported that it is the recommendation of the Planning Department that the Consent Judgment be amended to accommodate the proposed development and the site plan as submitted, with the condition that a 5-foot wide sidewalk connection be provided to the restaurant from the Big Beaver/Rochester Road intersection.

(Mr. Waller arrived at 7:46 p.m.)

There was a lengthy discussion with respect to the number of proposed parking spaces for the restaurant and overall retail center.

Mr. Savidant assured the Commission that both the petitioner and the Planning Department agree that the proposed 672 parking spaces would provide sufficient parking for the restaurant and retail center.

Discussion followed with respect to the southbound Rochester Road entrance into the retail center and the immediate traffic island within the parking lot as shown on the site plan.

Mr. Savidant confirmed that the City Traffic Engineer expressed no concerns with the parking lot layout. Mr. Savidant also confirmed that the petitioner would be advised that a grease dumpster and a trash dumpster are required.

The petitioner, Stuart Frankel of 2301 West Big Beaver, Troy, was present. Mr. Frankel gave a brief history of the Consent Judgment. When the City acquired the right-of-way for the widening of Big Beaver and Rochester Roads, an agreement was made that the maximum square footage of the shopping center (before the acquisition of the City remnant property to the east) would be 140,000 square feet and the number of parking spaces would be 625. Mr. Frankel is proposing to add one acre of additional land and 900 square feet of additional building. Mr. Frankel

believes the proposal is a fair relationship of building to land when one considers the 140,000 square feet to the 13 acres of the original size parcel. Mr. Frankel said that based upon studies done by the City, ULI and other professionals, it was believed that a ratio of 5.5 cars per 1,000 square feet of retail space would provide adequate parking. He noted that history has shown that utilization of a parking lot on a good day is two-thirds and approximately one-third on a bad day. Mr. Frankel noted parking concerns could arise if employees utilize customer parking spaces. He compared the existing restaurant to the proposed restaurant with respect to parking spaces and restaurant hours of operation. Mr. Frankel said that he, the City and the proposed tenants are comfortable with the function of the development and the adequacy of the parking.

Mr. Frankel stated the proposed restaurant tenant would not be considered a social encounter restaurant. The restaurant is principally a food and beverage restaurant, and alcoholic beverages would be ancillary. The hours of operation are 11 a.m. to 10 p.m.

Mr. Kramer said his concerns with respect to the amount of parking spaces remain, and noted it appears that half of the restaurant patrons would have to walk from another area of the parking lot to the restaurant should the restaurant be busy.

Messrs. Strat and Storrs further questioned the length of the traffic island located in the immediate entrance of the retail center from the southbound Rochester Road entrance.

Mr. Savidant suggested that the City Traffic Engineer revisit the site plan with respect to the traffic island layout.

Mr. Frankel said he would be agreeable to any changes recommended by the City Traffic Engineer. Mr. Frankel further said he is agreeable to providing the additional 5-foot wide sidewalk at the Big Beaver and Rochester Road intersection as suggested by the Planning Department. In addition, Mr. Frankel said the designated dumpster location is large enough to accommodate both trash and grease receptacles. Mr. Frankel stated he is following the City's direction with respect to the landscaping requirements for the proposed development.

The Commission encouraged the petitioner to provide landscaping that would complement the future City gateway signage at this most prominent intersection.

PUBLIC HEARING OPENED

Dennis Brinker of 2940-2950 Rochester Road, Troy, was present. Mr. Brinker expressed his concerns with the proposed reduction in parking spaces. He stated that the retail corner maintains a very heavy lunch count and a very heavy single-user count, and noted the approximate 30% reduction in parking could create a very big problem.

PUBLIC HEARING CLOSED

Chairman Littman responded that both parties must come to an agreement with respect to a Consent Judgment.

Mr. Storrs voiced agreement with Mr. Kramer's parking concerns and noted the site plan does not provide an optimum parking layout.

Resolution # PC-2003-09-015
Moved by: Chamberlain
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to City Council that the Preliminary Site Plan Approval, pursuant to a proposed amended consent judgment, for a proposed restaurant and retail building in the Troy Commons Retail Center, located on the northwest corner of Rochester and Big Beaver Roads, within Section 22, within the B-2 and B-3 zoning districts, be granted, subject to the following conditions:

1. A 5-foot wide sidewalk be provided from the extreme southeast corner of the property at the intersection of Big Beaver and Rochester Roads directly to the restaurant to accommodate pedestrian traffic; and
2. A traffic study be conducted prior to going to City Council to assess the length of the divider (island) in the extreme northeast corner of the property at the entrance from Rochester Road.

Discussion on the motion on the floor.

Mr. Storrs asked if the motion precludes the petitioner from possibly proposing a new and creative landscape plan for the intersection.

Mr. Chamberlain responded in the negative.

Vote on the motion on the floor.

Yes: Chamberlain, Littman, Schultz, Storrs, Strat, Vleck, Waller, Wright
No: Kramer

MOTION CARRIED

Mr. Kramer voted no because he thinks the intensity of the expanded and additional uses creates an adverse condition for the restaurant customers, and parking to the far west part of the usable restaurant parking is not practical. Mr. Kramer said he believes the petitioner's layout creates a self-imposed hardship that he cannot support.

REZONING REQUESTS

6. PUBLIC HEARING – PROPOSED REZONING (Z-690) – Proposed Office Building, South Side of Maple, West of Dequindre, Section 36 – From R-1E to O-1 and E-P

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning. Mr. Savidant noted that the rezoning of the subject parcel could impact the two parcels across Maple Road to the north, which are zoned R-1E. He explained how the O-1 and E-P zoning districts would be compatible with the existing land uses and zoning districts. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the rezoning request.

Discussion followed on potential rezoning of the two parcels across Maple Road to the north to R-1T and its relationship to the proposed office rezoning for the parcel on the south side of Maple.

Mr. Savidant confirmed that the Planning Department reviewed the rezoning application on its own merits and O-1 zoning does serve as a transitional district between B-3 and R-1E, and further noted that the 15-foot landscape buffer is an acceptable alternative to the 50-foot buffer required under the P-E zoning.

Mr. Schultz questioned if a landscaped buffer is required to the south of the parcel.

Mr. Savidant responded that the petitioner has proposed a 6-foot high wall to the south.

The petitioner, Art Kalajian of 1871 Austin, Troy, and the owner, Troyce Travis of 2661 Irma, Warren, were present.

Mr. Travis stated he purchased the building at this location in 1987 and his title and real estate company is in dire need of expansion. Mr. Travis said he would like his company to grow within the City of Troy and also provide an attractive building along Maple Road. He requested the support and assistance of the Commission.

Mr. Kalajian, the project architect, provided several visual boards of the proposed office building that he projects would complement the area and provide stimulus for improved architecture to the area.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Kramer commented favorably on the petitioner's presentation and proposed improvements to the area. He asked if the Commission has any tool to enforce zoning around what the petitioner is proposing relative to the delineation of the greenbelt.

Ms. Lancaster stated that the Planning Commission cannot put conditions on rezoning requests, and noted the City has no control on the site plan itself.

A brief discussion followed with respect to the E-P zoning and the proposed greenbelt.

Mr. Savidant confirmed that the E-P zoning district does count toward the landscaping requirements at site plan review.

Mr. Storrs stated that because the decision on the proposed rezoning has a major affect on the two parcels across Maple Road to the north, he believes a line should be drawn at the Gordon Food Service wall and a zoning request should not be entertained.

A brief discussion followed with respect to a method of controlling problem sites and giving consideration to "mini" planned unit development projects.

Mr. Waller said he is pleased that a long standing businessman from the community has decided to improve a property and has chosen an architect who has a long standing relationship with the same community. Mr. Waller applauded the petitioner's presentation. He concluded that should further examination causes the Commission to consider what might be described as "mini" PUD's, the property still needs to be rezoned.

Resolution # PC-2003-09-016
Moved by: Waller
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E to O-1 and E-P rezoning request located on the south side of Maple, west of Dequindre within Section 36, being 1.016 acres in size, be granted, with the following condition:

1. That the specific and carefully documented square footage of the E-P zone as shown on the corresponding site plan be created and made a part of the presentation to City Council.

Yes: Chamberlain, Kramer, Littman, Schultz, Strat, Vleck, Waller, Wright
No: Storrs

MOTION CARRIED

Mr. Storrs said he voted no because the proposed rezoning creates problems for the parcels across the street. He further noted he has not heard from the Planning Department or anyone else that more office zoning is needed to service the community.

7. PUBLIC HEARING – PROPOSED REZONING (Z-691) – Existing Office Building, 5500 New King, Northeast Corner of New King and Corporate Drive, Section 8 – From R-C to O-M

Mr. Savidant presented a summary of the Planning Department report for the proposed office building. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the rezoning request because it is compatible with surrounding land uses and zoning districts and is consistent with the Future Land Use Plan.

Chairman Littman questioned if the rezoning would have any affect on the Crooks Road / I-75 interchange.

Ms. Lancaster responded in the negative.

The petitioner, Peter Beer of 18700 W. 10 Mile Road, Southfield, was present. Mr. Beer confirmed there is sufficient parking for the proposed medical office building. Mr. Beer said it is the intent of two large physician groups, Michigan Institute of Neurology and Michigan Hospitalists, currently located in Troy, to expand their medical facilities. He said the existing building would be purchased, owned and leased out by the physician consortium. Mr. Beer circulated photographs of local medical office buildings that the proposed medical facility would simulate. He projects that the physician consortium would invest from $800,000 to $1 million in the building conversion.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2003-09-017
Moved by: Kramer
Seconded by: Vleck

RESOLVED, That the Planning Commission hereby recommends to City Council that the R-C to O-M rezoning request located on the northeast corner of New King and Corporate Drive, within Section 8, being 6.16 acres in size, is hereby granted.

Yes: Chamberlain, Kramer, Littman, Schultz, Strat, Vleck, Waller, Wright
No: Storrs

MOTION CARRIED

Mr. Storrs said he voted no because he believes the proposed rezoning is not consistent with the Master Land Use Plan.

8. DISCUSSION OF JOINT MEETING WITH CITY COUNCIL

Chairman Littman said that consideration would be given to a Resolution requesting a joint meeting with the City Council at the September 23, 2003 Special/Study Meeting. Chairman Littman requested the Commission to compile a short list of discussion topics with the City Council to include in the Resolution.

Mr. Vleck announced two topics for consideration: (1) getting additional information included in site plan review, such as drainage, elevation and landscape plans; and (2) general discussion of the importance of agenda items and general direction of City Council.

Mr. Chamberlain said he would like to discuss Planning Commission items that are pending Council action.

Mr. Strat said there are many topics that should be discussed with the City Council and suggested the creation of a sub-committee to discern a priority list of discussion items.

Mr. Kramer suggested that someone not associated with either the Planning Commission or City Council chair the joint meeting.

Discussion re: Maple Road Study

Chairman Littman announced that a Study Meeting would be held on September 23, 2003 at 6:00 p.m. for the purpose of conducting a tour of the Maple Road corridor, from Coolidge to Dequindre.

(Mr. Strat exited at 9:15 p.m.)

It was agreed that a Parks & Recreation Department bus would be reserved for the tour. The bus will depart from City Hall at 6:00 p.m. on September 23rd.

GOOD OF THE ORDER

Ms. Lancaster reported that the appointment of Amalfi Parker as the Planning Commission student representative was postponed at the September 8, 2003 City Council Regular Meeting because of the Mayor's absence from the meeting.

Mr. Chamberlain said he would not be able to participate in the Maple Road bus tour, but urged the other members to note the exterior renovation at the Saleen facility (fka Stanley Door).

Mr. Savidant took an attendance roll call for the annual Michigan Society of Planning Conference.

Mr. Savidant announced that the Planning Department has two CD's from the American Planning Association 2003 Audio Conference Program titled "Mastering Meeting Management" and "Getting to Density". The CD's are available to the Commission.

Mr. Waller said he would include in the Planning Department's CD library a CD he has on the 2003 APA National Conference in Denver, Colorado conference and various other past national conferences.

Mr. Storrs indicated it was very important that Troy respond to public hearing notices received from surrounding communities.

Mr. Savidant will confirm that the City of Troy is receiving public hearing notifications from surrounding communities.

Mr. Schultz cited a notice he saw in a local newspaper for a sidewalk variance on a Rochester Road address, and said he hopes the Traffic Committee does not grant sidewalk variances to businesses fronting Rochester Road.

Mr. Savidant reported that the four remaining Planning Commission items pending Council action have been discussed with City Management and City Council meeting dates have been assigned to all four items. He will advise the Commission of the Council dates at the September 23, 2003 Special/Study Meeting.

Mr. Savidant will check to see if an informational memo on Off Street Parking Requirements was submitted to City Council at their September 8, 2003 Regular Meeting.

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 9:30 p.m.

Respectfully submitted,

_____

Lawrence Littman, Chairman

_____

Kathy L. Czarnecki, Recording Secretary

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A meeting of the **Civic Center Priority Task Force (CCPTF)** was held on Wednesday, September 10, 2003 at 7:30 P.M., at City Hall in the Council Board Room. Brian Wattles called the meeting to order at 7:48 p.m.

ROLL CALL: all present

PRESENT:

Mary Ann Bernardi (Troy Citizens United)
Leonard Bertin (Advisory Committee for Persons with Disabilities)
Ann Partlan (Historic District Commission)
Ryan Deel (Traffic Committee)
Catherine Herzog (Troy Youth Council)
Michelle Hodges (Troy Shareholders) (Vice-chair CCPTF)
Jeff Biegler, Superintendent of Parks
Tom Krent (Parks and Recreation Advisory Board)
Mark Maxwell (Board of Zoning Appeals)
David Ogg (Advisory Committee for Senior Citizens)
Carol Price (Downtown Development Authority)
Walter Storrs (Planning Commission)
Brian Wattles (Historical Commission) (Chair CCPTF)

ALSO PRESENT: Laura Fitzpatrick, Assistant to the City Manager

1. **Minutes**
   Resolution # CCPTF-2003-09-001
   Moved by Deel
   Seconded by Hodges

   RESOLVED, that the minutes of September 3, 2003 meeting be approved.

   Yes: All
   No: None
   Absent: None
   MOTION CARRIED

2. **Discuss observations from bus tour of the Civic Center campus**

   Notes: 1)Each check mark generally represents a switch in speaker or break in conversation.
   2)These are not verbatim minutes.

   - ✓ No connection between elements; car-friendly, not pedestrian friendly
   - ✓ A lot of space devoted to parking/cars as opposed to the footprints of the buildings
   - ✓ Possibility of creating space by being intelligent about where we put elements/parking; the option of closing streets to create space
   - ✓ Troy Daze on site - site too small
   - ✓ Surprised how little land we have with which to work
   - ✓ Something to attract people to the site – ethnic festivals
   - ✓ Site seems very disconnected from the businesses – how to connect 16 mile road to the site
   - ✓ Between I-75 and the road there is a lot of property – what can we use it for? Jogging path?

- ✓ Copies of concept plan for park site east of Livernois provided to the group
- ✓ City of Auburn Hills River Walk in Auburn Hills (on Squirrel Road)– 25 acres; Civic Center Site ~21.18acres (< 25 acres) (without the "L"); with the "L" = 25 acres; a possibility if the voters vote to use the "L" for recreational purposes; has heard that Beverly Hills has a nice park to see
- ✓ Currently the property seems to be divided between active and passive
- ✓ Amphi-theater options – show outdoor movies on the weekend; old movies, musicals, kids movies, etc.
- ✓ There is a natural slope by the Library – for an amphitheater entertainment pointing toward I-75 – better for noise
- ✓ Near the Reflective Head – a maze of vegetation; something that the people could go to by foot; pretty to look at from the road; fun to work through the maze; ancient Troy had a maze as a buffer to the rest of the world; does not have to be the whole space, could be a small part
- ✓ Outdoor skating rink by Reflective Head – fountain in the summer and ice surface in the winter
- ✓ Another location option for the ice rink would be by the Skate Park
- ✓ Must take intro account the Reflective Head and Police Entrance in acreage calculations; there is not a lot with which to work; smaller portions of land, sections
- ✓ At this point there is no place for anyone to sit down and rest – benches needed

3. Procedure re: Information Requests of Staff

- ✓ Make requests at the meetings, at the table – the CCPTF as a whole will consider the request

4. Alternates

- ✓ **Speaking Opportunities –** alternates could use the note-passing method

5. Round the table discussion of ideas and suggestions from all members

- ✓ Get something going fairly fast so that the community sees we are doing something; higher priority on the smaller things
  1. Outdoor Ice Rink
  2. Gathering Spaces & Picnic Area
  3. Fountain Plaza
  4. Restrooms in a central area
  5. Walkways – Civic & Community Greens
- ✓ Interest in attracting business people to site during day; Did some Central Park research – destination points in the park – diverse activities; distributed pages from web site; we are building something that can be added to for the next 100 years – let's make a foundation – leave space for the next generation
- ✓ Restroom buildings located in a couple of different areas on the site, important on an active site; also the importance of benches – benches are a popular request in the parks
- ✓ Appropriate vendors for summer fountain vs. winter ice rink (vending could change with the season); warming booth @ skate area secluded area – resting area
- ✓ Areas for disc golf, shuffleboard, other games, etc.
  Also, a Carousel would be nice; food carts and vendor areas; art park; small, folksy theater; we have a nice thing going now with summer concerts; would like to see us

make a plan that would include the 7-11 acres so that if the voters allow us to have those acres we do not have to go back to the drawing board; Also, the voters need to see what is possible without a conference center/with the land devoted to recreational uses

- ✓ Disagrees about the outdoor ice rink – cheap to install, but not cheap to maintain; we must consider maintenance costs; when we address the trails, wants to see a sign with the description of the route and where it goes, etc.
- ✓ re: ice rink, winters are getting warmer; it is expensive to maintain
- ✓ likes ice rink idea; does not seem expensive to maintain
- ✓ Biegler shared that Troy used to have "magic squares" – winter ice surfaces (basketball in the summer); they were a lot of maintenance – and snow would also interfere with preparing surface
- ✓ What can we do to draw people into the site? What type of entity could encompass this diverse range of people? – The Library – expansion of the Library; Partnership with colleges; space north of the Library to add onto it

  Advocate for connectivity of the buildings; walking
- ✓ Extend the Peace Garden– check out the Peace Garden if you have not done so already

  Can the creek onsite be used for a winter ice rink?
- ✓ Landscaping near the reflective head; Art Park – consider small spaces, instead of one dedicated site

  Look at connective walkways as a jogging path, too; expand along outer rim road with covered bridges over creek with seating areas.

  The jogging path along the roadways should be tied into the one in Huber Park –so you'd have the option of combining them; it would be interesting to extend a path up the hill behind the Aquatic Center – physically/athletically challenging – everything does not have to be a flat grade

  Picnicking areas – pictures from Auburn Hills - covered areas

  In order to attract business people to the park during the work day – a shuttle run with the City bus up Big Beaver – 2 or 3 runs between 11 AM and 1 PM; mobile lunch vendors in site to attract them
- ✓ wonderful ideas at the table; Ogg's proposal is great – coherent; involves passive elements and elements with which everyone at the table can agree; a good framework from which to start; casual outdoor ice rinks can work – a good draw when it is cold

  Caution against making a plan that includes the 7-11 acres set aside for potential private development; consider the scope of what the CCPTF has been called upon to do
- ✓ Well-thought out wish list is important; if we can harness all the great things we have seen, we will really have achieved something; be careful to make sure a broad range of stakeholders can use the site

  Treehouse idea; peace garden; historical society involvement

  Consider the programming for the site – i.e. trick-or-treating programs, Easter egg hunts, nature walks, amenities to parents, movie idea, sledding, art fairs, family & company picnics, clown program for kids, puppets, merri-go-round, ferris wheel, holiday displays, vendors of community made products, wireless access points for business people on lunch breaks (compete in new economy), petting farms,

community policing, mini-motorized sailboats on the water, wagons to transport picnic equipment – those things add substance to the site
Give the site a 12-month life
Also, throughout the process think of creative ways to pay for these things
Alternate revenue source – ?

- ✓ Re: Also discussing what elements could go in the "L" section around the Marriott (mentioned earlier in the meeting- 5th check mark above), it was decided that the purpose of the CCPTF, per the resolution, was to discuss other areas of the site, not the "L" area.

6. **Review proposed structure for six meeting schedule**

PROPOSED

- ✓ 1st four meetings – get solid ideas
- ✓ Then, in November, poll task force and prioritize and professionals will have one month to do drawings, sketches, budget estimates to have for December

7. **Detailed discussion of pedestrian paths –** we seem to all agree we want paths

- ✓ Path with public art along it
- ✓ Idea: Community Center to Library to rim road to grand circle to reflective head, etc. A surface conducive to joggers; take advantage of the creek – path along the water course; concrete sidewalks are not good for jogging
- ✓ Idea: Around ring road or along the creek – 2 path options that will not interfere with other elements we may choose
- ✓ Also, if path came near Marriott, that would be an amenity to hotel guests
- ✓ Biegler: notes that soft jogging surfaces for an open path will be a maintenance challenge
- ✓ Strolling path brick – for leisure strolling; next to it bike path – side-by-side lanes to avoid traffic jams; use bridge ways to go over traffic areas to avoid conflict with traffic Fitness path vs. walking path to connect buildings
    - Come back in 2 weeks re: what want to recommend in terms of pathways (Consensus of CCPTF is that #1 priority is paths)
    - Let's look at entire list and prioritize what to talk about next – rank list – prioritize order – get a top ten
    - Everyone bring your top five elements to next meeting

PUBLIC COMMENT

Reminder Next Meeting: **September 24** 7:30 P.M.
Location: City Hall – 2nd Floor – Council Board Room

The meeting adjourned at 10:10 p.m.

_____
Brian Wattles, Meeting Chair

_____
Laura Fitzpatrick, Assistant to the City Manager

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, September 10, 2003, at Outdoor Education Center, 6685 Coolidge Hwy, Troy, MI. The meeting was called to order at 3:10 p.m.

TRUSTEES PRESENT:	Mark Calice Charles Campbell Robert Crawford David A. Lambert John M. Lamerato John Szerlag
TRUSTEES ABSENT:	Thomas Houghton, Chair
ALSO PRESENT:	Laura Fitzpatrick

MINUTES

Resolution # ER – 2003 - 09- 029
Moved by Lambert
Seconded by Calice

RESOLVED, That the minutes of the August 13, 2003 meeting be approved as amended.

Yeas: All 6
Absent: Houghton

RETIREMENT REQUEST

Resolution # ER – 2003 - 09- 030
Moved by Lambert
Seconded by Campbell

RESOLVED, That the retirement request of Stephen H. Zavislak, DB, 12/20/03, 29 years, 7 months be approved.

Yeas: All 6
Absent: Houghton

OTHER BUSINESS- PRIOR GOVERNMENTAL RETIREMENT SERVICE

The Board received and filed a listing of employees qualifying for prior governmental services, which will be attached to the original minutes of this meeting.

OTHER BUSINESS – RETIREE REPRESENTATION ON BOARD

Resolution # ER – 2003 - 09- 031
Moved by Szerlag
Seconded by Lambert

RESOLVED, That this item be postponed until the next meeting.

Yeas: All 6
Absent: Houghton

OTHER BUSINESS – SUMMARY ANNUAL REPORT TO MEMBERS

The December 31, 2002 Summary Annual Report was presented to the Board and will be distributed to all plan members.

INVESTMENTS

Resolution # ER – 2003 - 09- 032
Moved by Calice
Seconded by Lamerato

RESOLVED, That the following investments be purchased: Purchase $500,000 Boeing Capital 5.0% due 9/15/10; $500,000 CitiGroup 5.50% due 9/15/13; 10,000 shares Check Free; 5,000 shares Magna International; 4,000 shares Resmed and 3,000 shares Quest Diagnostics.

Yeas: All 6
Absent: Houghton

EXCUSE ABSENT MEMBERS

Resolution # ER – 2003 – 09 - 033
Moved by Lambert
Seconded by Szerlag

RESOLVED, That Thomas Houghton be excused.

Yeas: All 6
Absent: Houghton

The next meeting is October 8, 2003 at 3:00 p.m. at the Police Administrative Offices.

The meeting adjourned at 3:45 p.m.

September 5, 2003

TO: The Employee Retirement System Board of Trustees

FROM: Laura Fitzpatrick, Assistant to the City Manager LF

SUBJECT: Prior Government Service Credit for Eligibility

Here is a list of employees eligible for prior government service credits. Note this impacts only eligibility to retire from the City of Troy. Pension calculations and health care coverage is based on Troy service only.

Last Name	First Name	# Years	# Months	Troy Full-Time Start Date	
***Vandette** City of Southfield, MI	**Steve**	17	10	7/21/00	*approval pending completion of 5 years service with Troy
	TOTAL:	**17**	**10**		
Czarnecki City of Canton, OH City of Farmington Hills, MI	**Kathy**	 2 2	 0 0	5/30/00	
	TOTAL:	**4**	**0**		
***Bowman** Oakland County, MI	**Kate**	2	1	11/01	*approval pending completion of 5 years service with Troy
	TOTAL:	**2**	**1**		

PARKS AND RECREATION ADVISORY BOARD

A regular meeting of the Troy Parks and Recreation Advisory Board was held Thursday, September 11, 2003 at the Troy Community Center, room 503. Chairman, Lawrence Jose called the meeting to order at 7:32 p.m.

Roll Call

Present:	Doug Bordas, member	Merrill Dixon, member
	Ida Edmunds, member	Kathleen Fejes, member
	Lawrence Jose, member	Orestes Kaltsounis, member
	Tom Krent, member	Jeff Stewart, member
	Janice Zikakis, member	Amy Kern, member
	Stu Alderman, staff	Jeff Biegler, staff
	Carol K. Anderson, staff	
Absent:	Meaghan Kovacs	

Visitors: None

Resolution # PR - 2003 - 09 - 004
Moved by Bordas
Seconded by Krent

RESOLVED, that the minutes from July 8 be approved by amending page 1, the second paragraph under NEW BUSINESS by **STRIKING** the first "Tom Krent" and **INSERTING** "Doug Bordas" and Be it Further Resolved that the minutes from July 31 be approved as submitted.

Yeas: All 9
Nays: None
MOTION CARRIED

Resolution # PR - 2003 - 09 - 005
Moved by Krent
Seconded by Bordas

RESOLVED, that Meaghan Kovacs be excused.

Yeas: All 9
Nays: None
MOTION CARRIED

NEW BUSINESS

A. Erika Poplar - Grant Writer/Marketing Coordinator - was unable to attend this meeting and has rescheduled for our next meeting in October.

B. Park Board Member Composition - Larry Jose, Orestes Kaltsounis and Jeff Stewart have been reappointed to a three year term, Ida Edmunds has been appointed as the School District member for another year and Merrill Dixon has been appointed as the Senior

Advisory Committee member for the next year. Amy Kerns is our new student representative.

Discussion followed regarding adding an eleventh member to this board from the Advisory Committee for Disabilities.

C. Joint Meeting - Advisory Committee for Disabilities - Carol Anderson will invite members from the Advisory Committee for Disabilities to join us at our October meeting.

OLD BUSINESS

A. Park Naming Criteria - City Council adopted the Procedure For Naming Parks with two exceptions; 1) Under the Guidelines for Naming Parks After Groups or Organizations they changed the amount to be contributed for development from 51% to 60%, and 2) Under City Council Procedure, they struck out #3 completely "positive action by the Park Board will move the question to City Council for consideration."

2. Signage - Discussion followed regarding whether signage for an amenity should be at the street or the amenity.

Resolution # PR - 2003 - 09 - 06
Moved by Krent
Seconded by Bordas

RESOLVED, that the Parks and Recreation Advisory Board recommends that no signage other than the name of the park be on the sign at the street and that any sponsored, donated or contributed amenity should have its signage at the location of the amenity.

Ayes: All 9
Nays: None
MOTION CARRIED

B. Rotary Park - At the request of City Council, a survey was sent to residents surrounding Sylvan Glen Lake Park. Many residents are opposed to any development of that park. Jeff Biegler reported that the play structures in all of our parks either meets or exceeds ADA accessible standards.

C. Parks and Recreation General Fund Subsidy - In an effort to cut costs and raise additional revenue, we will begin charging outside groups for field maintenance and brochure space. In the past these services were free, however now they will be charged 20% of our direct costs and the brochure costs will be the actual cost. A letter explaining the new fees will be mailed to these groups.

D. Cricket - City Council will take action on the Cricket site memo at the October 27, 2003 meeting. The Cricket Club's last game is scheduled for October 12, 2003 and staff will be meeting with the residents in the area between October 12 and October 27 to get their feedback after one season of play.

E. Residency Requirement - No action was taken by City Council on the Parks and Recreation Advisory Board action to keep the residency requirement at 75%.

Member Comments - Tom Krent updated everyone on the Civic Center Task Force meetings. The number one topic when asked what they would like to see on the Civic Center site is "pathways." A report will be prepared for City Council by the end of the year.

Staff Reports

A. Director's Report - The Citizen's Academy is meeting for a parks tour on September 25 and members of the board are welcome to join for a tour of our park facilities.

Troy Youth Football has asked for a dedicated football field for their participants. They were unable to work out an agreement with the school district and have requested the City build one for them.

A letter of thanks to John Goetz for his 26 years of service will be mailed to him. He was first appointed to the Parks and Recreation Advisory Board on January 31, 1977.

B. Recreation Report - The Community Center brochure has been updated with new photos and prices for Community Center passes. The Nature Center and Park brochures are also being updated.

The total season passes for the Aquatic Center are down and overall revenue is down from last year. Swim lessons at the Aquatic Center more than doubled this past summer from 27,000 to 60,000.

C. Parks Report - Troy Daze is in full swing. Everyone is welcome to come join the fun at Boulan Park this weekend.

The City has many ash trees that are dead from the Emerald Ash Borer. The trees will be removed however due to the sheer number of them, it will take some time. This pest has spread beyond the original seven counties into the surrounding counties.

The meeting was adjourned at 9:21 p.m.

_____

Lawrence Jose, Chairman

_____

Mary Williams, Recording Secretary

The Chairman, Mark Maxwell, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M., on Wednesday, September 17, 2003 in Council Chambers at City Hall.

PRESENT: Kenneth Courtney
Christopher Fejes
Marcia Gies
Michael Hutson
Mark Maxwell
Dennis Kramer

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Allan Motzny, Assistant City Attorney
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF AUGUST 19, 2003

Motion by Gies
Supported by Courtney

MOVED, to approve the minutes of the meeting of August 19, 2003 as written.

Yeas: 5 – Fejes, Gies, Hutson, Maxwell, Courtney
Abstain: 2 – Kovacs, Kramer

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

The Chairman announced that Item #5 had been withdrawn at the request of the petitioner.

ITEM #2 – VARIANCE REQUESTED. HARRY & SUNNIE KWON, 38921 DEQUINDRE, for relief of the required screen wall for a 35' long portion of the west property line where the property borders residential zoned property.

Mr. Stimac explained that the petitioners are requesting relief of the required screen wall for a 35' long portion of the west property line where the property borders residential zoned property. This portion of the site has an underground pipeline easement, and the holder of the easement has denied permission to place the wall within their easement.

This item first appeared before this Board at the meeting of August 19, 2003 and was postponed to allow the petitioner the opportunity to supply a copy of the easement agreement for the Board to review. A copy of this agreement along with a letter from the Assistant City Attorney was included in the member packets.

Mr. Maxwell asked Mr. Motzny to give a summary of his memo. Mr. Motzny said that they had reviewed a document entitled "right of way", which was supplied to the City

ITEM #2 – con't.

Attorney's office by Mr. Kwon. It was explained that this document was the reason for a variance request. Mr. Motzny also said that upon review of that document it was determined by the City Attorney's office that the holder of the easement has no authority to prohibit a permanent structure on this property. It is the City Attorney's opinion that this would not be a basis for a variance request, because the easement does not prohibit structures on this property. Mr. Maxwell then asked if it was Mr. Motzny's opinion that Mr. Kwon could build a screen wall. Mr. Motzny said that based on the document provided to the City Attorney's office it was determined that this document did not prohibit Mr. Kwon from building a screen wall.

Mr. Kwon said that he was a little surprised by this determination, however he would do whatever the City requires. Mr. Kwon also said that he had a done a search with the County and this was the only document that the County has. Mr. Kwon explained that he planned to make it very easy for everyone.

Mr. Hutson said that in his viewpoint, legally, Sunoco could not prevent him from putting up a wall, and therefore a variance was not required. Mr. Kwon said that he agreed with Mr. Hutson, but he thought that the City wanted him to put in a landscaped berm and he would be willing to do so.

Mr. Courtney asked if Mr. Kwon wanted to put in landscaping rather than a wall and Mr. Kwon said that it did not matter to him, but he would prefer to put in a landscaped berm.

Mr. Stimac said that in the original discussions with Mr. Kwon regarding this property, they were working on the assumption that there was no ability to put up the required screen wall. Mr. Stimac said that if the wall could not be put up something would have to put in its place, and it was at that time that the possibility of a landscaped berm was brought up. Mr. Stimac explained that the Ordinance requires a 6' high screening wall as long as the easement does not preclude him from putting up this wall.

Mr. Maxwell asked what was on the other side of this wall. Mr. Stimac said that there is an existing house on Wattles Road, and also a new subdivision is going in to the south of Mr. Kwon's property. Mr. Maxwell said that he thought that the same thing should go in between the sections of existing wall and he would prefer to see either all screen wall or landscaped berm.

Mr. Kwon said that they were thinking of putting in two sliding walls, which would look very much like the existing screen wall, but could be moved if Sunoco ever needed to have access to the pipeline. Mr. Kwon said that his preference was to put in a berm, but he did feel that the sliding walls would accommodate both Sunoco and meet the City requirements.

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

ITEM #2 – con't.

There are no written approvals or objections on file.

Mr. Hutson said that part of Mr. Motzny's opinion, and his own as well, is that if Sunoco moved the wall to get to this pipeline, they would then have to cover the costs of moving and replacing the wall. Mr. Hutson said that he feels adding the same type of wall would be more aesthetically pleasing, then putting in something else. Mr. Kwon again stated that he will follow the recommendations of the Board.

Mr. Kwon also said that he would notify Sunoco to give them advance notice of what the recommendations of the Board were, and what Mr. Kwon planned to do.

Mr. Kramer asked if the existing wall was located on Mr. Kwon's property and he said that it was. Mr. Kramer also asked if they would put up the same type of wall in order for it to look uniform. Mr. Kwon said that the sliding wall would look almost identical to the masonry wall that is already existing.

Mr. Courtney asked if he was required to put in the same type of wall as the existing wall. Mr. Stimac said that they would like the wall to look the same, however, there are types of "insert" walls that would look identical to the existing wall. Mr. Stimac indicated that the Building Department would work with Mr. Kwon to find an acceptable design for the wall.

Motion by Kovacs
Supported by Gies

MOVED, to deny the request of Harry & Sunnie Kwon, 38921 Dequindre, for relief of the required screen wall for a 35' long portion of the west property line where the property borders residential zoned property.

- Determination of City Attorney's office that "right of way" agreement does not prohibit the construction of a structure on this easement.
- Petitioner has not demonstrated a hardship with this land.

Yeas: All – 7

MOTION TO DENY REQUEST CARRIED

ITEM #3 – VARIANCE REQUESTED. DAN VAN HEMM, G.J. SLAGON & ASSOCIATES, 1000 JOHN R., for relief of the 6' high masonry-screening wall required along the east and south property lines.

ITEM #3 – con't.

Mr. Stimac explained that the petitioner is requesting relief of the 6' high masonry-screening wall required along the east and south property lines. This relief has been granted since 1981 due to the fact that the easterly portion of the property line has a retention pond adjacent to it and the south property line abuts the parking lot for the senior citizen complex. This item last appeared before this Board at the meeting of August 2003 and was postponed to allow the petitioner the opportunity to be present.

Mr. Dan VanHemm, property manager for G.J. Slagon was present and thanked the Board for considering making this a permanent variance. Mr. VanHemm also apologized for missing the other meetings, but said there was a miscommunication within his company.

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

There are no written objections or approvals on file.

Motion to approve from the meeting of August 19, 2003.

Motion by Courtney
Supported by Vleck

MOVED, to grant G.J. Slagon & Associates, 1000 John R., a permanent variance for relief of the 6' high masonry-screening wall required along the east and south property lines.

- Variance is not contrary to public interest.
- Variance does not establish a prohibited use in a zoning district.
- Variance applies only to the property described in the petition.
- The adjacent property to the south and east is not utilized for single-family residential uses.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUESTED. MR. & MRS. JOHN MCCURDY, 121 HAMPSHIRE, for relief of the rear yard setback to construct a patio enclosure resulting in a 37' rear yard setback where 45' is required by Section 30.10.02.

Mr. Stimac explained that the petitioners are requesting relief of the Ordinance to construct a patio enclosure at the rear of their home. The site plan submitted indicates a rear patio enclosure with a proposed 37' rear yard setback. Section 30.10.02 requires a 45' minimum rear yard setback in R-1B Zoned Districts.

ITEM #4 – con't.

Mr. & Mrs. McCurdy were present. Mr. McCurdy said that presently they have a retractable awning and it is getting more and more difficult to take the awning up and down. Mr. McCurdy went on to say that the sunroom would actually be smaller than the awning. Mr. McCurdy also said that they would like some relief from the sun and the bugs that are in the yard. Mr. McCurdy also said that there are four (4) pools located to the rear of their property and they would like some privacy from these pools.

Mr. Maxwell asked how large the sunroom would be and Mr. McCurdy said that it would be 12' x 17'. Mrs. McCurdy said that the room would be all glass.

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

There are five (5) written approvals on file. There are no objections on file.

Motion by Fejes
Supported by Gies

MOVED, to grant Mr. & Mrs. John McCurdy, 121 Hampshire, relief of the rear yard setback to construct a patio enclosure resulting in a 37' rear yard setback where 45' is required by Section 30.10.02.

- Variance is not contrary to public interest.
- Variance does not establish a prohibited use in a Zoning District.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property described in the petition.
- Variance will allow petitioner privacy while enjoying their backyard.

Yeas: 5 – Kovacs, Kramer, Courtney, Fejes, Gies
Nays: 2 – Maxwell, Hutson

MOTION TO GRANT VARIANCE CARRIED

Mr. Maxwell stated that he thought this yard was quite small and thought that this was a large variance request. Mr. Hutson also felt that the petitioner demonstrated no hardship and that this was a very large request for this area.

ITEM #5 – VARIANCE REQUESTED. MR. & MRS. HELMUT WOELK, 4342 BEACH ROAD, for relief of the Ordinance to split their existing lot which would result in a lot that has 53.37' of frontage where 100' is required by Section 30.10.02.

The petitioner has submitted a letter to the Building Department asking that this request be withdrawn. No further action taken on this item.

ITEM #6 – VARIANCE REQUESTED. MR. & MRS. EDWARD MURPHY, 3851 WOODMAN, for relief of the rear yard setback to construct an addition to their home resulting in a 41.67' rear yard setback where 45' is required by Section 30.10.02.

Mr. Stimac explained that the petitioners are requesting relief of the rear yard setback to construct an addition to their home. The plans submitted indicate an addition across the rear of the home with a proposed 41-67' rear yard setback. Section 30.10.02 requires a 45' minimum rear yard setback in R-1B Zoning Districts.

Mr. & Mrs. Edward Murphy were present and stated that they wished to maintain the existing rooms in the home as well as to bring their home up to more modern standards. This addition would allow them to add both a first floor laundry as well as a mudroom. Mr. Murphy also said that that they had looked at other areas to put this addition, but felt that the best area would be at the rear of the home so as not encumber any views from the street side of the home.

Mr. Maxwell said that based on the drawings provided it appeared that part of this addition extended eleven (11) feet, and on the other side of the home it did not come out that far. Mr. Murphy said that the total extension would vary anywhere from 3 ½' on the northern property limits to the southern section, which would require about a 1 ½' variance.

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

There are four (4) written approvals on file. There are no written objections on file.

Motion by Hutson
Supported by Courtney

MOVED, to grant Mr. & Mrs. Edward Murphy, 3851 Woodman, relief of the rear yard setback to construct an addition to their home resulting in a 41.67' rear yard setback where 45' is required by Section 30.10.02.

- Variance is not contrary to public interest.
- Variance does not establish a prohibited use in a zoning district.
- Variance would not have an adverse effect to surrounding property.
- Conformance to the Ordinance would be unnecessarily burdensome.
- The lot is unusually shallow for an R-1B lot.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #7 – VARIANCE REQUESTED. MS. KATHLEEN CASCIANELLI, 2226 PRESCOTT, for approval to maintain a gazebo as required by Section 40.57.10 of the Ordinance and to allow this accessory structure to be within 9'-4" of the main structure where a 10' minimum distance is required by and Section 40.57.05.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to be allowed to maintain a hot tub enclosure at 2226 Prescott. An inspection of the property indicates a hot tub enclosure has been constructed, without first obtaining the required permits, in the rear yard, 9'-4" from the back wall of the house. The Troy Zoning Ordinance defines this structure as a gazebo. Section 40.57.10 requires Board of Zoning Appeals approval for placement of gazebos and Section 40.57.05 prohibits placement of any accessory structure within 10' of the main building.

Ms. Kathleen Cascianelli was present. Mr. Cascianelli said that the spa was installed in the summer of 1999 and the enclosure was installed in the spring of the following year. Mr. Cascianelli also said that the store where these items were purchased said that these items were considered portable and therefore did not require any permits from the City. Mr. Cascianelli said that they had tried to find any Ordinances that would address these items, but said that he could not find any. Mr. Cascianelli also said that only 1' of the 120' structure does not comply with the setback requirements.

Mr. Courtney asked Mr. Cascianelli where he looked for the Ordinance, which would cover this hot tub and spa. Mr. Cascianelli said that he had looked in the paperwork from the City and was unable to locate anything relating to these items.

Mrs. Gies asked if they were sure that this was installed properly and if all the requirements were met at the time of installation. Mr. Cascianelli said that he thought they were installed by licensed contractors and felt that they were installed correctly. Mrs. Gies said that she was questioning these contractors, as most of the licensed contractors know that permits are required. Mr. Cascianelli said that if any violations were found at the time of inspection, he would correct them.

Mr. Maxwell asked if this structure would be inspected. Mr. Stimac explained that the Cascianelli's had made an application for a Building Permit, and once the Board acts on this variance request, and a Building Permit is issued all work will be field verified by our Inspectors.

Mr. Hutson asked if the Ordinance has an index, which contains the word Spa. Mr. Stimac said that he did not believe that this word was actually used, however, it would fall under the classification of accessory structure. Mr. Maxwell said that he thought that this would cause some confusion in terms.

Mr. Courtney suggested that if someone came to the City Clerk's office and told them what they were looking for, they would then come to the Building Department and be given the proper information.

ITEM #7 - con't.

Mr. Cascianelli then stated that he had brought in a petition with seven (7) additional signatures indicating approval of this request.

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

There are also two (2) written approvals on file and one (1) written objection on file.

Mr. Courtney asked how the depth of the footings would be determined once a Building Permit was issued. Mr. Stimac said that the Building Department would field verify that the footings comply with the Ordinance.

Motion by Hutson
Supported by Kovacs

MOVED, to grant Ms. Kathleen Casianelli, 2226 Prescott, approval to maintain a gazebo as required by Section 40.57.10 of the Ordinance and to allow this accessory structure to be within 9'-4" of the main structure where a 10' minimum distance is required by Section 40.57.05.

- Structure location is very close to complying with the Ordinance requirements.
- Variance is not contrary to public interest.
- Variance does not permit the establishment of a prohibited use in a zoning district.
- Conformance to the Ordinance is unnecessarily burdensome as encroachment is minimal.

Yeas: All – 7

MOTION TO GRANT VARIANCE CARRIED

ITEM #8 - PROPOSED ZONING ORDINANCE TEXT AMENDMENT, HEIGHT LIMITS FOR AMATEUR RADIO ANTENNAS.

Mr. Stimac explained that the Planning Commission has reviewed and proposed changes to the criteria to height limits for amateur radio antennas. Although the Board of Zoning Appeals does not usually review and comment on Zoning Ordinance Text amendments, these changes are specific to the Zoning Board of Appeals criteria for hearing variance for such antennas.

Mr. Stimac also said that the Planning Commission has asked that the Board of Zoning Appeals review these proposals and provide comments as to the effectiveness of these new proposals. Mr. Stimac said that most of the language in Section 43.77 deals with the specific requirements of the Board of Zoning Appeals and is somewhat similar with

ITEM #8 – con't.

the current language in 43.80. Mr. Stimac explained that it basically sets out how the Board can go about determining if effective communication would be obtained. Mr. Stimac also said that it requires that the petitioner provide the Board with a current Amateur Radio license, it specifically states that the petitioner must provide evidence that a higher antenna is required for effective communication and it allows the Board of Appeals to enlist the aid of Radio Engineers to help the Board determine the need for a variance request and also allows the Board to grant a lesser variance. Mr. Stimac said that it gives specific powers to the Board as to screening, and hours of operation. Item G has specific requirements for a "fall "zone setback, meaning that the height of the antenna must be setback at least the height of the antenna from the property line.

Mr. Maxwell said that a lot of the ordinances and laws are a result of the PRB1 – Limited Preemption from the FCC. Basically the intent is to find a balance between effective communication and health, safety and welfare concerns. PRB1 does not cover covenants, conditions and restrictions contained in deeds, by-laws of homeowner associations or in the regulations of an architectural control committee.

Mr. Maxwell also asked if the maximum height of a residence was 25'. Mr. Stimac said that there are conditions in the R-1A and R-1B districts, where you may actually get a house taller than that, up to 32' under certain circumstances. Mr. Maxwell also said that there have been a number of studies done for effective communication and one of them indicates that it would be 20 meters, and he feels that a height of 30' – 40' would be difficult to defend. Mr. Maxwell also said that besides the "fall-zone" requirement he would like to see an additional setback of 5' – 10' added as part of this requirement.

Mr. Kramer said that this item was referred to the Planning Commission by City Council and the Planning Commission took this task very seriously. Mr. Kramer explained that a sub-committee was formed that consisted of a three (3) person panel, who met at least half a dozen times, and listened to amateur radio operators, the public, professional Radio Frequency consultants and went over a large amount of documentation. Mr. Kramer said that issue comes down to this Board on a case-by-case basis to determine whether or not a variance should be granted. Mr. Kramer also indicated that when you look into the technical aspect of the antennas, the information mushrooms at that point. Mr. Kramer said that one amateur may communicate on a low frequency and another on a very high frequency. Mr. Kramer also said that transmitter power, specific frequency and band also can determine how effective the communication can be. Mr. Kramer said that a requirement for one petitioner may be totally out of context for another. Mr. Kramer indicated that there are many variables, which will determine effective communication. Mr. Kramer further stated that this is a hobby and not a utility although it still helps the public in many instances. Mr. Kramer said that he will take back any comments from the Board to the Planning Commission.

ITEM #8 – con't.

Mr. Courtney asked if an antenna that goes up 5' higher than the house would have a different "fall-zone" than an antenna that is mounted to the roof of the house. Mr. Stimac indicated that as written the "fall-zone" is only required on a ground-mounted antenna.

Mr. Courtney asked about Section B, which relates to hiring a consultant to determine the need for a higher antenna. Mr. Hutson said that he feels that if a consultant is hired to help the Board on some issue, the burden of cost of this consultant would fall to the petitioner as part of the application fee. Mr. Hutson also said that he felt this document gives the Board a lot of leeway and was extremely helpful in dealing with these requests on a case-by-case basis.

Mr. Kramer said that when you talk about amateur radio antennas, they are not talking about just the tower, and therefore you must consider any structure on top of the tower for a "fall-zone" requirement.

Mr. Maxwell again stated that he would like to see a setback requirement added to the "fall-zone". Mr. Maxwell said that he is in favor of people pursuing a hobby, however, he felt that the lot for which an antenna was requested should be able to support the height of the antenna. Mr. Courtney asked if Mr. Maxwell wanted the fall-zone setback plus 5' to 10' additional for a setback. Mr. Maxwell indicated that this was correct.

Mr. Kramer said that there are engineering specs that will indicate how the antenna is designed to fail, although not necessarily at the base. Mr. Hutson said that he had seen communication towers that were camouflaged very well and asked if the Planning Commission had considered any type of requirement regarding camouflage. Mr. Kramer said that they had not seen any type of camouflage that would work for these type pf residential towers.

Mr. Kovacs asked if there were "fall-zone" conditions on a flagpole. Mr. Stimac explained that the Ordinance does not have specific requirements regarding flagpoles; however, there are requirements in the Sign Ordinance, which address identification flags. Mr. Stimac also said that the Building Department does recommend to anyone that inquires that a flagpole should be located within a "fall-zone" on their property.

Mr. Maxwell then asked if the Board was satisfied with the height of antennas as proposed by the Planning Commission. The Board agreed with the proposed language. Mr. Maxwell then asked if anyone would agree with him in adding another setback requirement to the fall-zone. Mr. Kovacs said that he felt the fall-zone requirements were sufficient. Mr. Maxwell said that he feels if you are going to have a large antenna you should have a large lot to support it.

Mr. Courtney said that he was more in favor of taller antennas due to the fact that there is less interference with television.

ITEM #8 – con't.

Mr. Maxwell asked Mr. Kramer to take the Board's comments back to the Planning Commission. Mr. Courtney said that he would be in favor of adding 5' or 10' to the fall-zone requirement.

Mr. Hutson asked that the Planning Commission be advised that the Board feels that this was very well done.

The Board of Zoning Appeals meeting adjourned at 8:46 P.M.

Mark Maxwell, Chairman

Pamela Pasternak

Pamela Pasternak, Recording Secretary

MS/pp

A meeting of the Civic Center Priority Task Force (CCPTF) was held on Wednesday, September 24, 2003 at 7:30 p.m., at City Hall in the Council Board Room. Brian Wattles called the meeting to order at 7:31 p.m.

ROLL CALL: all present

PRESENT:
Mary Ann Bernardi (Troy Citizens United)
Leonard Bertin (Advisory Committee for Persons with Disabilities)
Ann Partlan (Historic District Commission)
Ryan Deel (Traffic Committee)
Catherine Herzog (Troy Youth Council)
Michelle Hodges (Troy Shareholders) (Vice-chair CCPTF)
Jeff Biegler, Superintendent of Parks
Tom Krent (Parks and Recreation Advisory Board)
Mark Maxwell (Board of Zoning Appeals)
David Ogg (Advisory Committee for Senior Citizens)
Carol Price (Downtown Development Authority)
Walter Storrs (Planning Commission)
Brian Walltes (Historical Commission) (Chair CCPTF)

1. MINUTES

Resolution #CCPTF-2003-09-002

Moved by Bertin
Seconded by Price

RESOLVED, that the minutes of September 10, 2003 meeting be approved as amended with the change on page 2 of the acreage of the available land at the **Civic Center Site from 17 acres to 21.18 acres**, and with correction on page 3 of the sentence ***"Look at connective walkways as a jogging path, too: expand along outer rim road"*** to include ***"with covered bridges over creek with seating areas on bridges."***

Yes: All
No: None
Absent: None
MOTION CARRIED

2. Discuss changes to public comment procedure so high school students have opportunity to speak earlier in the meeting.

Note: These are not verbatim minutes.

BW proposed that unless there were any objections from other members, future meetings would have a public comment section at the beginning of the meeting as well as at the end to accommodate those students that may be in the audience and would like to express a comment. There were no objections from other CCPTF members.

3. Discuss structure for collating the suggestions from the group.

CP – Vote for top 5 ideas. List ideas for elements on the board and have members place sticky note next to their desired idea. Go around the table for ideas, condensing down to 3-5 ideas. Also identifying those elements we do not want to see on the site.

TK – A relocated Troy Daze festival will not fit on the site.

DO – Agree with TK, this past Troy Daze had filled all of the parking at Boulan Park as well as the parking at Boulan Middle School, Bemis Elementary, and were also along Northfield parkway north of the schools.

4. Round the table presentation of ideas from the group.

CP – Amphitheater, water elements, walkways, gardens w/art, restaurant/food vendor

Indicated the DDA would be concerned with generating revenue at the site. Against the idea of large picnic areas with grills.

WS – Walkways, jogging path, remove civic center drive, new library w/parking deck, summer fountain/winter ice rink, informal amphitheater, flood plain and on-site water detention incorporated in water feature that runs throughout the site, signature lighted fountain/artwork by I-75 to "announce" Troy.

TK – Whatever we come up with in our ultimate design must draw people to the site. We should ask the question " Why would I want to be there?" Our design should include elements that would answer that question by providing reasons to spend time at the site.

Elements should include: benches, tables, tables with game boards imbedded in the tabletop surface for checkers or chess, a protected pavilion for socialization of groups of 10-20 people, restrooms, water fountain/waterfall/plaza perhaps tying into the creek, amphitheater.

Would like to see the Reflective Head moved to the SE corner of the intersection of Town Center and Civic Center Drives and locating an amphitheater in the present Head location. The amphitheater, with permanent band shell and stage would be a perfect place for small events, concerts, award programs, etc.

LB – Covered bridge over creeks with seating for 6-8, vegetative maze at the base of the Head, outdoor skating rink in location of existing pond south of the Aquatic Center with an area in the pond for a water feature, restrooms, amphitheater, pathways.

MM – Active elements should attract and serve diverse community, Passive elements should complement active elements. Current needs should be addressed. Design should provide a vision for the future. Elements should include: library expansion, optimize available land with underground parking and reduction of surface parking lots, Walkways, open water element with winter ice skating area, gathering spaces/amphitheater/picnic areas for music, community events.

MH – We need to reinforce our design with creative programming, define focal points, install cultural elements, amphitheater, winter elements with a skating rink, need to perform an analysis of the layout of roads and parking area, provide availability of technology/internet connections for people to be able to come to site and plug in laptop. Also need elements to bring families back to the site. Explore finding a partner (Disney as example) to develop a marketing plan to bring people to the site.

CH – Brought this up to the Teen Youth Council who expressed a concern that there are few places currently in Troy for them to go. They would like to see: winter skating rink/summer fountain with a warming area or fireplace and café for hot chocolate or coffee, amphitheater, gathering areas/places to hang out and study.

JB – Walkways, amphitheater, ice rink, gathering places with water element/fountain, restrooms, landscaping/gardens.

DO – Ice rink utilizing Aquatic Center for concession and warming area, gathering spaces/picnic areas, gazebos, restrooms, move Head to SE corner of intersection and place amphitheater in SW corner of intersection of Town Center and Civic Center Drives, fountain plaza in the open area W of the Community Center with walkways and two access points across creek, remove some trees and open up the area on the corner of Livernois and Town Center Drive, not in favor of restaurants, not in favor of underground parking, prefer parking decks.

MAB – English Gardens with flowers and gas light style lighting for night use, circular benches, fountains statuary, gazebo, benches, brick walkways. Also Skating rink at the pond area with a place to purchase hot chocolate, opposed to restaurant – prefer food vendors, pavilion with fire pit, restrooms and emergency phone, open space with area for basketball/volleyball/tennis.

AP - Pathways, gardens with heritage plantings, plaza with fountain, work out a deal with area restaurants to set up booths offering box lunches, use Troy bus to take people for different locations on Big Beaver to Civic Center for a box lunch, amphitheater for movies/kid's programs/ethnic fair.

RD – Walkways, address security/safety concerns, lighting, restrooms in practical locations, fountain/ice rink combination, open/green space utilizing an "adopt a landscape" program to help maintain the gardens with volunteer help, library expansion.

Wireless access is currently available and could be incorporated into this site eliminating the need to install hard-wired computer access stations somewhere on the site. Also would like to see Civic Center drive stop at the library and encourages talking with John Abraham (City Traffic Engineer) regarding the impact closing the drive would have on traffic flow on the site.

BW – Picnic area in area east of the skate park with restroom and small concession stand, ice rink near pond south of Aquatic Center, Amphitheater in SW corner of Civic Center/Town Center – move Head to SE corner, trail/walkway/jogging path throughout the site.

DO – If the 11-acre sale does not go through, would propose a roadway through from Civic Center Drive near Library east to Livernois Road.

TK divided the erase board into twelve zones, each representing a desired element to be located on the Civic Center site. It was decided that pathways and restrooms were required elements on the site and were not listed as elements for the task force members to rate. The other elements and their decided priority are as follows:

Priority
1 – Winter Activities
2 – Amphitheater
3 – Gardens/Maze/Sculpture/Art
4 – Benches, Tables, Small Gathering Areas
5 – Water feature(s)
6 – Reworking Road to Unify Campus
7 – Formal Plaza w/fountains
8 – Parking Structures
9 – Access and Transportation
10 – Sports Courts
11 – Library Expansion

BW – After prioritizing the elements tonight, we should decide over the next few meeting how to present the information to Council to achieve the desired results we are looking for - which improvements can be made soon with available money and which improvements will be made over the longer term.

LB – Suggest presenting Council with a list of optimal features as well as a prioritized implementation order.

5. Relocation of Reflective Head
Resolution #CCPTF-2003-09-003
Moved by Ogg
Seconded by Bernardi

RESOLVED, that the Civic Center Priority Task Force request City Council approval for relocation of the Reflective Head from its present planned location at the Southwest corner of the intersection of Town Center Drive and Civic Center Drive to the Southeast corner of the intersection.

Yes: All
No: None
Absent: Michelle Hodges
MOTION CARRIED

PUBLIC COMMENT

Reminder – Next Meeting; October 8, 2003 – 7:30 p.m.
Location: City Hall – 2nd Floor – Council Board Room

The meeting adjourned at 10:34 p.m.

_____
Brian Wattles, Meeting Chair

_____
Jeff Biegler, Superintendent of Parks

CIVIL SERVICE COMMISSION (ACT 78)
MINUTES - Draft
Thursday, September 25, 2003 - 7:30 AM

A Meeting of the Civil Service Commission (Act 78) was held Thursday, September 25, 2003, at Troy City Hall, 500 W. Big Beaver Road in the Lower Level Conference Room. Chairman McGinnis called the meeting to order at 7:34 AM.

ROLL CALL

PRESENT: Chairman Donald E. McGinnis, Jr.
Commissioner Patrick Daugherty
Commissioner Norman (Don) Michaelson
Commissioner David Cannon

ALSO PRESENT: Lori Bluhm - City Attorney, Peggy Clifton - Human Resources Director, Police Chief Charles Craft, Captain Dane Slater, Officer Andrew Breidenich - TPOA President, Barbara A. Holmes - Deputy City Clerk, Sharalyn Arft - Human Resources Specialist, Jeanette Menig - Human Resources Specialist

Chair McGinnis acknowledged Troy City Council's September 22, 2003 reinstatement of Commissioner Cannon's term. On behalf of the Civil Service Commission, Chair McGinnis extended his appreciation to Mr. Don Michaelson for his contribution to the Commission during Commissioner Cannon's military leave of absence.

Approval of Minutes of January 30, 2003:

Resolution #CSC-2003-09-002
Moved by Daugherty
Seconded by Cannon

RESOLVED, That the Minutes of the meeting of January 30, 2003 be **APPROVED** as presented.

Yes: All-3

Petitions and Communications: None

New Business:

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1 Approval of Job Qualifications, Posting and Test Battery for Police Sergeant and Lieutenant

Peggy Clifton informed the Commission that the City was requesting approval of the recruitment process for police officer and the promotional process for Police Sergeant and Police Lieutenant. Ms. Clifton indicated that the recommended process is the same as was utilized in the last recruitment and promotional cycle. She further informed the Commission that the Michigan Municipal League (MML) endorses EMPCO, Inc as a police department

promotional and entry level testing service. Ms. Clifton also confirmed that EMPCO, Inc. adheres to the regulations outlined in Act 78.
Officer Andy Breidenich raised a concern regarding a change made to the last contract agreement related to the "Service Ratings" for Police Sergeant. According to a "Letter of Understanding" he received after the last contract was ratified, he understood that the 10% weight under "Service Ratings" had been reduced.

There was consensus of the Commission to table the Approval of Qualifications, Posting and Test Battery for Police Sergeant and Lieutenant in order to provide Human Resources with the opportunity to research the concern raised by Officer Breidenich.

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2 Approval of Job Qualifications, Posting and Test Battery for Recruitment of Police Officers

Resolution #CSC-2003-09-003
Moved by Cannon
Seconded by Daugherty

RESOLVED, That the Civil Service Commission (Act 78) hereby **APPROVES** the job qualifications, the posting and the test battery for the recruitment of Police Officers as **PRESENTED**.

Yes: All-3

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1 Approval of Job Qualifications, Posting and Test Battery for Police Sergeant and Lieutenant (Con't)

After confirmation, the Human Resources Department corrected the Police Sergeant posting reflecting an increase in the "Assessment Center" from a weight of 30% to 35% and a reduction in the "Service Ratings" from a weight of 10% to 5%.

Officer Breidenich agreed that the Commission should move forward with the approval of the posting as corrected.

Resolution #CSC-2003-09-004
Moved by McGinnis
Seconded by Cannon

RESOLVED, That the Civil Service Commission (Act 78) hereby **APPROVES** the job qualifications as **PRESENTED**, the posting as **CORRECTED** pursuant to the contract, and the test battery as **PRESENTED** for the recruitment of Police Sergeants.

Yes: All-3

Resolution #CSC-2003-09-005
Moved by McGinnis
Seconded by Daugherty

RESOLVED, That the Civil Service Commission (Act 78) hereby **APPROVES** the job qualifications, the posting, and the test battery for the recruitment of Police Lieutenants as **PRESENTED**.

Yes: All-3

Resolution #CSC-2003-09-006
Moved by Cannon
Seconded by Daugherty

RESOLVED, That the Civil Service Commission (Act 78) hereby **APPROVES** the selection of EMPCO, Inc. to provide police lieutenant and sergeant promotional testing, and entry level police officer testing0**.**

Yes: All-3

Old Business: None

Adjournment: The meeting was adjourned at 7:44 AM.

_____ _____
Donald E. McGinnis, Jr., Chairman Barbara A. Holmes, CMC - Deputy City Clerk

TO: MAYOR AND MEMBERS OF CITY COUNCIL
FROM: LORI GRIGG BLUHM, CITY ATTORNEY
ROBERT F. DAVISSON, ASSISTANT CITY ATTORNEY
CAROLYN F. GLOSBY, ASSISTANT CITY ATTORNEY
SUSAN M. LANCASTER, ASSISTANT CITY ATTORNEY
ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY
DATE: October 1, 2003
SUBJECT: 2003 THIRD QUARTER LITIGATION REPORT

The following is the quarterly report of pending litigation and other matters of interest. **The accomplishments during the third quarter of 2003 are in bold.**

A. ANATOMY OF THE CASE

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

B. ZONING CASES

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

1. Troy v. Papadelis- This is a case filed by the City against Telly's Nursery, seeking to enjoin the business from using the northern parcel for commercial purposes. After a lengthy appellate history, an order has been entered in the Oakland County Circuit Court, requiring compliance on or before April 29, 2002. The Papadelis family failed to comply with the Court's order, and therefore a Contempt Motion was filed. Oakland County Circuit Court Judge Colleen O'Brien determined that the defendants were in contempt of court, and required them to pay $1,000 to the City of Troy.

However, the Court also determined that the defendants were currently in compliance with the City of Troy zoning ordinances. The Troy City Council authorized an appeal of this decision to the Michigan Court of Appeals. It was filed on September 27, 2002. The neighbors filed an application for leave to appeal, which was denied by the Michigan Court of Appeals on 2/10/03. After receiving criminal citations from the City for expansion of the business, Papadelis filed a federal lawsuit against the City of Troy, alleging civil rights violations and seeking an injunction against the prosecution and/or further expansion. **The neighboring property owners have filed a Motion to Intervene, which was granted by Federal US District Court Judge Arthur Tarnow. A motion for injunctive relief and/or a motion for summary judgment will be filed in the immediate future.**

2. Jimmy & Bushra Isso v. City of Troy- The City of Troy denied the rezoning requested by Plaintiffs for their property at the corner of Wattles and Dequindre Road. The Plaintiffs were seeking commercial zoning to allow for a gas station on the property. The Plaintiffs then filed this lawsuit against the City. This property is also the subject of a condemnation action, where the City took two 27-foot strips of property for the road widening project. **Troy's motion for summary disposition has been rescheduled for October 1, 2003.**

3. Williams et. al v. City of Troy and Ken Freund- Some of the residents in the Middlesex Country Homesites Subdivision have filed this lawsuit against the City and developer Ken Freund. The lawsuit challenges that the City of Troy improperly approved the Freund Site Condominium project without requiring an official replat of the property. The Troy City Council granted preliminary approval of the site condominium plan on March 3, 2003. **Each of the parties filed a Motion for Summary Disposition. On 9/3/03, Judge Kuhn heard oral arguments from all parties on the Motions for Summary Disposition. He indicated that he would issue a written opinion.**

4. **Rathka v. City of Troy – This lawsuit was filed by Roy Rathka, Jr. and concerns property he owns on Canham, a gravel drive located south of Square Lake Road and west of Livernois Road. Mr. Rathka claims he was wrongfully denied a building permit to build a duplex on Canham. The permit was denied pursuant to Section 40.10.01 of the Troy Zoning Ordinance that requires proposed building in one or two family residential districts to front on a public street that has been accepted for maintenance by the City. Discovery has commenced. The case is scheduled for a pretrial conference with Oakland County Circuit Court Judge Colleen O'Brien on November 24, 2003.**

5. **Kibby v. City of Troy, Troy School District- This case was filed on August 19, 2003, challenging the City of Troy's preliminary approval**

of the Rochester Commons Planned Unit Development (PUD), which borders the residential property of the Plaintiffs. The Plaintiffs have challenged the PUD requirement, which closes Parkton to the north of Plaintiffs' property. The Plaintiffs have recently granted an extension of time to file our first responsive pleadings in this case.

6. **Inergy Automotive v. City of Troy- This case was filed on September 15, 2003. In the complaint, the Plaintiff challenges the City's zoning ordinance as applied to the building at 2565 W. Maple Road. This area is zoned industrial, which requires that any zoning be consistent or supportive to manufacturing or research and development uses only. The City's first responsive pleadings are due in October.**

C. EMINENT DOMAIN CASES

These are cases in which the City wishes to acquire property for a public improvement and the property owner wishes to contest either the necessity or the compensation offered. In cases where only the compensation is challenged, the City obtains possession of the property almost immediately, which allows for major projects to be completed.

1. Livernois Project

Troy v. Howard- A motion for summary disposition is scheduled to be heard 5/21/03**. On 7/18/03, Judge Colleen O'Brien issued a written opinion holding that the acquisition by the City constituted a total taking of the Howards' property. After settlement negotiations, the parties entered into a Consent Judgment 8/22/03. According to the Consent Judgment, the City will have complete ownership of the property on or before 12/15/03.**

2. Parkland Acquisition (Sections 22, 24, 36)

a. Troy v. Matthews Farms L.L.C. et. al- **The Court scheduled a jury trial for 2/9/04. The Court ordered the parties to facilitate the case. Discovery is continuing.**

b. Troy v. Livernois Road Partners, L.L.C. et. al.- Case evaluation on 5/9/03. **The Court required the parties to facilitate the case. Trial is set for 10/28/03.**

c. Troy v. Blanton/ Smith- Case evaluaton set for 6/11/03. **Trial set for 10/9/03.**

3. Maple Road Project

a. Troy v. Maple Lane - Maple Road Project-Discovery. **Case evaluation is set for 10/13/03. A mandatory settlement conference is set for 11/3/03. Trial is set for 11/17/03.**

b. Troy v. 2100 E. Maple - Maple Road Project- Discovery. **Case evaluation is set for 10/13/03. A mandatory settlement conference is set for 11/3/03. Trial is set for 11/17/03.**

c. Troy v 2100 E. Maple Road # 2- Discovery. **Case evaluation is set for 10/13/03. A mandatory settlement conference is set for 11/3/03. Trial is set for 11/17/03.**

4. Long Lake Road

a. Troy v. Marilyn Kay Miller Trust- **Trial is set for 11/17/03.**

b. Troy v.Elias & Fahamie & Allen Metry- **A Consent Judgment has been entered.**

c. Troy v.Richard & Mary Rauhut- **Case Evaluation set for 12/03.**

d. Troy v. Helen Nawrocki & Richard Rauhut- **Case evaluation was 9/25/03.**

e. Troy v. Joseph & Patricia Molenda- **A Consent Judgment has been entered.**

f. Troy v. Jimmy & Bushra Isso- **Case evaluation was 9/25/03.**

5. John R. Road Sidewalk Project

a. Troy v. Ann Stromar, Mark Turpen, David Koether & Mary Ballard- ity has possession. The descendants of Maude Eyster, titleholder of record to the western 60 feet, have been determined. Mrs. Stromar (the owner of the home on the property), and the heirs of Maude Eyster remain in the case until clear title can be obtained. The defendants, heirs of Maude Eyster, are expected to file a motion requesting a decision on the apportionment between parties. **Summary disposition was granted where the City was required to pay Mrs. Ann Stromar the amount of the original good faith offer. All other persons are dismissed.**

6. Miscellaneous

a. Troy v. JMJ Land Investment Company- Dennis Powers Drain Project- Case evaluation was. **Trial is set for 12/04/03.**

b. Troy v. O'Reilly Trust et. al- The City now has possession of the property. **Discovery is on going.**

c. **Troy v. Obertynski – Dequindre Project – This case was just filed. Possession has not been established. A hearing on the Complaint is scheduled for October 1, 2003.**

D. CIVIL RIGHTS CASES

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

1. Sauger v. Troy- This is a case where Plaintiffs argue that the Troy police department violated the Fourth Amendment rights of Jason Sauger and his parents when they entered into his home to effectuate an arrest. They also raise a periphery of other claims in their complaint, including excessive force, invasion of privacy, and malicious prosecution. Prior to the commencement of discovery, Troy filed a motion for dismissal, arguing that Plaintiffs had failed to set forth viable claims against Troy and its officers. The Court granted the motion in part, and dismissed several claims. However, the Court was unable to render a decision as to all claims without additional facts (beyond the facts set forth in the complaint). The City Attorney's Office continued to represent the City and Chief Craft. However, Michigan Municipal Risk Management Authority attorney Michael Rosati is representing the individual police offices. This is because there may be a potential conflict of interest if the same attorney represents both the City and the individual officers. The Court granted a Motion for Summary Judgment and dismissed the case against the City of Troy and Chief Craft. The Motion for Summary Judgment as to the individual officers was denied in part. **The case is scheduled for facilitation. If facilitation is unsuccessful, the jury trial is scheduled to begin November 24, 2003.**

2. Catherina Castiglione v. City of Troy. This case was filed against the City of Troy by Ms. Castiglione. Castiglione failed to complete police academy training, which was a pre-requisite to an employment offer from the City. Ms. Castiglione is now arguing that the City's withdraw of the employment offer was in retaliation for her complaints against the police academy. She also argues that the withdrawn offer resulted from retaliation for her worker's compensation claim. She also claims entitlement to unpaid overtime compensation for her long commute to the police academy. The parties pursued discovery during this period. A motion for summary disposition has been filed by Troy.

3. **<u>Maria Elena Hunciag v. Troy-</u> This is an alleged employment discrimination case filed on July 1, 2003. According to the complaint, Ms. Hunciag argues that she was denied the position of Troy Museum Curator due to alleged age, gender, and/or national origin discrimination. A status and scheduling conference is scheduled for October 3, 2003, before U.S. Federal District Court Judge Victoria Roberts.**

E. PERSONAL INJURY AND DAMAGE CASES

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

1. <u>Robert & Sandra Wehbe v. City of Troy et. al.-</u> This is a case filed by a minor who was injured when riding his skateboard into freshly poured asphalt. The complaint argues that the defective highway exception to governmental immunity applies, subjecting the City to liability. The contractor of the project, who is also a named defendant in this lawsuit, has been requested to indemnify and/or defend the City of Troy, based on the insurance policy which names the City as an additional insured. Our office will continue to participate in the defense of this case. Discovery is on going in this matter. A Motion for Summary Disposition was filed on April 15, 2003. **As a result of our success in demonstrating the many weaknesses in plaintiff's case, the case evaluation panel recommended that the City pay $1,000 to plaintiff. Both the City and plaintiff accepted this recommendation, and an order dismissing the case was entered on August 4, 2003 by Judge Michael Warren. The $1,000 award was paid by the contractor's insurer, Zurich, due to the contractual obligation to defend and indemnify the City of Troy.**

2. <u>Nancy and James Berryman v. City of Troy</u>- Mr. and Mrs. Berryman have filed this lawsuit against the City, attempting to recover damages from Mrs. Berryman's fall on July 9, 2002. The complaint argues that the veil of governmental immunity is pierced under the defective highway exception to governmental immunity, since Mrs. Berryman fell on a sidewalk that was maintained by the City. The City is currently gathering information concerning these allegations. **Mr. Berryman was dismissed as a plaintiff on May 2, 2003. The case was evaluated on August 19, 2003. Based on discovery in the case including Mrs. Berryman's May 2003 deposition, the City showed that her injuries were not chronic or on**

going in nature. The panel recommended an award of $7,500 to plaintiff, which both she and the City accepted. A judgment of dismissal will, therefore, be executed by the parties and/or the Court.

3. Leonardo and Mark Quicho v. City of Troy and Troy Police Dept.- The Quichos, (father and son) have filed this action, seeking a return of merchandise valued at approximately $20,000 that was fraudulently purchased by the son. On 56 separate occasions, Mark Quicho made purchases with the credit card and/or checks from one of his customers, and he is now serving time in jail for this crime. The father also asserts that some of the confiscated property (valued at approximately $1,200) was not part of the fraudulently purchased merchandise, and should not have been taken by the Troy Police Department. **The City's Motion for Summary Disposition was granted in its entirety against Mark Quicho on August 25, 2003. As for the father, Leonard Quicho, the court ordered that he be afforded the opportunity to view certain contested items at the Troy Police Property Room, to identify anything that might belong to him. Mr. Quicho and his counsel did so on September 11, 2003, at which time he claimed only a small assortment of router bits. The balance of the Quicho items was liquidated at the police auction on September 13, 2003. An order dismissing the case in its entirety as to both plaintiffs was entered on September 11, 2003.**

4. Kunjamma Antony v. City of Troy- The City was served with this lawsuit in June 2003. Ms. Antony asserts that she was injured when she tripped on a defective sidewalk at the Troy Aquatic Center on July 5, 2001. She fractured her elbow, and was required to undergo surgery. She has asked for damages in excess of $25,000. **The City answered the Complaint on July 11, 2003, raising the affirmative defenses of governmental immunity and comparative negligence. Discovery is on going.**

5. **Paul Mancini v. Troy- The City was served with this lawsuit on August 7, 2003. Mr. Mancini alleges that he was injured when he slipped on an icy sidewalk in front of his home. He argues that the City is liable under the defective highway exception to governmental immunity, since we knew or should have known that ice would accumulate on the sidewalk. Discovery is on going.**

F. MISCELLANEOUS CASES

1. Kaftan Enterprises, Inc. v. City of Troy- In connection with the Hidden Meadows residential development, the City required cash deposits and escrows from the developer, Kaftan Enterprises. Although certificates of occupancy have been issued for the homes, the developer has not yet finalized the project. As a result, the City of Troy is still holding money for this development. The developer has filed this lawsuit, demanding a return of the money being held by the City. The parties are continuing to discuss possible

resolutions of this matter**.** A pretrial was held on September 4, 2003. The Court indicated it would allow discovery and schedule another pretrial in 60 days. **A pretrial was held on September 4, 2003. The court indicated it would allow discovery and schedule another pretrial in 60 days. The second pretrial is scheduled for November 6, 203.**

2. Barton Malow Co. v. K-Mart, City of Troy, et. al.- Barton Malow Co., a contractor for the K-Mart data center, has filed this lawsuit, seeking to foreclose on its construction lien. The data center was completed some time ago, but the K-Mart bankruptcy delayed any action on the construction lien. The City is a named party, due to our easement interest in the property. **The City will continue to monitor this lawsuit.**

3. **Old Troy LLC v. City of Troy et. al- This is a re-plat action**. **The City filed an answer.**

4. **Scott Fluegge v. City of Troy**- **This was an action filed by Scott Fluegge against the City of Troy, seeking a return of bond money and/or injunctive relief against the City of Troy. The requested relief was denied, and the Court furthermore dismissed the case on September 19, 2003.**

G. CRIMINAL CASE APPEALS

1. Troy Police Officer Dungjen v. Duncan- This is an appeal of an adverse decision of the Driver License Appeal Division (DLAD) of the Michigan Secretary of State. Officer Dungjen arrested Duncan for drunk driving, and Duncan refused to submit to a breathalyzer test. Although all suspected drunk drivers are required to submit to a test, as requested by the arresting officer, the DLAD officer refused to take any license sanctions against Duncan. This matter is pending before Judge Deborah Tyner, of the Oakland County Circuit Court. The City's brief was filed on July 15, 2002. **A decision from the Court is expected soon.**

2. People v. Eric Fitzgerald Bloss- On April 22, 2003, Mr. Bloss filed this appeal, challenging the determination of responsibility for a civil infraction action in the 52-4 judicial district court. **The City has filed a Motion to Dismiss which is scheduled to be heard October 22, 2003.**

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

DATE: September 22, 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: Announcement of Public Hearing
Commercial Vehicle Appeal Renewal
1820 E. Wattles

On January 22, 2001 Mr. Steven Pary received a variance from City Council to park a commercial vehicle on his property at 1820 E. Wattles Road. That variance had expired in January of 2003. On January 6, 2003 applications were delivered to Mr. Pary to file if he wished to request renewal of the appeal. On May 27, 2003 Mr. Pary filed the application for appeal. However, there were no required photos of the vehicle supplied with the application. On September 4, 2003 Building Department staff was able to take photographs of the vehicle on the site. We now have a complete application and bring it forward for your consideration.

A public hearing scheduled for your meeting October 27, 2003 would allow staff to send the public hearing notices in accordance with Section 44.02.01 of the Zoning Ordinance.

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

MS/pp

Attachments

COMMERCIAL VEHICLE APPEAL APPLICATION

RECEIVED
MAY 27 2003
BUILDING DEPARTMENT

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

NAME: STEVE PARY

ADDRESS: 1820 E. WATTLES

CITY: TROY MI. ZIP: 48098 PHONE: 689-2856

ADDRESS OF SITE: 1820 E. WATTLES

NUMBER OF VEHICLES: 1

VEHICLE IDENTIFICATION NUMBER(S)
1FDKF37H8HKA26751

LICENSE PLATE NUMBER(S) BW-5871

DESCRIPTION OF VEHICLE(S) F-350 Tow Truck

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

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..

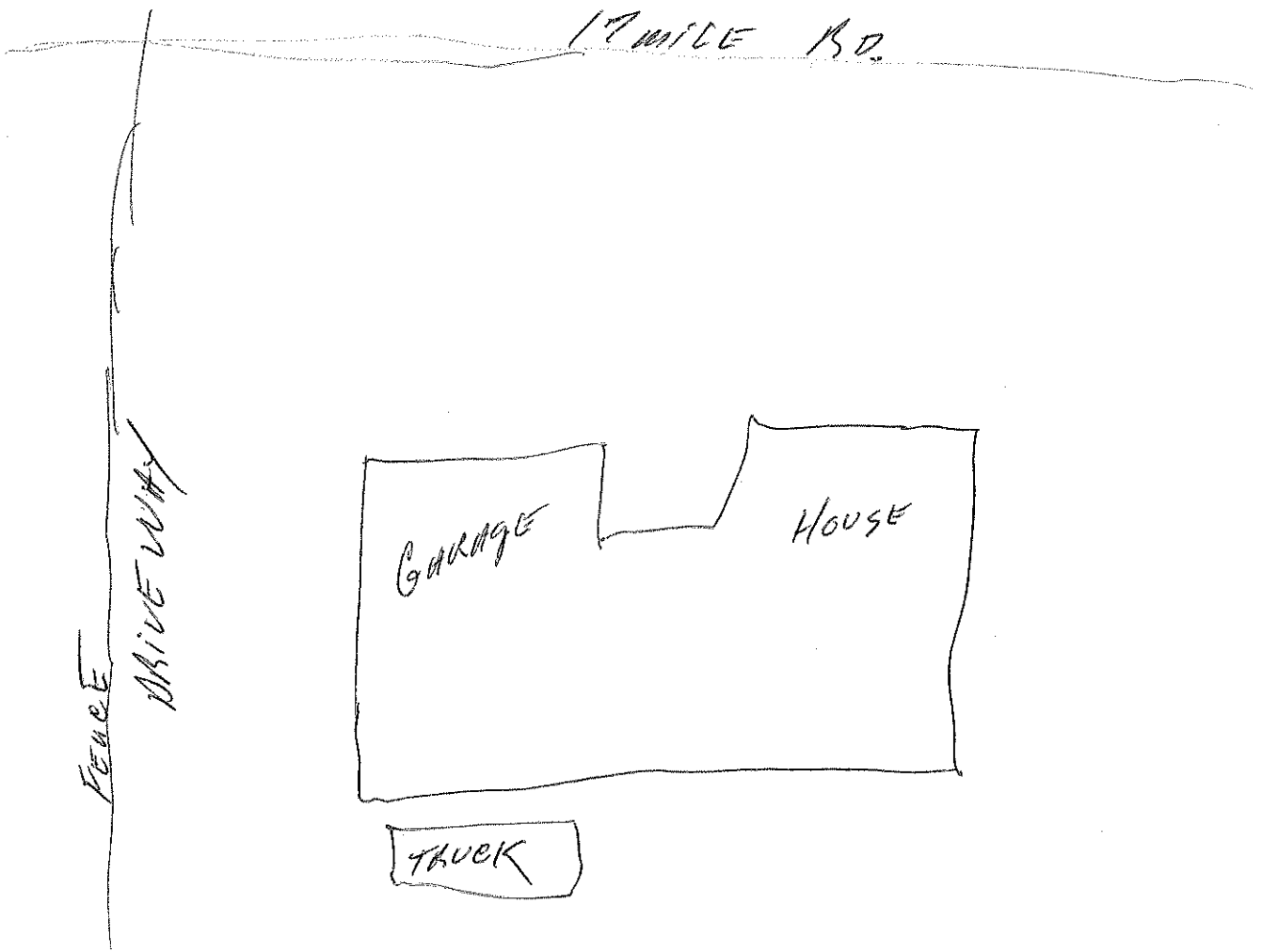
(signature of applicant)

STATE OF MICHIGAN
COUNTY OF Oakland

On this 27 day of May, 20 03 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.

Mary Lorraine McInnis
Notary Public, County, Michigan

My Commission Expires: May 30, 2007



RECEIVED
MAY 27 2003
BUILDING DEPARTMENT

MICHIGAN
SNA 586
SABLE

DATE: September 22, 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: Announcement of Public Hearing
Parking Variance Request
1985 W. Big Beaver Road

We have received an application from Mr. Barkley Henderson of Lanover Enterprises, Inc. representing the Benihana restaurant to alter the existing restaurant at 1985 W. Big Beaver Road. The alteration will result in an increase in the seating capacity from 204 to 248 persons. This capacity, along with the area of the attached office building, requires that at least 231 parking spaces are available on the site per Sections 40.21.31 and 40.21.71 of the Troy Zoning Ordinance. The plans submitted with the application indicate that there will be only 153 parking spaces available. The permit application for this work has been denied. In response, the petitioners have filed an appeal of the parking requirement.

A Public Hearing has been scheduled for your meeting of October 27, 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

TO TROY CITY COUNCIL DATE: 9/15/03

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: BENIHANA ; MR. SANG LEE Phone: (248) 649-6340

Address: 1985 W. BIG BEAVER RD. TROY, MI. 48084

Address of Property: SAME

Lot # _____ Subdivision: _____

Zoning District: _____ Sidwell # _____

Owner of Property: MR. BARKLEY HENDERSON Phone: (508) 357-6550

Address: LANOVER ENTERPRISES, INC., 30 TURNPIKE ROAD UNIT #1, SOUTHBORO, MA. 01772

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

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

and particulars _____

REASON FOR VARIANCE:

Dimension of Stall? _____ Parking Spaces Required: 237

Number of Stalls? _____ Parking Spaces Provided: 153

Other Dimensions? _____ Variance Requested: TO SEPERATE THE OFFICE BLDG. & RESTAURANT SO THAT PARKING WILL BE SUFFICIENT FOR THE RESTAURANT IN THE EVENINGS.

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)

ORDINANCE: SECTION 40.21.31

THE REMODELING OF THE RESTAURANT WILL PROVIDE 246 SEATS WHICH REQUIRES 148 PARKING SPACES. THIS IS SUFFICIENT IF THE OFFICE BLDG (WHICH CLOSES @ 5:00 PM) IS NOT ADDED AS PART OF THE RESTAURANT PARKING.

PLOT PLAN OF SITE ATTACHED HERETO

STATE OF MICHIGAN)
)
COUNTY OF OAKLAND)

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: 9-18-03
(Signature of Applicant)

Signed and Sworn to before me this 18 day of September 20 03

Mary Lorraine McHenry
Notary Public

My Commission Expires: May 30, 2007

Filing Fee $200.00	Date Paid

REV:2/2002

September 5, 2003

Subject: Remodeling
Benihana Restaurant
1985 W. Big Beaver Rd.
Troy, Mi. 48084

To whom it may concern,

It has come to my attention that Benihana is planning to remodel their restaurant. In doing so there is an issue regarding the amount of available parking that requires them to apply for a variance with the City of Troy.

As owner of the property, (@ 1985 W. Big Beaver Rd., Troy, Mi 48084), I acknowledge that I have been fully apprised of Benihana's efforts to acquire a building permit for their remodeling and the need for a variance regarding the amount of parking by Mr. Sang Lee. They have my authorization to proceed as they may need to in acquiring this variance.

If there are any questions please contact me at (508) 357 - 6550.

Sincerely,

Mr. Barkley Henderson

cc. Sang Lee

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

September 23, 2003

Sang Lee
Benihana Restaurant
1985 w. big Beaver
Troy, MI 48084

Re: Proposed alteration to Benihana Restaurant, 1985 W. Big Beaver

Dear Mr. Lee:

We are in receipt of your application for a Building Permit to alter the Benihana restaurant and increase the seating from 204 to 248.

This application does not meet the requirements set forth in the Zoning Ordinance for the following reasons:

Per Section 40.21.31, a 248-seat restaurant is required to have 149 parking spaces. Per Section 40.21.71 the office area is required to have 82 parking spaces. Per the city approved site plan, the site has 153 parking spaces where 231 spaces are required.

Therefore, unless you revise your plans to comply, we are unable to issue this permit. However, if you so desire, you may make application to City Council for relief of the requirements. Applications for a parking variance are available at the Building Department.

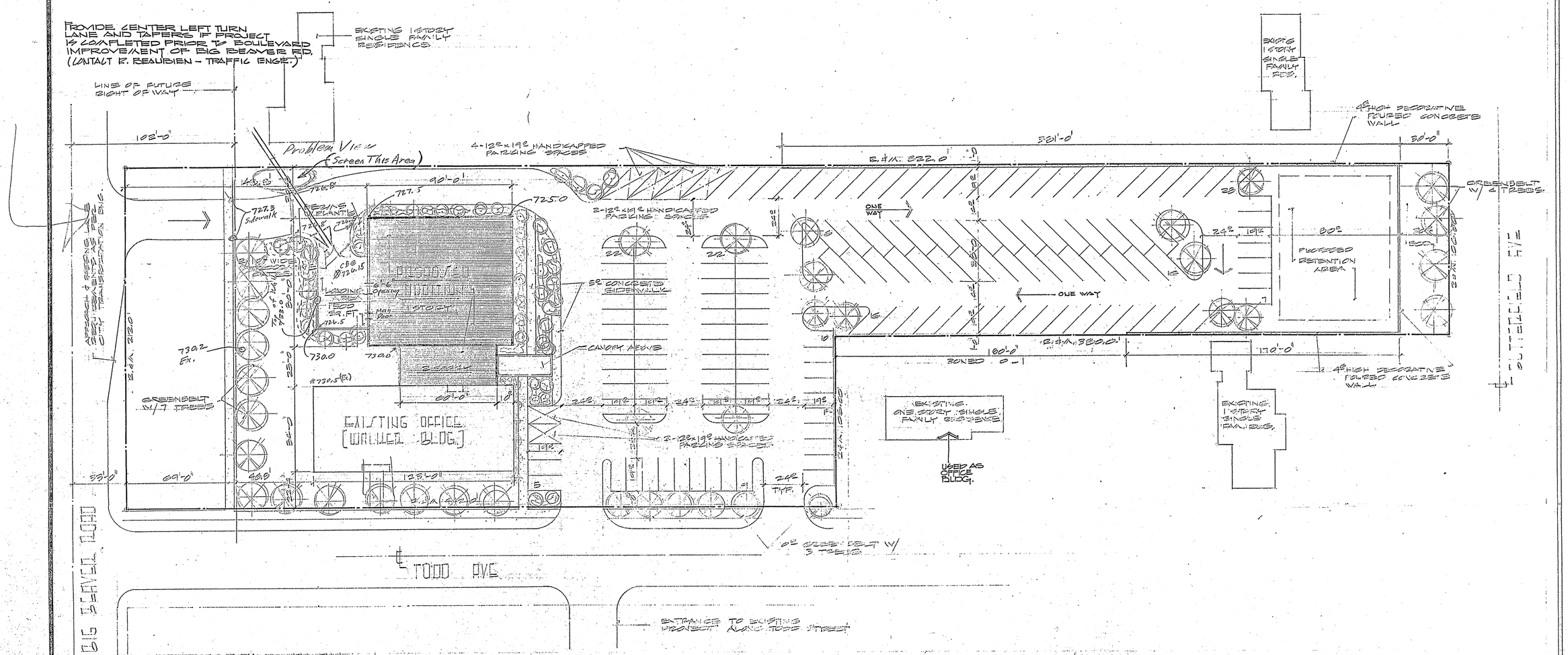
If you have any questions regarding the above, please feel free to contact me.

Sincerely,

CITY OF TROY

Richard Kessler
Plan Examiner/Coordinator

PROVIDE CENTER LEFT TURN LANE AND TAPERS IF PROJECT IS COMPLETED PRIOR TO BOULEVARD IMPROVEMENT OF BIG BEAVER RD. (CONTACT R. BEAUDIEN - TRAFFIC ENGR.)



SITE DATA

AREA

GROSS SITE AREA — 133,964 SQ. FT.
NET SITE AREA (AFTER R.O.W.) — 119,355 SQ. FT.

LANDSCAPING

10% OF NET SITE AREA REQUIRED — 11,935.5 SQ. FT.
LANDSCAPING PROVIDED — 13,200 SQ. FT.

BUILDING

EXISTING WALKER BUILDING — 19,926 SQ. FT. GROSS AREA
EXISTING WALKER BUILDING — 14,043 SQ. FT. USABLE AREA (NET)
NEW ADDITION — 10,200 SQ. FT. GROSS AREA
NEW OFFICE SPACE — 2,250 NEW RENTAL OFFICE SPACE
NEW RESTAURANT SPACE — 7,200 SQ. FT. GROSS

PARKING

OFFICE = 14,043 + 2250 = 16,293 ÷ 200 = 81.46 = 81 SPACES
RESTAURANT = 18 TABLES x 8 PEOPLE = 144
COCKTAIL LOUNGE = 60 PEOPLE = 60
204/3 = 68 SPACES
PARKING SPACES REQUIRED — 149 SPACES
PARKING SPACES PROVIDED — 153 SPACES

Landscape Contractor
J. D. Armstrong
Landscape Arch. Eroll Kleckner
264-8803

SITE PLAN APPROVED BY PLAN COMMISSION, MAY 9, 1978.
J. Keisling

PLANNING DEPARTMENT COPY

NOTE: SITE PLAN MEETS OR EXCEEDS ZONING ORDINANCE REQUIREMENTS

DO NOT SCALE DRAWING

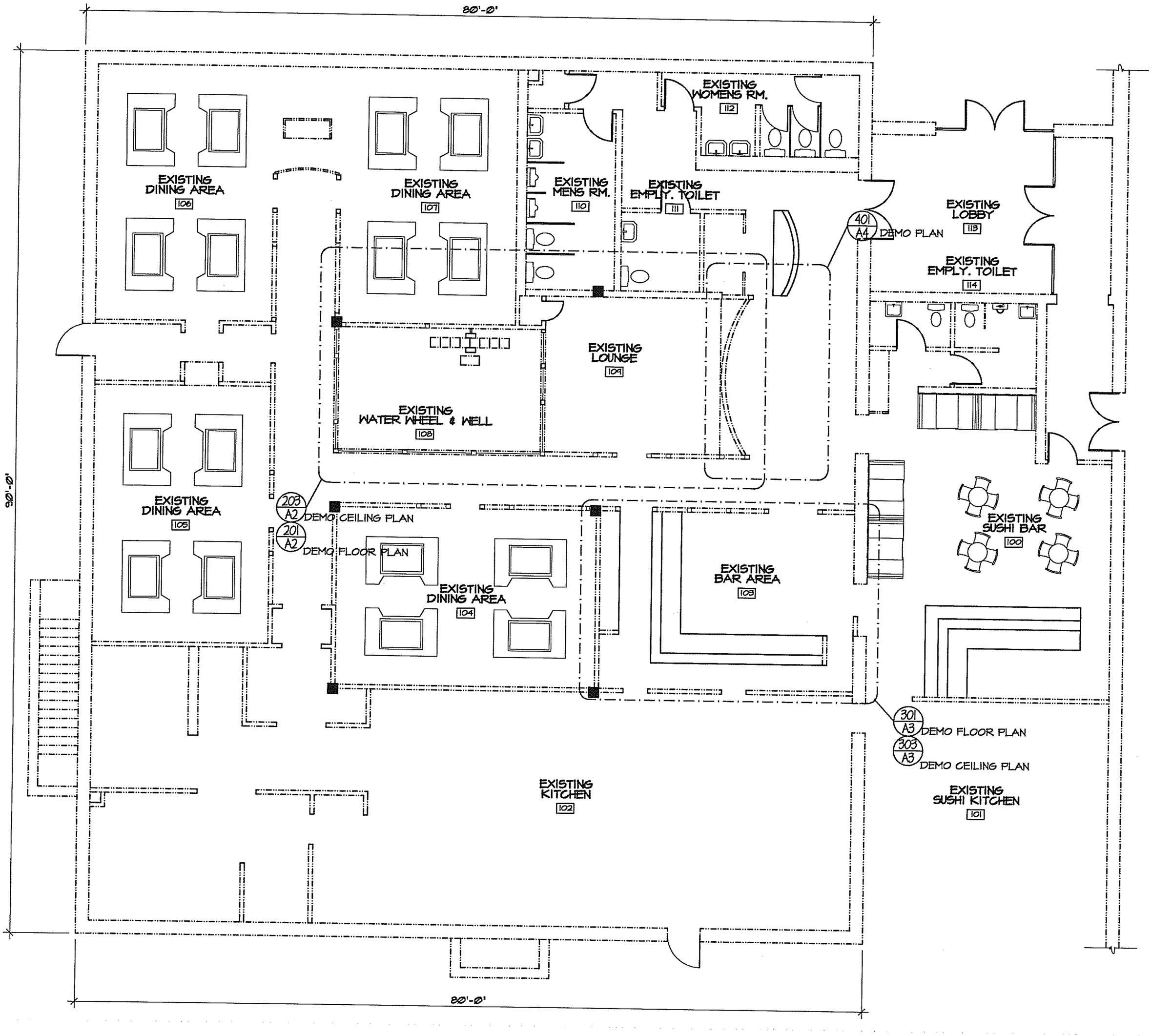
REVISIONS	BY

CMA INCORPORATED
ARCHITECTS PLANNERS
LEWIS Y. CRAINE — ARCHITECT PLANNER
NORM METLER — DESIGNER
23300 GREENFIELD OAK PARK 48237 — 968-2870 / 968-2870

ADDITION TO WALKER BUILDING
1985 BIG BEAVER ROAD
TROY, MICHIGAN

DRAWN: R.H.
CHECKED:
DATE: 4-11-78
SCALE: 1"=30'-0"
JOB NO.: 478-2
SHEET 1 OF SHEET

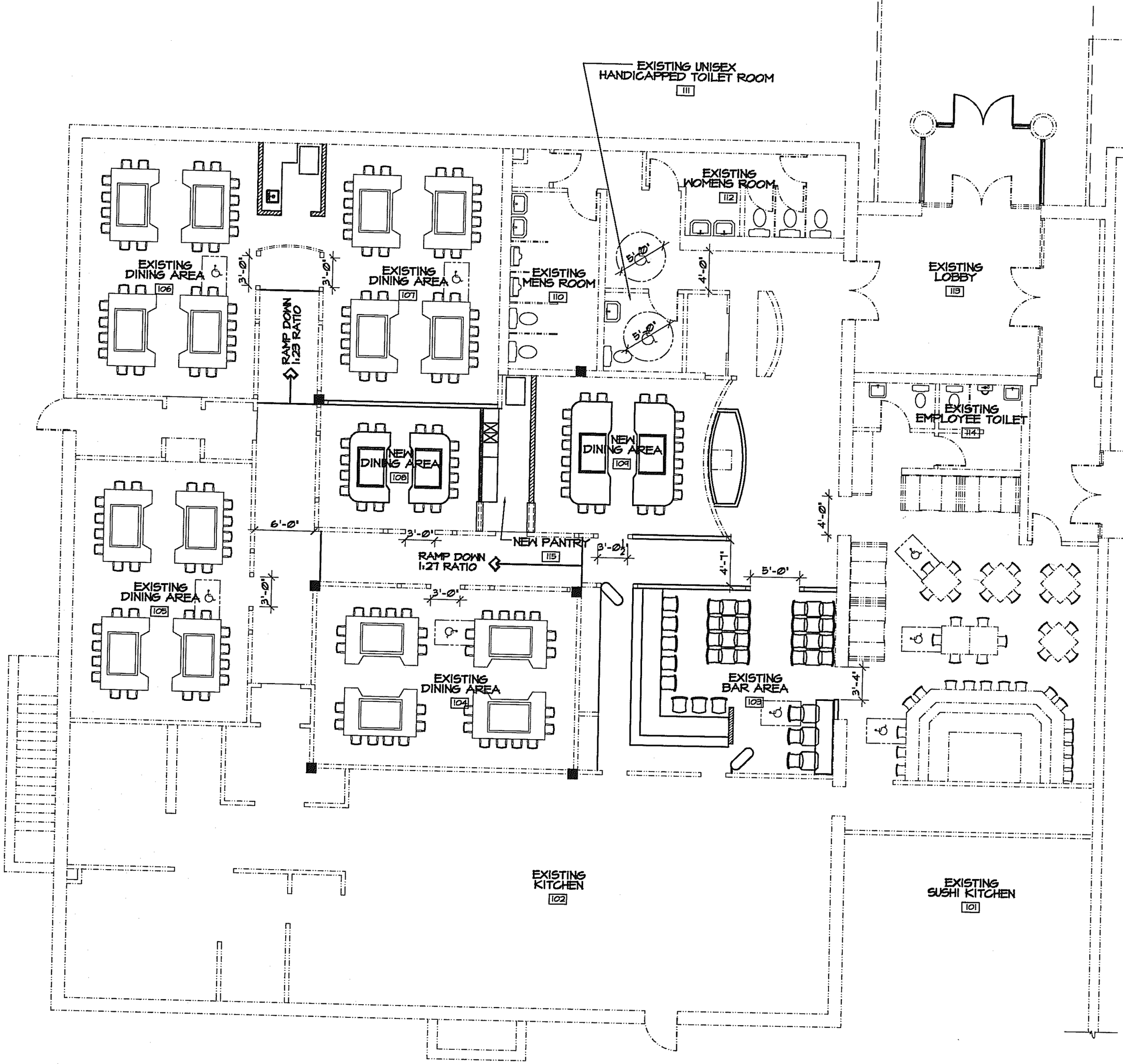
NO. 186A-24X36



EXISTING/DEMOLITION PLAN

SCALE: 1/8" = 1'-0"

NORTH



NORTH

SEATING LAYOUT PLAN

SCALE: 1/8" = 1'-0"

DATE: September 24, 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: Announcement of Public Hearing
Commercial Vehicle Appeal
34117 Dequindre

On September 3, 2003, information was sent to Mr. Thaier Wardia that identified restrictions related to commercial vehicles located on residential property. As part of that information, he was advised that the three box trucks parked in the rear of 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. Wardia 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 October 27, 2003.

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

MS/pr

Attachments

COMMERCIAL VEHICLE APPEAL APPLICATION

RECEIVED
SEP 17 2003
BUILDING DEPARTMENT

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

NAME: THAIER WARDIA

ADDRESS: 34117 Dequindre

CITY: Troy MI. ZIP: 48083 PHONE: 248 577-1332

ADDRESS OF SITE: 34117 Dequindre Troy 48083

NUMBER OF VEHICLES: 3

VEHICLE IDENTIFICATION NUMBER(S)
(1) 4KLB4B1R6YJ001578 (2) 4KDB4B1R9XJ001184, (3) 4KDB4B1RXXJ001212

LICENSE PLATE NUMBER(S) (1) NONE (2) 95A2HX (3) 540MHE

DESCRIPTION OF VEHICLE(S) Isuzu [redacted] (1) [redacted] Cube Van (2) GMC Cube Van (3) GMC Cube Van Cube VANS Service" White in color Not junk IN Running condition But Not been used.

REASON FOR APPEAL (see A - D below) VANS Do Not go INSIDE the Garage too tall min. 10'-0" high Door needed, Aprozched the Building Dept. few months ago, told I cannot Remodel and expand Garage.

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..

9-17-03

(signature of applicant)

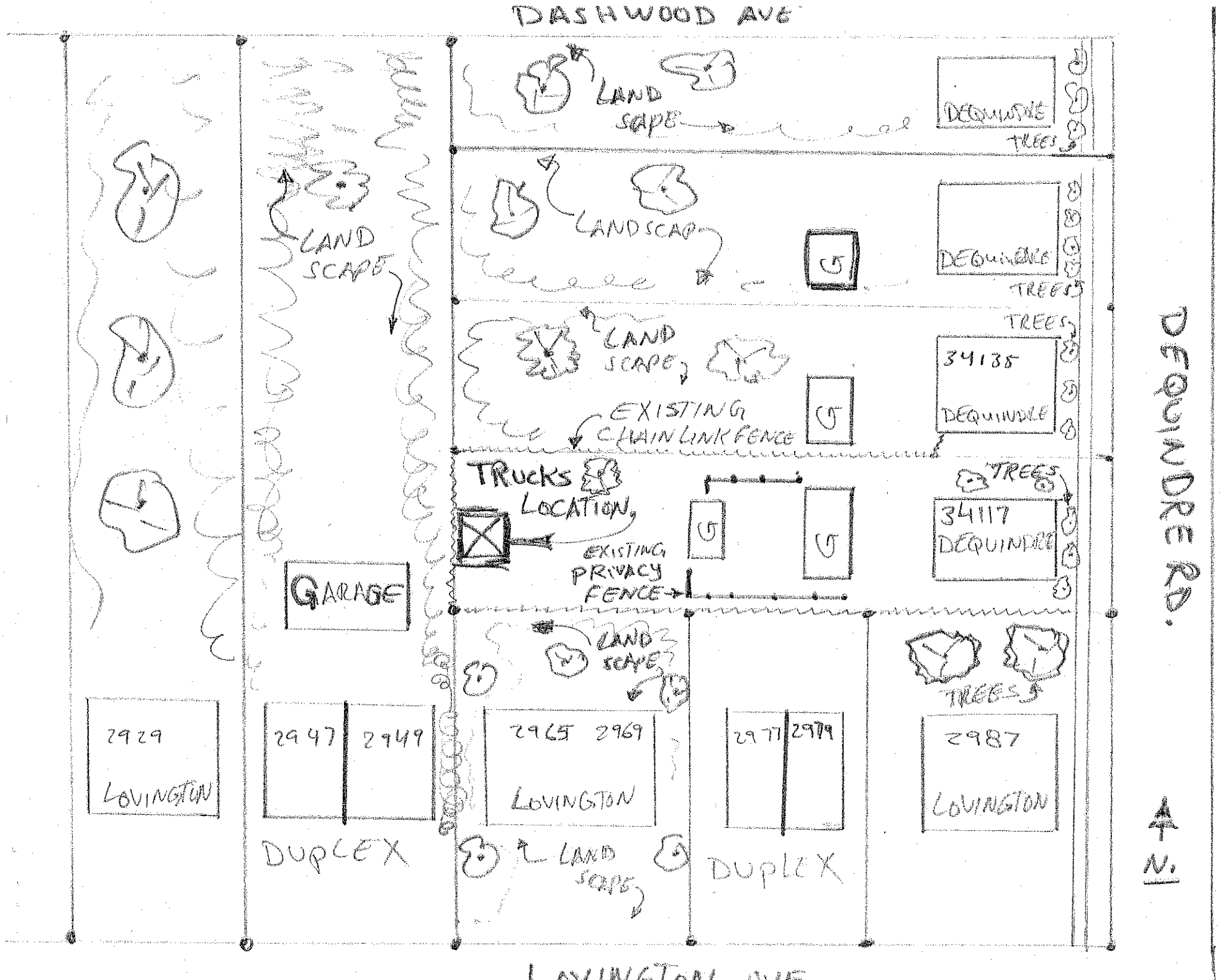
STATE OF MICHIGAN
COUNTY OF Oakland

On this 17th day of September, 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, County, Michigan

MARYANN HAYS
Notary Public, Oakland County, MI
My Commission Expires March 16, 2005

My Commission Expires: _____


DASHWOOD AVE
LAND SCAPE
DEQUINDRE
TREES
LANDSCAP
LAND SCAPE
LAND SCAPE
34135
DEQUINDRE
EXISTING CHAIN LINK FENCE
TRUCKS LOCATION
EXISTING PRIVACY FENCE
TREES
34117
DEQUINDRE
GARAGE
LAND SCAPE
TREES
2929
LOVINGTON
2947
2949
2965
2969
LOVINGTON
2977
2979
2987
LOVINGTON
DUPLEX
LAND SCAPE
DUPLEX
DEQUINDRE RD.
N.
LAVINGTON AVE

ISUZU

TRIAD

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

September 03, 2003

Squad Wardia
34117 Dequindre
Troy, MI 48083

Subject: Outside Commercial Vehicle Storage on Residential Sites
34117 Dequindre

Dear Mr. Wardia:

I recently observed three box type commercial trucks 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 these trucks does not comply with the ordinance. Therefore, to correct the violation, please remove the vehicles from the property or store them 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 removing the vehicle from the site, storing it in the garage, or submitting the appeal form is 9/25/2003.

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-(*Insert phone number here).

Sincerely,

Marlene Struckman
Housing & Zoning Inspector

September 29, 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 (OCTOBER 20, 2003) – REZONING REQUEST (Z-691) - 5500 New King Street, West side of Crooks Road, North side of New King Street, South of Square Lake Road, Section 8 – R-C to O-M

RECOMMENDATION

A public hearing is scheduled for the October 20, 2003 City Council meeting.

The Location Standards for the O-M Zoning District state that the O-M Zoning District may be applied when the application of such a classification is consistent with the intent of the Future Land Use Plan, and therefore involves areas indicated as mid-rise office (Section 25.40.02). This application meets this standard.

The rezoning request is compatible with surrounding land uses and zoning districts and is consistent with the Future Land Use Plan.

The Planning Commission recommended approval of the rezoning request at their September 9, 2003 Regular Meeting. City Management concurs with this recommendation.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner is the Delmia Corporation. The applicant is Peter Beer Associates.

Location of Subject Property:
The property is located on the north side of New King and the west side of Crooks Road, south of Square Lake Road, in Section 8.

Size of Subject Parcel:
The parcel is approximately 6.16 acres in area.

Current Use of Subject Property:
The property is currently occupied by a vacant 37,170 square foot office building.

Current Zoning Classification:
R-C Research Center.

Proposed Zoning of Subject Parcel:
O-M Office Mid-Rise.

Proposed Uses and Buildings on Subject Parcel:
The applicant is proposing to renovate the existing office building to be used for a medical office. According to the site plan, the parking lot will be expanded and the detention pond will be reconfigured.

Current Use of Adjacent Parcels:
North: Office/Research.

South: University of Phoenix.

East: Hotel and restaurants.

West: Office/research.

Zoning Classification of Adjacent Parcels:
North: R-C Research Center.

South: O-M Office Mid-Rise.

East: O-S-C Office Service Commercial.

West: R-C Research Center.

ANALYSIS

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

Principal uses permitted in the O-M Zoning District include any use permitted as a principal use in the O-1 Office Building District (including medical offices), data processing and computer centers, including sales, service and maintenance of electronic data processing equipment, any use charged with the principal function of office-type research or technical training, and other uses similar to the above uses.

Uses permitted subject to special conditions in the O-M Zoning District include personal service establishments, retail business establishments, restaurants, entertainment and recreation facilities, and clubs, fraternal organizations and service clubs whose activities are not carried on as a business, provided they are included in the office use structure or are attached to such structures by means of a fully enclosed structural attachment, utility sub-stations, transformer stations or gas regulator stations (without storage yards).

Uses permitted subject to special use approval in the O-M Zoning District include hotels or motels, outside seating, assembly, and activity areas for restaurants and hotels, mechanical or laboratory research involving testing or evaluation of products, or prototype or experimental product or process development.

Vehicular and Non-motorized Access:
Vehicular access to the property is provided by a two-way entry drive on both Crooks Road and New King Street.

Potential Stormwater and Utility Issues:
The site plan indicates that the applicant intends to reconfigure the existing detention basin in the southeast corner of the parking lot in order to accommodate additional stormwater runoff from the expanded parking area.

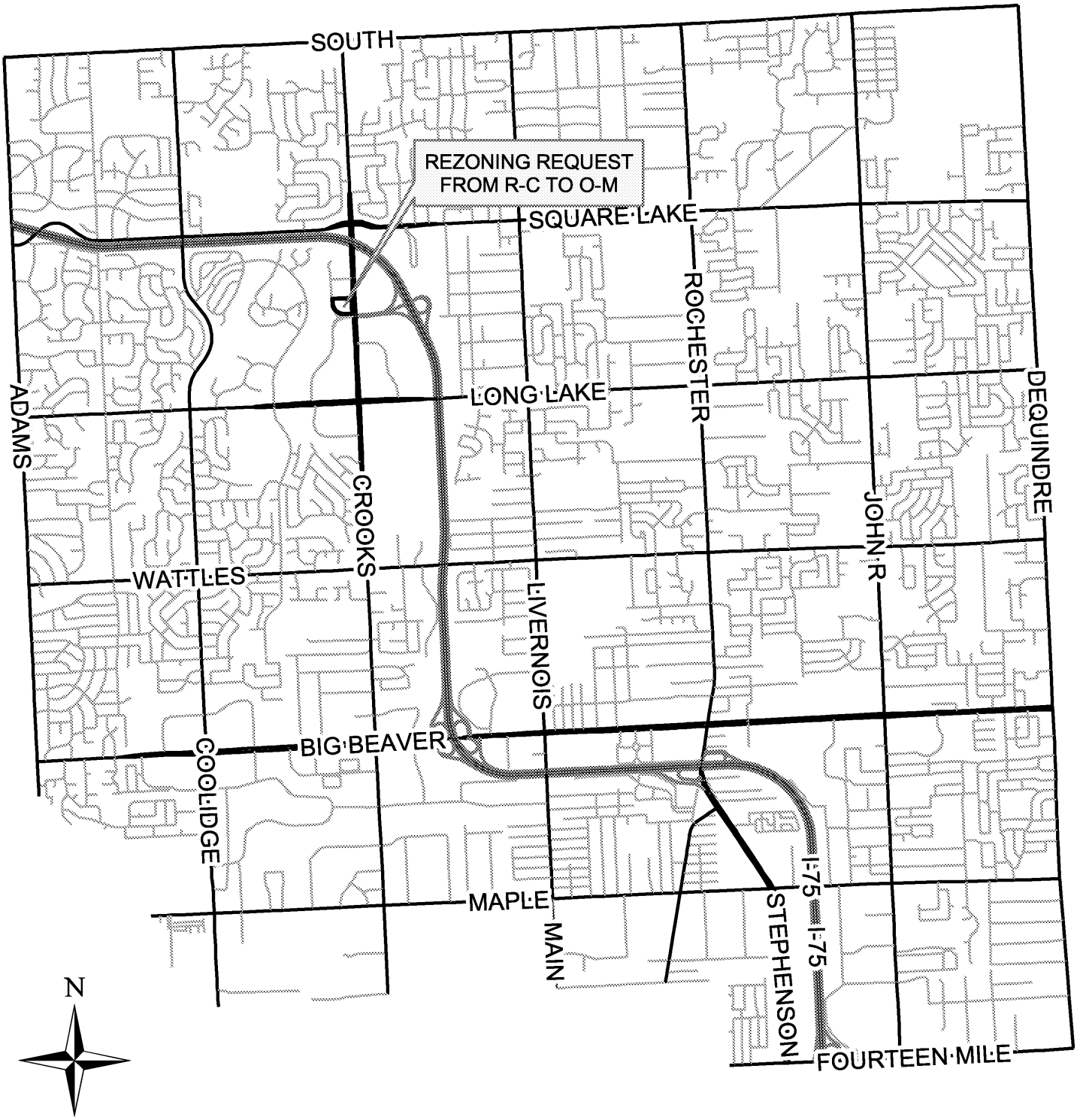
Natural Features and Floodplains:
The Natural Features Map indicates there are no significant natural features located on the property.

Compliance with Future Land Use Plan:
The Future Land Use Plan classifies the property as Office/Research, which has a primary correlation with the R-C Zoning District and a secondary correlation with the O-M Zoning District. The application complies with the Future Land Use Plan.

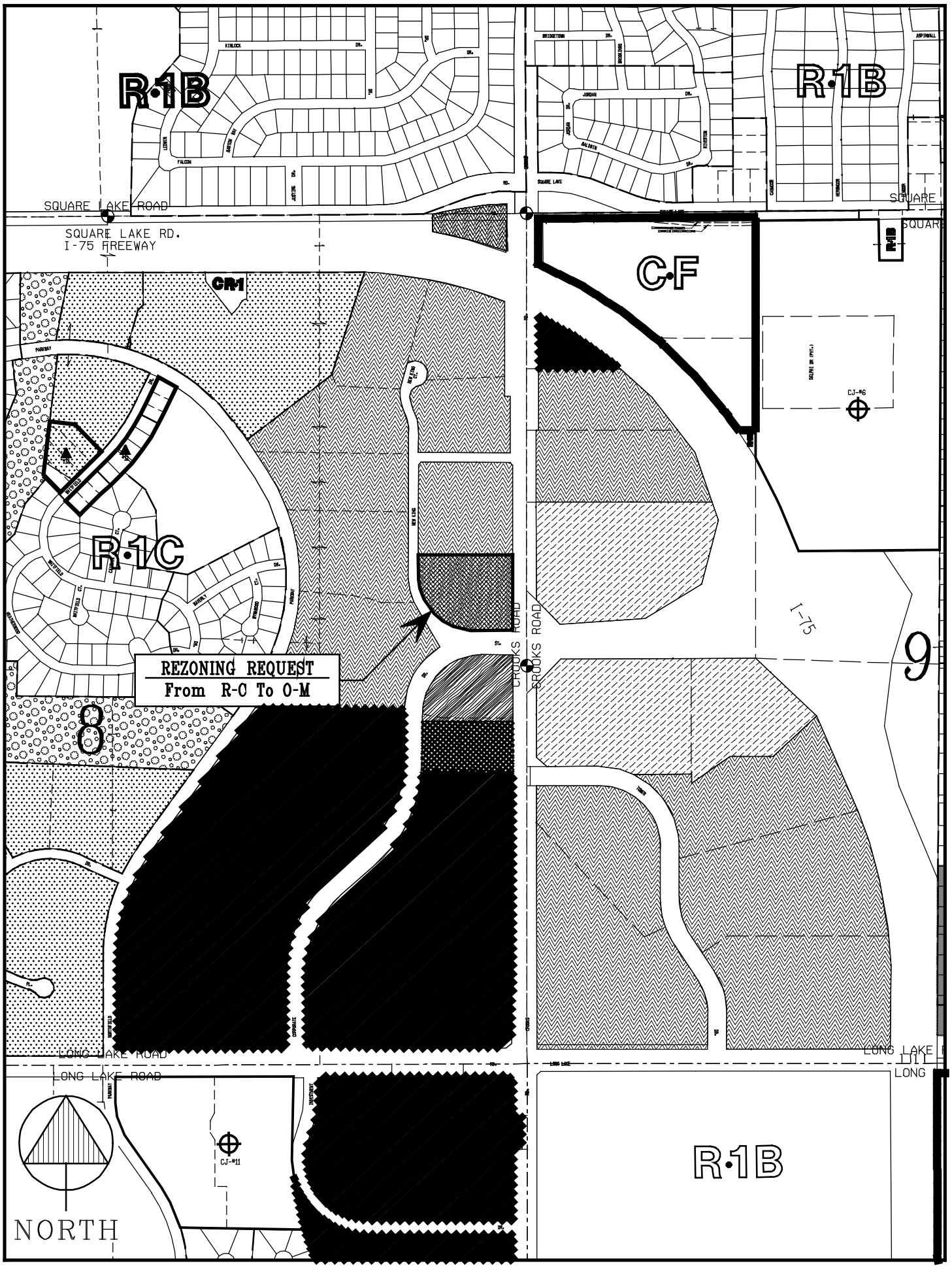
cc: Applicant
File (Z-691)

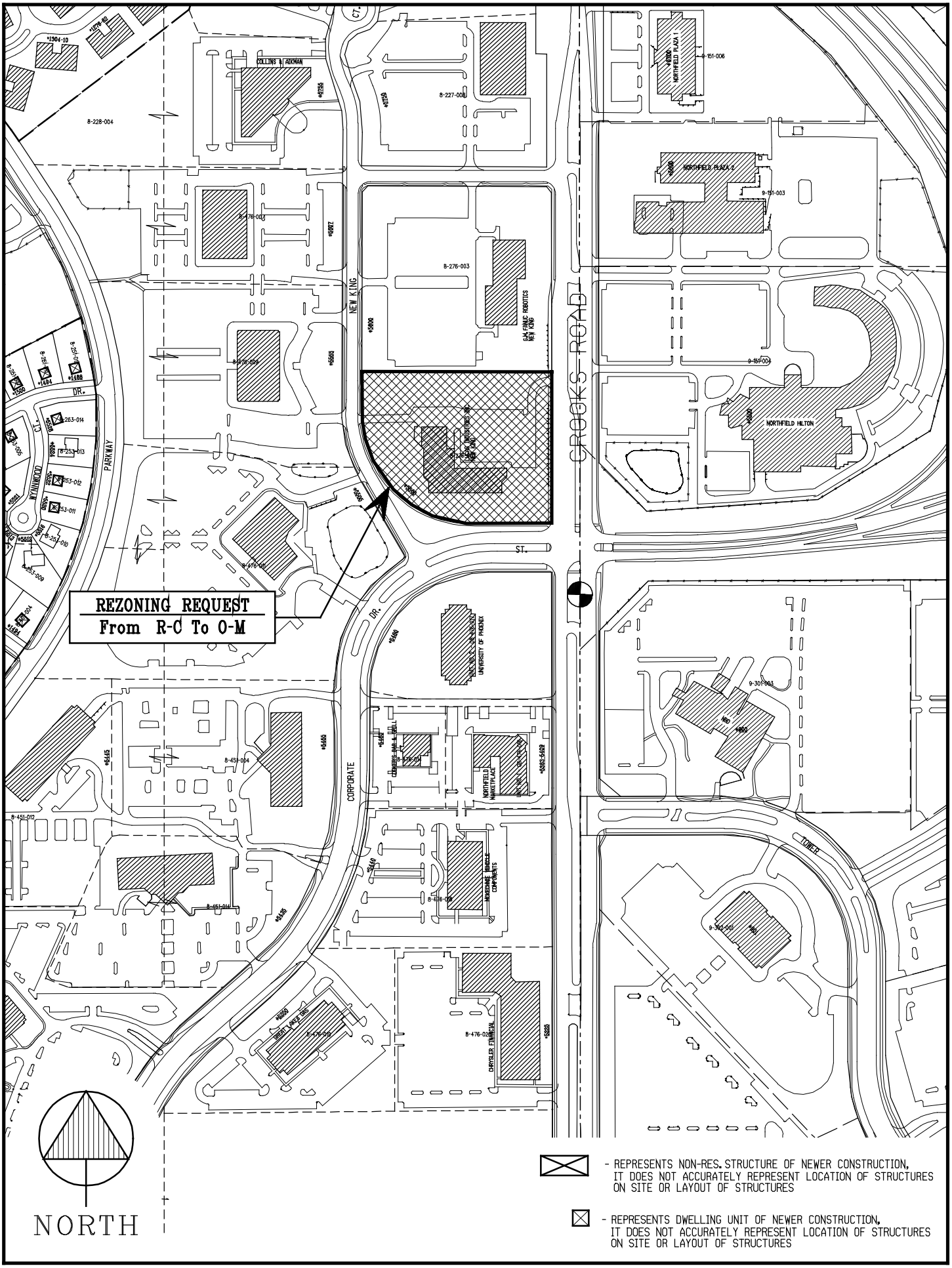
G:\REZONING REQUESTS\Z-691 5500 Crooks Sec 8\City Council Announcement of Public Hearing Z-691.doc

CITY OF TROY



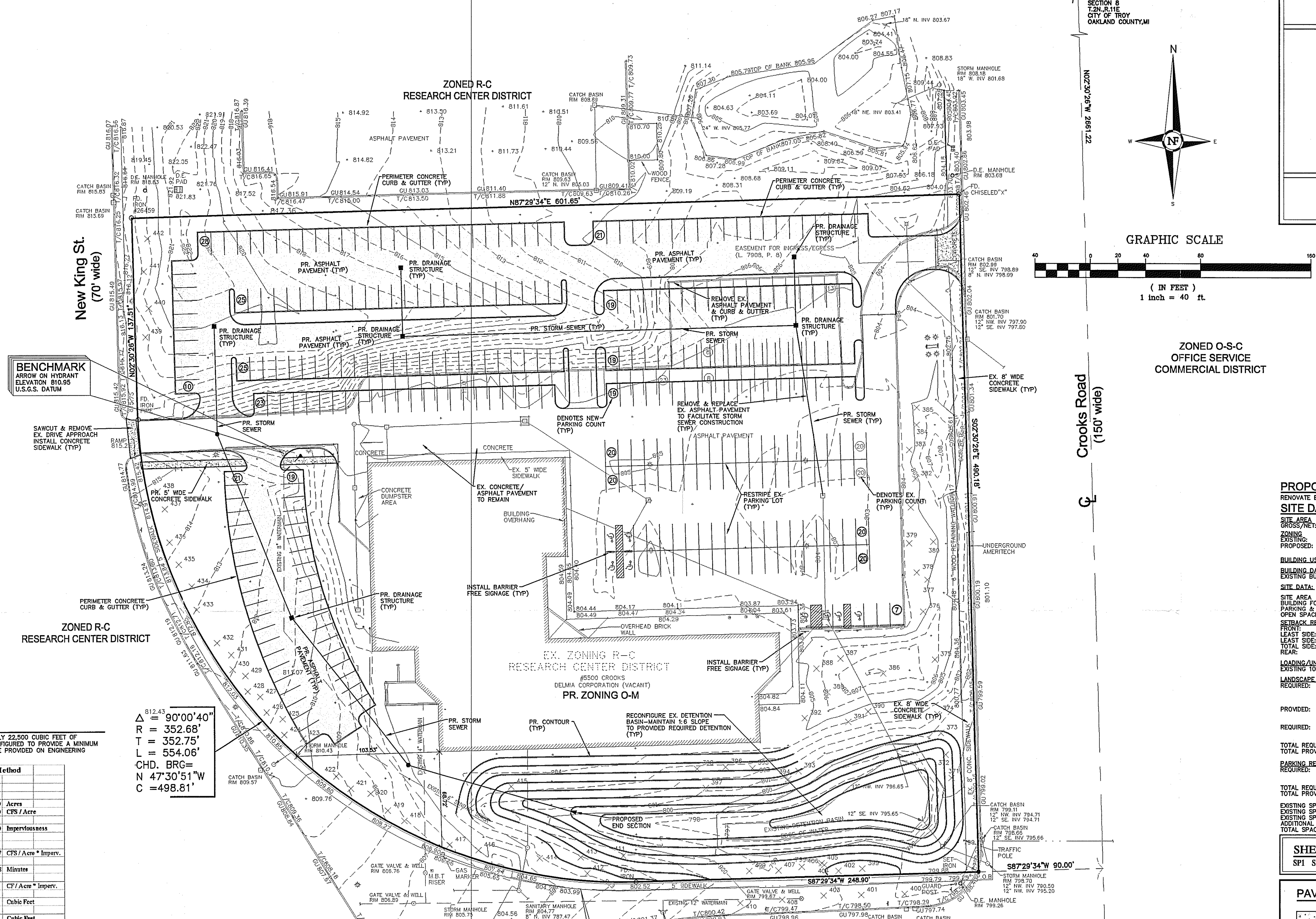
PREPARED BY CITY OF TROY PLANNING DEPT.

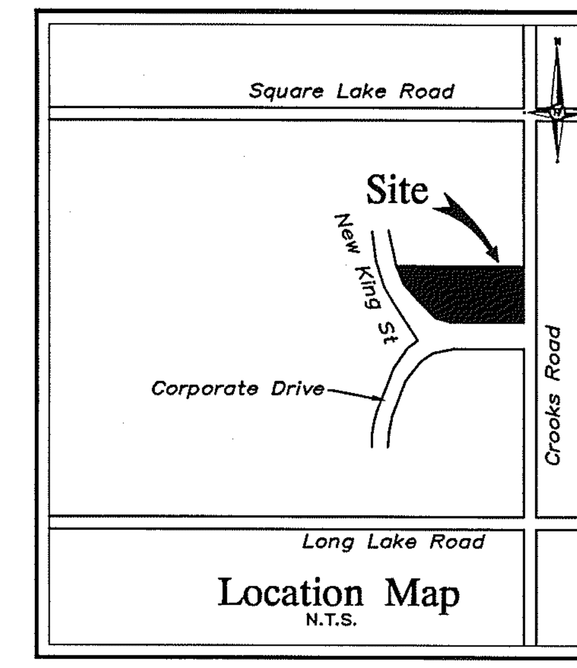

R-1B
R-1B
R-1B
SQUARE LAKE ROAD
SQUARE LAKE RD.
I-75 FREEWAY
C-F
CR-1
R-1C
REZONING REQUEST
From R-C To O-M
8
9
BROOKS ROAD
I-75
LONG LAKE ROAD
LONG LAKE ROAD
R-1B
NORTH



Z-691 / SEC. 8 / 08-19-03

REZONING REQUEST
FROM R-C TO O-M
5500 NEW KING, NE CORNER NEW KING & CORPORATE
SEC. 8 (Z-691)
REZONING REQUEST
FROM R-C TO O-M
0
100
200
400
Feet
N

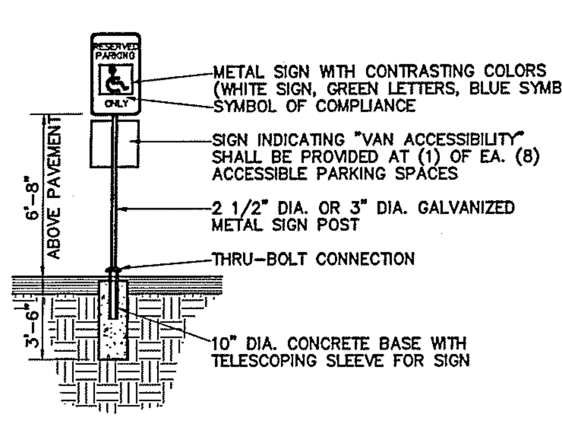




DETENTION NOTE

THE EXISTING DETENTION BASIN PROVIDES APPROXIMATELY 22,500 CUBIC FEET OF VOLUME. THE EXISTING DETENTION BASIN WILL BE RECONFIGURED TO PROVIDE A MINIMUM OF 36,600 CUBIC FEET OF VOLUME. FULL DETAILS TO BE PROVIDED ON ENGINEERING CONCSTRUCTION DOCUMENTS.

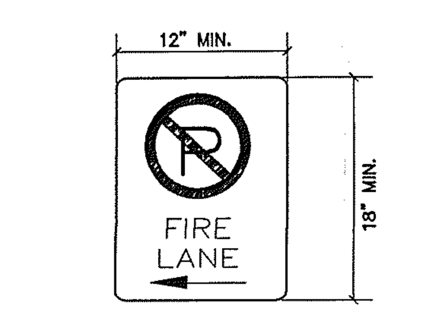
Detention Calculations - Oakland County Method (10) Year Storm Event - With Outlet (Orifice)		
Contributing Area:	6.160	Acres
Allowable Outflow, Qa :	0.200	CFS / Acre
Runoff Coefficient, C :	0.810	Imperviousness
Maximum Allowable Outflow, Qo :	0.247	CFS / Acre * Imperv.
Ts Storage Time (10 Yr):	138.028	Minutes
Vs Storage Time (10 Yr):	7,526.608	CF / Acre * Imperv.
Vt Total Volume (10 Yr):	37,554.761	Cubic Feet
Volume Required :	37,554.761	Cubic Feet



BARRIER FREE PARKING SIGN DETAIL

N.T.S.

Provide (1) for each accessible parking space

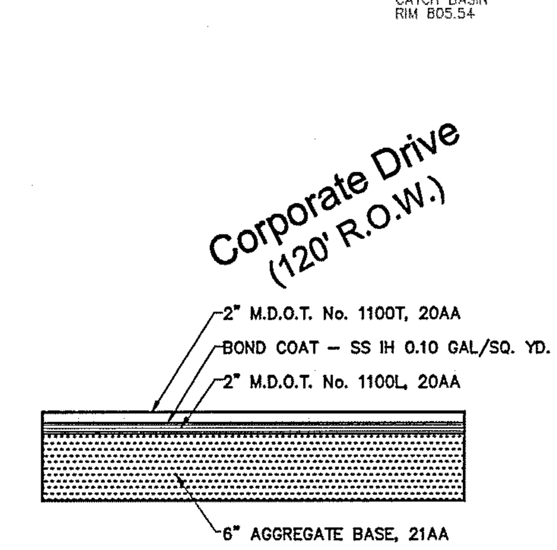


THE SYMBOL "P" IS BLACK, CIRCUMSCRIBED IN A RED CIRCLE WITH A RED SLASH ON A WHITE BACKGROUND AND BLACK BORDER.

THE SUPPLEMENTAL EDUCATIONAL PLAQUE NO PARKING, WITH A RED LEGEND AND BORDER ON A WHITE BACKGROUND, MAY BE USED ABOVE THE SYMBOL.

CARE SHOULD BE EXERCISED TO SEE THAT THE SINGLE ARROWS POINT IN THE PROPER DIRECTION TO INDICATE THE REGULATED ZONE.

FIRE LANE SIGN DETAIL



ASPHALT PAVEMENT SECTION DETAIL

(DRIVE AND PARKING)

N.T.S.

ENGINEERING NOTES

ALL EXISTING BUILDING SERVICES SHALL REMAIN IN PLACE. NO ADDITIONAL WATER, SANITARY, OR STORM LEADS ARE NECESSARY FOR THIS DEVELOPMENT.

A NEW STORM LINE WILL BE PROVIDED WITHIN THE PROPOSED AND EXISTING PARKING AREA TO OUTLET STORM WATER TO THE EXISTING DETENTION FACILITY.

TROY FIRE DEPARTMENT NOTE

FIRE LANES ARE TO BE A MINIMUM OF 18 FEET IN WIDTH AND A MINIMUM OF 14 FEET IN HEIGHT.

FIRE LANE SIGNS ARE TO BE INSTALLED AND MAINTAINED IN COMPLIANCE WITH THE CRITERIA AS SET FORTH IN THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.

SOME OF THE CRITERIA AS SET FORTH IN THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES IS AS FOLLOWS:

1. SIGNS SHALL BE RED LETTERING ON WHIT BACKGROUND AND SHALL READ, "NO STOPPING, STANDING, PARKING–FIRE LANE–TOW AWAY ZONE".
2. SIGNS SHALL BE SPACED NO FURTHER THAN 100 FEET APART.
3. SIGNS SHALL BE INSTALLED AT A RIGHT ANGLE OR 90° TO CURB.
4. SIGNS SHALL BE SEVEN (7) FEET FROM THE BOTTOM OF SIGN TO GRADE.
5. SIGNS SHALL BE DOUBLE FACED WHERE THE POSSIBILITY EXISTS FOR LEFT WHELL TO CURB PARKING.
6. SIGNS SHALL BE 12 INCHES IN WIDTH AND 18 INCHES IN HEIGHT.

LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE N.E. 1/4 OF SECTION 8, T2N., R11E, CITY OF TROY, OAKLAND COUNTY MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT N02°30'26"W 224.14' FEET ALONG THE SECTION LINE IN CROOKS ROAD AND S87°29'34"W 90.00 FEET TO THE WEST RIGHT OF WAY LINE, FROM THE EAST 1/4 CORNER OF SAID SECTION 8; THENCE S87°29'34"W 248.90 FEET; THENCE 554.06 FEET ALONG THE ARC OF A CURVE TO THE RIGHT (CHORD BEARING N47°30'51"W 498.81 FEET, RADIUS 352.68 FEET,) THENCE N02°30'26"W 137.51 FEET; THENCE N87°29'34"E 601.65 FEET; THENCE S02°30'26"E 490.18 FEET ALONG THE WEST RIGHT OF WAY LINE OF SAID CROOKS ROAD(150' WIDE) TO THE POINT OF BEGINNING. CONTAINING 268,226 SQUARE FEET OR 6.16 ACRES. SIDWELL #20-8-276-002

PROPOSED USE NOTE

RENOVATE EXISTING BUILDING INTO MEDICAL OFFICE USE.

SITE DATA

SITE AREA
GROSS/NET: 268,226 SFT. OR 6.16 ACRES

ZONING
EXISTING: R-C (RESEARCH CENTER DISTRICT)
PROPOSED: O-M

BUILDING USE: OFFICE-MEDICAL USE

BUILDING DATA (GROSS AREA):
EXISTING BUILDING: 37,170 SFT.

SITE DATA:

SITE AREA	268,226.00 SFT.	100.0%
BUILDING FOOTPRINT	37,170.00 SFT.	13.9%
PARKING & DRIVES	123,937.22 SFT.	46.2%
OPEN SPACE/LANDSCAPE	107,118.78 SFT.	39.9%

SETBACK REQUIREMENTS	REQUIRED	PROVIDED
FRONT:	30.0'	139.6'(EAST)
LEAST SIDE:	30.0'	181.5'(NORTH)
LEAST SIDE:	30.0'	68.7'(SOUTH)
TOTAL SIDE:	60.0'	250.2'
REAR:	30.0'	103.5'(WEST)

LOADING/UNLOADING AREA:
EXISTING 10'x50' = 500 SF PROVIDED MINIMUM

LANDSCAPE DATA:
REQUIRED: 10' x FRONTAGE (CROOKS RD & CORPORATE DR/KING RD)
10' x 1,431 (CROOKS RD & CORPORATE DR/KING RD) =14,306.50 SFT.

PROVIDED: 15' x 1,431 (CROOKS RD & CORPORATE DR/KING RD) = 21,057.45 SFT.

REQUIRED: 10% OF SITE AREA
10% x 268,226.00 = 26,822.60 SFT.

TOTAL REQUIRED: = 41,129.10 SFT.
TOTAL PROVIDED: =107,118.78 SFT.

PARKING REQUIREMENTS:
REQUIRED: 1/100 SF USEABLE BUILDING SPACE
37,170 (.85) = 31,594.5/100 316 SPACES

TOTAL REQUIRED: 316 SPACES INCLUDING 8 BARRIER FREE SPACES
TOTAL PROVIDED: 316 SPACES INCLUDING 8 BARRIER FREE SPACES

EXISTING SPACES:	139 SPACES
EXISTING SPACES REMOVED:	52 SPACES
EXISTING SPACES REMAINING:	87 SPACES
ADDITIONAL (NEW SPACES):	229 SPACES
TOTAL SPACES:	316 SPACES

SHEET INDEX

SP1 SITE PLAN/ REZONING PLAN

PAVING LEGEND

PROPOSED CONCRETE PAVEMENT

PROPOSED ASPHALT PAVEMENT

LEGEND

EXISTING SANITARY SEWER
SAN. CLEAN OUT
EXISTING WATERMAIN
EXISTING STORM SEWER
EX. R. Y. CATCH BASIN
EXISTING BURIED CABLES
OVERHEAD LINES
LIGHT POLE
SIGN
EXISTING GAS MAIN
PR. SANITARY SEWER
PR. WATERMAIN
PR. STORM SEWER
PR. R. Y. CATCH BASIN
SAND BACKFILL (95 % DENSITY)
PROPOSED LIGHT POLE

NOWAK & FRAUS

Consulting Engineers
Land Surveyors
Land Planners

1310 N. Stephenson Highway
Royal Oak, MI 48067-1508

Tel. (248) 399-0886
Fax. (248) 399-0805

SEAL

STATE OF MICHIGAN
TIMOTHY L. GERMAIN
ENGINEER
NO. 42595
LICENSED PROFESSIONAL ENGINEER

PROJECT
5500 Crooks

CLIENT
P.B. Associates
18700 W. 10 Mile Rd.
Southfield, MI 48075
Contact:
Mr. Peter Beer
248.557.1191 phone
248.557.1232 fax

PROJECT LOCATION
Part of the N.E. 1/4 of Section 8
T. 2 North, R. 11 East
City of Troy,
Oakland County, Michigan

SHEET
Site Plan/
Rezoning Plan

72 HOURS (3 WORKING DAYS) BEFORE YOU DIG CALL MISS DIG 1-800-482-7171 (TOLL FREE)

DATE/ REVISION

REC'D
AUG - 7 2003
PLANNING DEPT.

DRAWN BY:
R. Johnson
DESIGNED BY:
T. Germain
APPROVED BY:
T. Germain
DATE:
04/04/02
SCALE:
1"=40'

N/F JOB NO. C380-01
SHEET NO. SP1

#7

NOWAK & FRAUS

Consulting Engineers
Land Surveyors
Land Planners

Request for Zoning Change Statement

We are requesting the change to OM Zoning in order to renovated and upgrade an existing ***vacant*** building where the adjacent properties include OM Zoning and the existing zoning on the subject property includes OM Zoning in it's future use plan.

REC'D
AUG - 7 2003
PLANNING DEPT.

NOWAK & FRAUS, PLLC
1310 NORTH STEPHENSON HIGHWAY, ROYAL OAK, MI 48067-1508 248.399.0886 VOICE 248.399.0805 FAX

7. PUBLIC HEARING – PROPOSED REZONING (Z-691) – Existing Office Building, 5500 New King, Northeast Corner of New King and Corporate Drive, Section 8 – From R-C to O-M

Mr. Savidant presented a summary of the Planning Department report for the proposed office building. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the rezoning request because it is compatible with surrounding land uses and zoning districts and is consistent with the Future Land Use Plan.

Chairman Littman questioned if the rezoning would have any affect on the Crooks Road / I-75 interchange.

Ms. Lancaster responded in the negative.

The petitioner, Peter Beer of 18700 W. 10 Mile Road, Southfield, was present. Mr. Beer confirmed there is sufficient parking for the proposed medical office building. Mr. Beer said it is the intent of two large physician groups, Michigan Institute of Neurology and Michigan Hospitalists, currently located in Troy, to expand their medical facilities. He said the existing building would be purchased, owned and leased out by the physician consortium. Mr. Beer circulated photographs of local medical office buildings that the proposed medical facility would simulate. He projects that the physician consortium would invest from $800,000 to $1 million in the building conversion.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2003-09-017
Moved by: Kramer
Seconded by: Vleck

RESOLVED, That the Planning Commission hereby recommends to City Council that the R-C to O-M rezoning request located on the northeast corner of New King and Corporate Drive, within Section 8, being 6.16 acres in size, is hereby granted.

Yes: Chamberlain, Kramer, Littman, Schultz, Strat, Vleck, Waller, Wright
No: Storrs

MOTION CARRIED

Mr. Storrs said he voted no because he believes the proposed rezoning is not consistent with the Master Land Use Plan.

September 29, 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 (OCTOBER 20, 2003) – REZONING APPLICATION (Z-690) – South side of Maple Road, East of John R Road and West of Dequindre Road, Section 36 – R-1E to O-1 and E-P

RECOMMENDATION

A Public Hearing is scheduled for the October 20, 2003 City Council meeting.

The rezoning request is consistent with the Future Land Use Plan. The O-1 and E-P zoning classifications will act as transitions between the R-1E zoning district and the B-3 zoning district. The 15-foot wide E-P strip, while narrow, buffers the residential district to the west from the office use and defines the westerly limit for future non-residential rezoning applications.

Rezoning of the subject parcel could impact the two parcels across Maple Road to the north, which are zoned R-1E. On the lot to the northwest, a cellular phone sales office fronts on Maple Road, with a single-family residence behind this building on the same lot. There is a single-family residence on the parcel to the northeast. By extending O-1 further to the west on the south side of Maple Road, the limits for non-residential zoning such as B-2 and O-1 could be extended further to the west on the north side of Maple Road. Given the character of Maple Road in this area, and the platted subdivision to the west, the western encroachment would be a logical demarcation line for non-residential zoning on the north side of Maple Road, although R-1T would have less impact on the surrounding area.

Given this argument, the O-1 and E-P zoning districts are compatible with existing land uses and zoning districts.

The Planning Commission recommended approval of the rezoning request at their September 9, 2003 Regular Meeting. City Management concurs with this recommendation.

GENERAL INFORMATION

Name of Owner / Applicant:
The owner is Troyce Travis. The applicant is Art Kalajian, a registered architect.

Location of Subject Property:
The property is located on the south side of Maple, east of John R and west of Dequindre, in Section 36.

Size of Subject Parcel:
The parcel is approximately 44,250 square feet or 1.016 acres in area.

Current Use of Subject Property:
The property is currently occupied by a vacant one-story block building.

Current Zoning Classification:
R-1E One Family Residential.

Proposed Zoning of Subject Parcel:
The applicant is proposing to rezone the entire parcel, with the exception of the westernmost 15 feet, to O-1 Office Building. The remaining portion is to be rezoned to E-P Environmental Protection.

Proposed Uses and Buildings on Subject Parcel:
The applicant is proposing a 1-story office building, approximately 9,465 square feet in area. A site plan and elevation drawing were included with the rezoning application.

Current Use of Adjacent Parcels:
North: First Class Valet, Inc. (cell phone sales) and single family residential.

South: Single family residential.

East: Gordon Food Services.

West: Single family residential.

Zoning Classification of Adjacent Parcels:

North: R-1E One Family Residential.

South: R-1E One Family Residential.

East: B-3 General Business.

West: R-1E One Family Residential.

ANALYSIS

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

For the O-1 Office Building District:

Principal uses permitted include office buildings for executive; administrative; professional; accounting; writing; clerical stenographic; drafting; and sales, medical offices (including clinics), banks, credit unions, savings and loan associations, and similar uses; publicly owned buildings, exchanges, and public utility offices, and other uses similar to the above uses.

Uses permitted subject to special conditions include accessory uses customarily supporting or serving the Principal Uses permitted in the O-1 District (such as pharmacies or drug stores, optical services, copy services, office supplies, book stores, art galleries, or restaurants), data processing and computer centers, technical training uses.

Uses permitted subject to special use approval include 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.

For the E-P Environmental Protection District:
Landscaped land use buffer areas are permitted by right in the E-P district. Given the narrow width of the area to be zoned E-P (15 feet), this is the only use that would be permitted in this area. These E-P buffers are generally 50-feet in width. While the 15-foot wide buffer would be sufficient for landscaping, it would be too narrow for a berm.

Vehicular and Non-motorized Access:
Access will be provided to the parcel by Maple Road, a major thoroughfare.

Potential Stormwater and Utility Issues:
The applicant will be responsible for providing on-site stormwater detention.

Natural Features and Floodplains:
The Natural Features Map indicates there are no significant natural features located on the property. A site visit indicates that there are woodlands on the property.

Compliance with Future Land Use Plan:
It must be noted that the Future Land Use Map is conceptual and therefore generalized in nature. The exact location of the demarcation line between Community Service Area and Medium Density Residential is undefined on the map. The Future Land Use Plan classifies the parcel as being in an area of transition between Community Service Area and Medium Density Residential.

The Future Land Use Plan designates the Community Service Area as having a primary correlation with the B-2 zoning district and a secondary correlation with the B-1, B-3 and O-1 zoning districts. When considering the rezoning request, it must be determined whether the Community Service Area extends west to the subject parcel. In this case, the rezoning request serves as a transition between commercial retail to the east and residential to the west. The O-1 Office Building district is transitional in and of itself. The 15-foot wide swath of land on the western edge of the parcel zoned E-P Environmental Protection will further buffer the development from the residential property to the west, although the 15-foot width is not sufficient area for a landscaped berm.

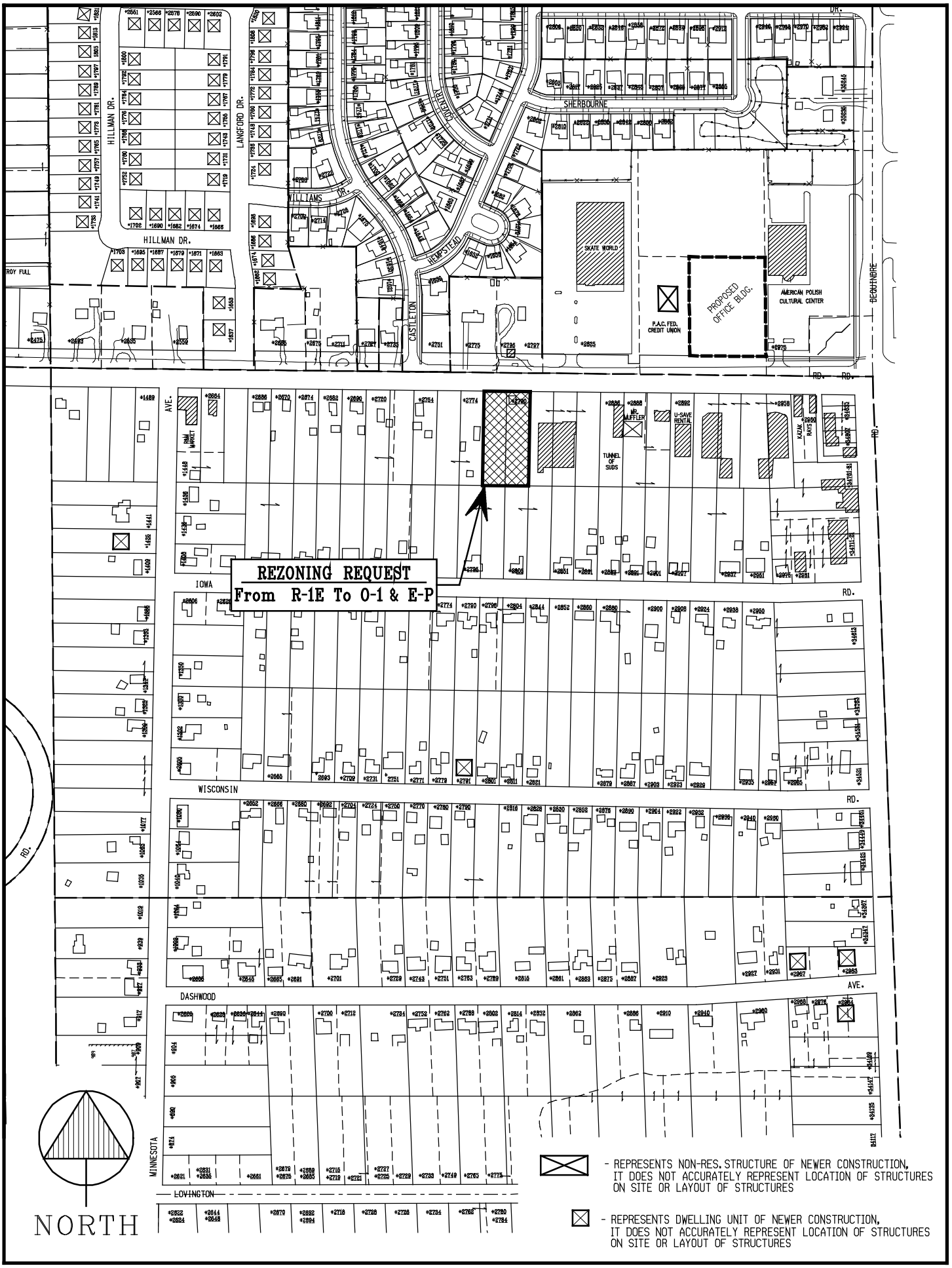
The Location Standards in the Zoning Ordinance indicate that the O-1 Office Building District may be applied for "portions of areas designated as community service centers or neighborhood service centers" (Section 24.40.12). Again, to meet this standard it must be determined that the property falls within the Community Service Area designated on the Future Land Use Plan.

cc: Applicant
File (Z-690)

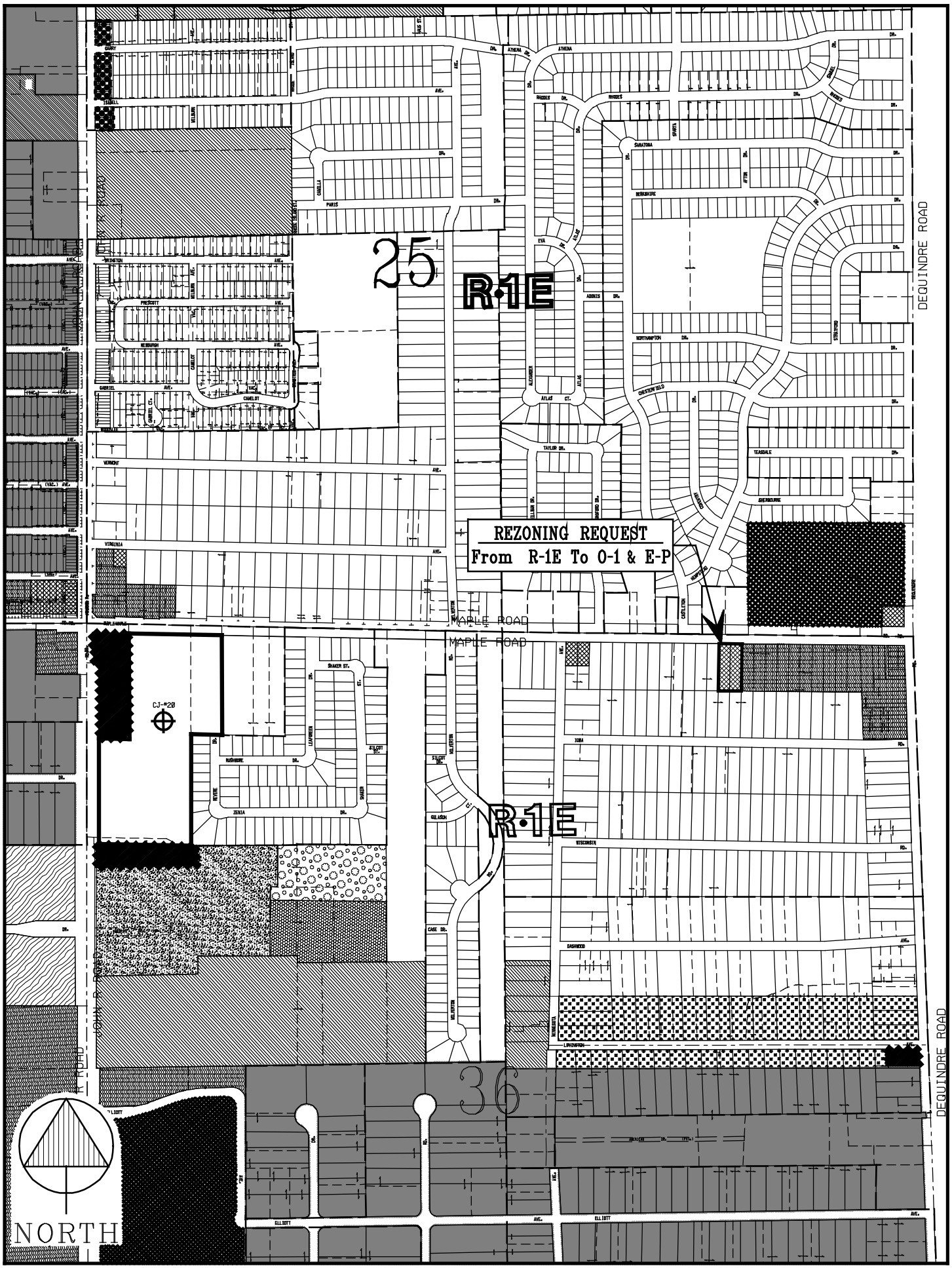
G:\REZONING REQUESTS\Z-690 Travis Office Plaza Sec 36\City Council Announcement of Public Hearing Z-690.doc

CITY OF TROY

PREPARED BY CITY OF TROY PLANNING DEPT.



Z-690 / SEC. 36 / 08-04-03


REZONING REQUEST
From R-1E To O-1 & E-P
R-1E
R-1E
25
36
CJ-#20
MAPLE ROAD
MAPLE ROAD
DEQUINDRE ROAD
DEQUINDRE ROAD
JOHN R ROAD
JOHN R ROAD
NORTH

REZONING REQUEST
FROM R-1E TO O-1 & E-P
PROPOSED OFFICE BLDG.
S SIDE OF MAPLE, W OF DEQUINDRE
SEC. 36 (Z-690)
LANGFORD
WILLIAMS
HEMPSTEAD
HILLMAN
CASTLETON
MAPLE
DEQUINDRE
MINNESOTA
REZONING REQUEST
FROM R-1E TO O-1 & E-P
IOWA
N
0 50 100 200 300 400 Feet

EXISTING LEGAL DESCRIPTION:

LOTS 18 AND 19 OF "SUPERVISOR'S PLAT OF PLAINVIEW FARM", A SUBDIVISION OF PART OF THE NORTHEAST 1/4 OF SECTION 36, TOWN 2 NORTH, RANGE 11 EAST, TROY TOWNSHIP (NOW CITY OF TROY), OALAND COUNTY, MICHIGAN, AS RECORDED IN LIBER 5, PAGE 58, OAKLAND COUNTY

PROPOSED Ø-1 LEGAL DESCRIPTION:

Lot 18 except the West 15.00 feet and all of Lot 19 inclusive of "Supervisor's Plat of Plainview Farms", a subdivision of part of the N.E. 1/4 of Section 36, T. 2N., R11E., city of Troy, Oakland County, Michigan, as recorded in Liber 5, page 58, Oakland County Records. Containing 39,825 square feet or 0.914 acres.

PROPOSED EP LEGAL DESCRIPTION:

The West 15 feet of Lot 18 of "Supervisor's Plat of Plainview Farms", a subdivision of part of the N.E. 1/4 of Section 36, T. 2N., R11E., City of Troy, Oakland County, Michigan, as recorded in Liber 5, page 58, Oakland County Records. Containing 4,425 square feet or 0.102 acres.

GENERAL INFO.

MAX. BLDG. HT. ALLOWED 3 STORIES, 36'
PROPOSED 1 AND 2 STORIES, 21' AVG. HT.

EXISTING R-1E
ZONING DISTRICT Ø-1 & EP (REQUESTED)

SETBACKS

FRONT
REQ'D. 30.0'
PROVIDED 57.0'

SIDES
REQUIRED 20.0' EA. SIDE
PROVIDED 45', 20'

REAR
REQUIRED 20.0'
PROVIDED 52.0'

BUILDING AREA:

ALLOWABLE
50 CARS x 200 SF x 100 ÷ 80 = 12,500 G.S.F.

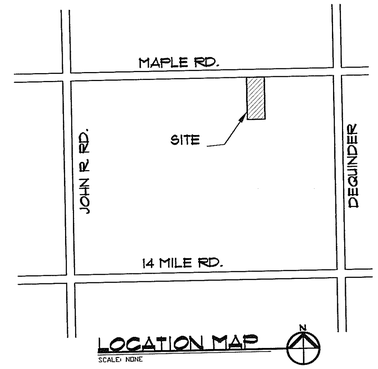
PROVIDED
GROUND FLOOR 9465 G.S.F.
SECOND FLOOR 3000 G.S.F.

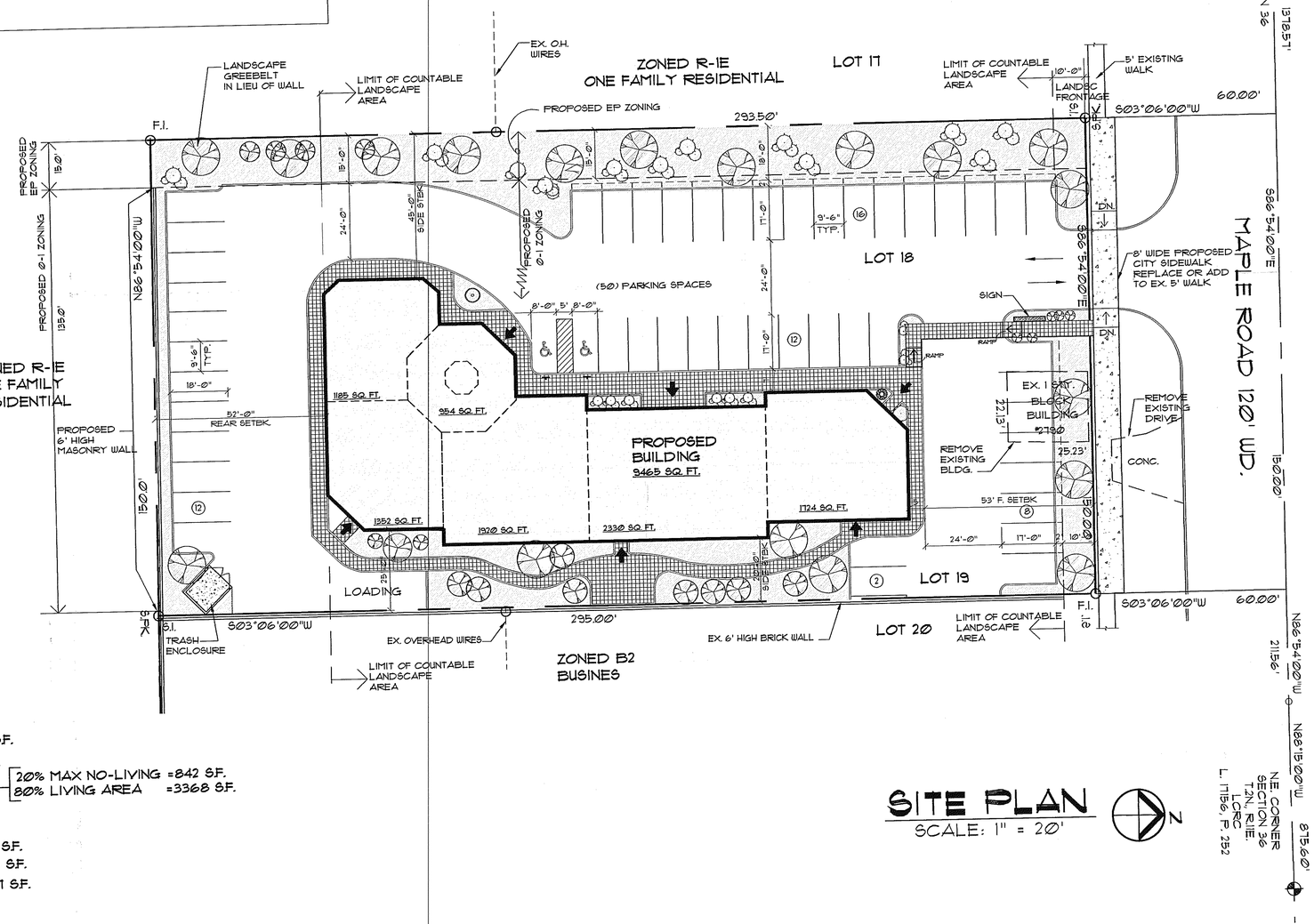
TOTAL AREA 12,465 G.S.F.

LANDSCAPE AREA:

TOTAL SITE = 43,585 G.S.F.
NET SITE (-10' FRONTAGE) = 42,100 S.F.
REQ. LANDSCAPE AREA 10% OF NET SITE AREA = 42,10 S.F. — 20% MAX NO-LIVING = 842 S.F.; 80% LIVING AREA = 3368 S.F.

PROPOSED LANDSCAPE AREA
NON LIVING COUNTABLE = 842 S.F.
LIVING COUNTABLE = 7145 S.F.
TOTAL LAND. AREA PROVIDED = 7987 S.F.





SITE PLAN

SCALE: 1" = 20'

ARTHUR E. KALAJIAN
ARCHITECT

1871 AUSTIN STREET
TROY MICHIGAN
48084

1-248-524-3616

PROPOSED OFFICE BUILDING
2790 E MAPLE RD
TROY MICHIGAN 48083

OWNER
TROY TRAVIS
TRAVIS & ASSOCIATES
(CURRENT ADRESS)
1975 E. MAPLE
TROY, MI. 48083
PH: 248-689-5000
FAX: 248-689-4722

TRAVIS OFFICE PLAZA
2790 E. MAPLE RD.
TROY, MICHIGAN 48083

DESCRIPTION:
ARCHITECTURAL SITE PLAN

JOB NO.
B-C21-03

SEAL:
STATE OF MICHIGAN
ARTHUR E. KALAJIAN
ARCHITECT
No. 27175
REGISTERED ARCHITECT

DATE	ISSUE	BY	DATE	ISSUE	BY
1-08-03	REV.	AEK			
1-16-03	REV.	AEK			
1-22-03	REV.	AEK			
1-24-03	REV.	AEK			
1-31-03	REV.	AEK			

SHEET NO.
A-1

REC'D
AUG - 1 2003
PLANNING DEP

#6

ARTHUR E.KALAJIAN & ASSOC. INC, ARCHITECTS 1871 AUSTIN ST., TROY, MI.48083
248-524-3616 (FAX) 248-524-0217 E MAIL: aekalajian @ msn.com

July 31, 2003

City of Troy Planning Department
Zoning Board of Appeals
500 W. Big Beaver , Troy, Mi. 48084

Re: Proposed rezoning of parcels 18 & 19 , NW ¼ of section 36 for a new office building in Troy, Mi. , address 1970 E. Maple Rd.

Subject : Statement regarding the necessity for the rezoning request for the preservation and enjoyment of substantial property rights and it's effect to the persons located within the vicinity.

Dear Zoning Board :

The subject property was used commercially as a professional office building non-conforming in use within a R-IE zoning classification. The existing concrete block building is unattractive and placed inside the front setback.

The proposed rezoning to O-1 (Office) would allow the existing unsafe non-conforming building be replaced by an attractive office building which will meet and exceed the zoning ordinance for setbacks, landscaping and parking requirements that will become an asset to the Community as well as the Owner.

The proposed EP rezoning along the west property line will ensure the preservation of a landscape greenbelt buffer between the subject property and the residential zoning to the west.

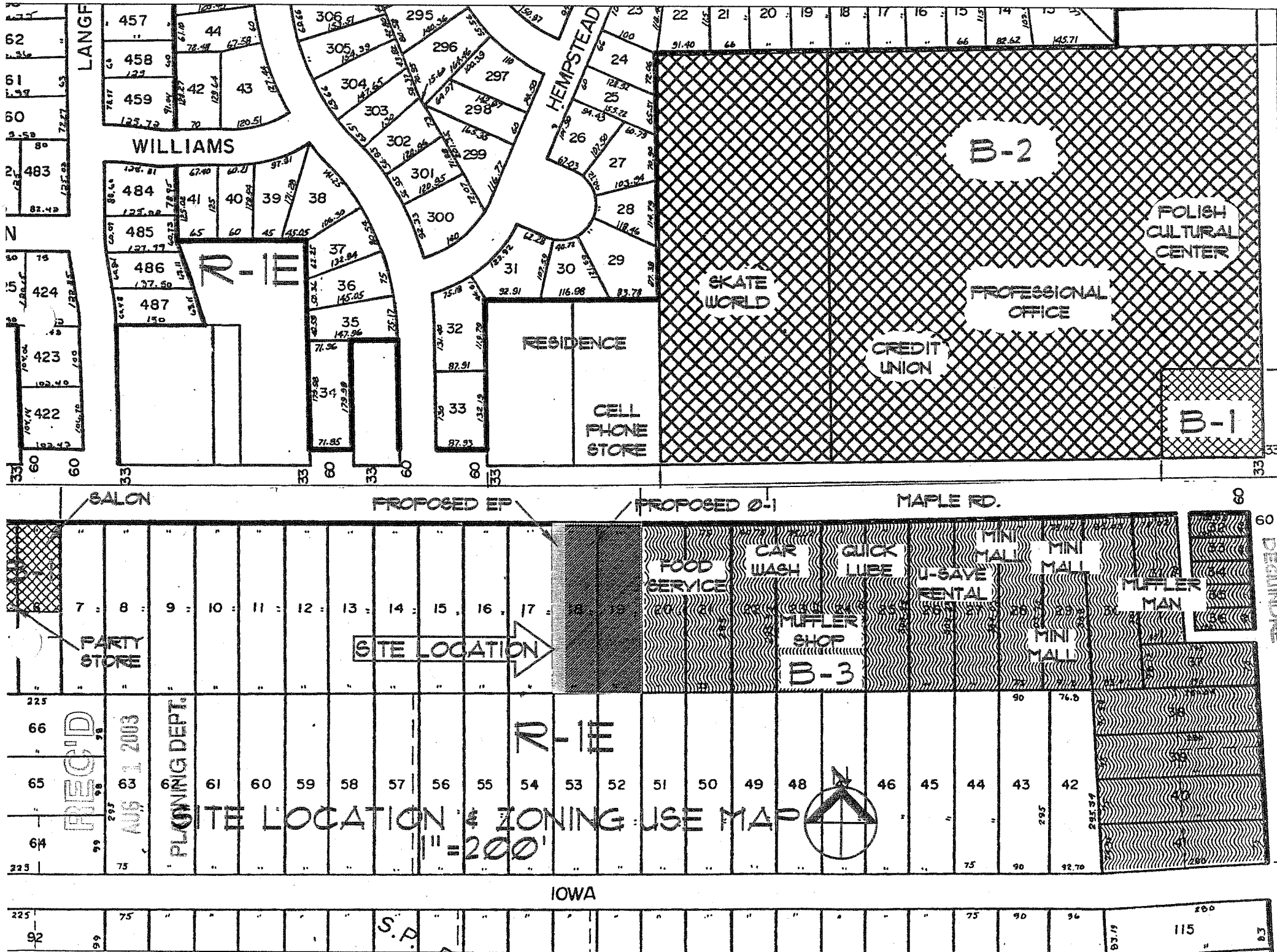
A proposed colonial style building design residential in nature is proposed that will become a natural transition from the harsh commercial food service building directly to the east of the property to the adjacent residences. The proposed non residential use would match the non-conforming commercial use that occurs directly across the street by the cell phone store. As shown in the enclosed site plan, the proposed building is placed as close to the east property line as allowed by the required setback and furthest from the residential zoning towards the east.

The proposed development would be consistent to the Cities Master Plan, adjacent to the Community service area to the north and east and become a natural transition to the residential areas to the east and south and allow the full use of the land to be developed yet not be detrimental to the property of others located in the vicinity thereof.

Sincerely,

Arthur E. Kalajian, RA., NCARB.

REC'D
AUG - 1 2003
PLANNING DEPT.


LANGF
WILLIAMS
HEMPSTEAD
R-1E
B-2
B-1
B-3
SKATE WORLD
POLISH CULTURAL CENTER
PROFESSIONAL OFFICE
CREDIT UNION
RESIDENCE
CELL PHONE STORE
SALON
PROPOSED EP
PROPOSED Ø-1
MAPLE RD.
PARTY STORE
SITE LOCATION
FOOD SERVICE
CAR WASH
QUICK LUBE
U-SAVE RENTAL
MINI MALL
MUFFLER SHOP
MUFFLER MAN
IOWA
S.P.
SITE LOCATION & ZONING USE MAP
1" = 200'
RECEIVED
AUG 1 2003
PLANNING DEPT.

6. PUBLIC HEARING – PROPOSED REZONING (Z-690) – Proposed Office Building, South Side of Maple, West of Dequindre, Section 36 – From R-1E to O-1 and E-P

Mr. Savidant presented a summary of the Planning Department report for the proposed rezoning. Mr. Savidant noted that the rezoning of the subject parcel could impact the two parcels across Maple Road to the north, which are zoned R-1E. He explained how the O-1 and E-P zoning districts would be compatible with the existing land uses and zoning districts. Mr. Savidant reported that it is the recommendation of the Planning Department to approve the rezoning request.

Discussion followed on potential rezoning of the two parcels across Maple Road to the north to R-1T and its relationship to the proposed office rezoning for the parcel on the south side of Maple.

Mr. Savidant confirmed that the Planning Department reviewed the rezoning application on its own merits and O-1 zoning does serve as a transitional district between B-3 and R-1E, and further noted that the 15-foot landscape buffer is an acceptable alternative to the 50-foot buffer required under the P-E zoning.

Mr. Schultz questioned if a landscaped buffer is required to the south of the parcel.

Mr. Savidant responded that the petitioner has proposed a 6-foot high wall to the south.

The petitioner, Art Kalajian of 1871 Austin, Troy, and the owner, Troyce Travis of 2661 Irma, Warren, were present.

Mr. Travis stated he purchased the building at this location in 1987 and his title and real estate company is in dire need of expansion. Mr. Travis said he would like his company to grow within the City of Troy and also provide an attractive building along Maple Road. He requested the support and assistance of the Commission.

Mr. Kalajian, the project architect, provided several visual boards of the proposed office building that he projects would complement the area and provide stimulus for improved architecture to the area.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Kramer commented favorably on the petitioner's presentation and proposed improvements to the area. He asked if the Commission has any tool to enforce zoning around what the petitioner is proposing relative to the delineation of the greenbelt.

Ms. Lancaster stated that the Planning Commission cannot put conditions on rezoning requests, and noted the City has no control on the site plan itself.

A brief discussion followed with respect to the E-P zoning and the proposed greenbelt.

Mr. Savidant confirmed that the E-P zoning district does count toward the landscaping requirements at site plan review.

Mr. Storrs stated that because the decision on the proposed rezoning has a major affect on the two parcels across Maple Road to the north, he believes a line should be drawn at the Gordon Food Service wall and a zoning request should not be entertained.

A brief discussion followed with respect to a method of controlling problem sites and giving consideration to "mini" planned unit development projects.

Mr. Waller said he is pleased that a long standing businessman from the community has decided to improve a property and has chosen an architect who has a long standing relationship with the same community. Mr. Waller applauded the petitioner's presentation. He concluded that should further examination causes the Commission to consider what might be described as "mini" PUD's, the property still needs to be rezoned.

Resolution # PC-2003-09-016
Moved by: Waller
Seconded by: Wright

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1E to O-1 and E-P rezoning request located on the south side of Maple, west of Dequindre within Section 36, being 1.016 acres in size, be granted, with the following condition:

1. That the specific and carefully documented square footage of the E-P zone as shown on the corresponding site plan be created and made a part of the presentation to City Council.

Yes: Chamberlain, Kramer, Littman, Schultz, Strat, Vleck, Waller, Wright
No: Storrs

MOTION CARRIED

Mr. Storrs said he voted no because the proposed rezoning creates problems for the parcels across the street. He further noted he has not heard from the Planning Department or anyone else that more office zoning is needed to service the community.

September 30, 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 (OCTOBER 27, 2003) - ZONING ORDINANCE TEXT AMENDMENT FOR SECTION 12.50, R-1T ONE FAMILY ATTACHED RESIDENTIAL DISTRICTS (ZOTA #182)

RECOMMENDATION

A Public Hearing is scheduled for the October 27, 2003 City Council meeting.

The Planning Commission has developed amendments to Section 12.50, R-1T One Family Attached Residential District. A Public Hearing was held on December 10, 2002 to solicit public input on the text amendment (see attached minutes). The Planning Commission recommended approval of the attached amendment.

City Management recommends a slightly modified version of the Planning Commission amendment. These revisions include the following:

1. Change the verbiage of Section 12.50.05 to require sidewalk and safety path connections wherever feasible. Also, clarify that "planned safety paths" are delineated on the City of Troy Transportation Plan.

2. Eliminate Section 12.50.07, which requires the preparation of a Snow Removal Plan. It is impossible to predict the volume of snow in an individual snow event and a winter season. In addition, snow can be removed from a site, if necessary. It would be very difficult to enforce a Snow Removal Plan. Based upon the lack of quantifiable standards, City Management recommends removal of this section.

3. Remove Section 12.50.08, which lists guest parking requirements for R-1T developments. This requirement should instead be included in Section 40.20.00 Off-Street Parking. This amendment is proposed by the Planning Commission (ZOTA 198) and should come before City Council for consideration on November 24, 2003.

4. Amend Section 12.50.09 to eliminate the possibility of interconnectivity between an internal private street in an R-1T development with an internal public street in an adjacent neighborhood. In addition, eliminate the requirement of common access drives for abutting developments.

BACKGROUND

The Planning Commission initiated a review of the R-1T One Family Attached Residential Zoning District based upon recent experience with attached condominiums. Since 1999, when the Future Land Use Plan was amended to identify considerably more medium density residential areas, the Planning Commission learned a few lessons because of the increased number of condominium developments.

cc: Planning Commission
Mark Stimac, Building and Zoning Director
File / ZOTA 182

Attachments:
1. Proposed Section 12.50 as recommended by the Planning Commission
2. Proposed Section 12.50 as recommended by City Management
3. Minutes from November 5, 2002 Planning Commission Study Meeting
4. Minutes from December 10, 2002 Planning Commission Public Hearing

G:\Zoning Ordinance\ZOTA 182 R-1T\09 25 03 cc memo.doc

PROPOSED ZONING ORDINANCE TEXT AMENDMENT
(ZOTA 182)
AS RECOMMENDED BY PLANNING COMMISSION
R-1T One Family Attached Residential District
Development Standards

Amend the indicated portions of the R-1T One Family Attached Residential District and the Schedule of Regulations – Residential text in the following manner:

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

12.50.00 DEVELOPMENT STANDARDS:

12.50.01 All units that abut a major thoroughfare shall have a rear or side yard relationship to said thoroughfare, and such yards shall not be less than fifty (50) feet in depth as measured from the right-of-way line of the thoroughfare as indicated on the Master Thoroughfare Plan. The Planning Commission may modify the dwelling unit orientation, or relationship to a major thoroughfare, when they determine that the parcel size and configuration are such that the rear or side yard relationship would be impractical or overly restrictive, and a more desirable residential environment can be created by permitting a front yard relationship to the thoroughfare.

All units that abut a freeway shall have a yard setback of not less than seventy-five (75) feet in depth as measured from the right-of-way line of the freeway.

All units that abut a secondary thoroughfare shall have a yard setback of not less than fifty (50) feet in depth as measured from the right-of-way line of the thoroughfare as indicated on the Master Thoroughfare Plan.

(Rev. 4-10-00)

12.50.02 No more than three (3) contiguous one family attached dwelling units may occupy the same horizontal front line, without offset. Beyond this limit, the horizontal front line of the abutting units shall be offset a minimum of four (4) feet.

12.50.03 In the course of reviewing plans for development, the Planning Commission may require that the dwelling unit elevations and

orientation be modified or varied in order to minimize the repetitive visibility of garage entrances from the street at the front of the units.

(4-12-99)

12.50.04 Principal access and circulation through One-Family Attached Residential Developments, on sites over ten (10) acres in area, shall be provided by Public Streets constructed to City Standards, within sixty (60) foot wide rights-of-way. Secondary access and circulation through such developments, on which some of the residential buildings may have their sole frontage, may be provided by twenty-eight (28) foot wide streets constructed to City Public Street Standards, within forty (40) foot Private Street Easements. Five (5) foot easements for sidewalk and public utility purposes shall also be provided, adjacent to the private street easements. Building setbacks from the private street easements shall be the same as those required by this Chapter in relation to public streets.

Principal access to a One-Family Attached Residential Development of ten (10) acres or less in area may be provided by way of twenty-eight (28) foot wide streets constructed to City Public Street Standards, within forty (40) foot Private Street Easements, when in the opinion of the City Council the property configuration is such that the provision of sixty (60) foot public rights-of-way would be overly restrictive and would make the provision of desirable dwelling unit sites impractical. Five (5) foot easements for sidewalk and public utility purposes shall also be provided, adjacent to the private street easements. Building setbacks from the private street easements shall be the same as those required by this Chapter in relation to public streets.

The pavement width for private street elements may be reduced to twenty-four (24) feet, subject to the condition that the residential buildings shall be equipped with an automatic fire suppression system acceptable to the Troy Fire Department.

The street system in all developments involving private streets shall be subject to the review and approval of the City Council, after receiving a recommendation from the Planning Commission. The City Council's approval of private street elements shall be subject to their finding that the street system will provide for safe and efficient access for emergency and service vehicles throughout the development. The City Council's action shall further be conditioned on the execution of an Agreement with the developer, ensuring private ownership and maintenance of the private street elements,

and precluding acceptance for maintenance of the private street elements by the City.

All entrances to major or secondary thoroughfares shall include deceleration and passing lanes as required by the City Development Standards.

(Rev. 5-1-00)

12.50.05 All developments shall include a sidewalk system which will enable pedestrian movement to and throughout the site, including sidewalks along any abutting public street frontage. To ensure safety and convenience for pedestrians and other non-motorized users, sidewalk and trail systems within the development shall be connected to existing and planned sidewalk and trail systems that are located outside of the development.

(4-12-99)

12.50.06 See Section 39.95.00 of the General Provisions for the regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

(Rev. 4-12-99)

12.50.07 The Preliminary Site Plan shall include a Snow Removal Plan which demonstrates how snow will be removed from streets and sidewalks within the development, and disposed of. Such Snow Removal Plan shall include proposed winter parking patterns, the proposed method used to remove snow, and the location, size and design of snow storage areas.

12.50.08 Guest parking shall be accommodated within the development at a ratio of one (1) guest parking space for every five (5) required off-street parking spaces. Guest parking spaces shall be clearly marked on the site plan.

12.50.09 To improve traffic circulation within the development and surrounding area, the Planning Commission may require that an internal street be connected with an existing abutting stub street or cross access easement. The Planning Commission may require that a development provide one (1) or more cross access easements for the purpose of a potential future connection to an abutting property or street. The Planning Commission may require two (2) or more abutting developments to share one (1) common access drive.

12.50.10 Developments abutting residentially zoned property shall maintain the following perimeter setbacks:

A. Adjacent to R-1A: 45 feet.

B. Adjacent to R-1B: 45 feet.

C. Adjacent to R-1C: 40 feet.

D. Adjacent to R-1D: 40 feet.

E. Adjacent to R-1E: 35 feet.

30.10.00

SCHEDULE OF REGULATIONS - RESIDENTIAL

	Use District	Minimum Lot Size Per Dwelling Unit: Area in Sq. Ft.	Minimum Lot Size Per Dwelling Unit: Width In Feet	Maximum Height of Structures (T): In Stories	Maximum Height of Structures (T): In Feet	Minimum Yard Setback (R) (Per Lot in Feet): Front	Sides: Least One	Sides: Total Two	Rear	Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by All Buildings
30.10.01	**R-1A One Family Residential**										
	Without Sewer	30,000(A)	150	2 ½	25(U)	40	15(N)	30	45	1,400	30%
	With Sewer	21,780(A)	120	2 ½	25(U)	40	15(N)	30	45	1,400	30%
30.10.02	**R-1B One Family Residential**										
	Without Sewer	21,780(A)	110	2 ½	25(U)	40	15(N)	30	45	1,400	30%
	With Sewer	15,000(A)	100	2 ½	25(U)	40	10(N)	25	45	1,400	30%
30.10.04	**R-1C One Family Residential**										
	Without Sewer	21,780(A)	110	2	25	30	15(N)	30	40	1,200	30%
	With Sewer	10,500(A)	85	2	25	30	10(N)	20	40	1,200	30%
30.10.05	**R-1D One Family Residential**										
	Without Sewer	21,780(A)	110	2	25	25	15(N)	30	40	1,000	30%
	With Sewer	8,500(A)	75	2	25	25	8(N)	20	40	1,000	30%
30.10.06	**R-1E One Family Residential**										
	Without Sewer	21,780	110	2	25	25	15(N)	30	35	1,000	30%
	With Sewer	7,500	60	2	25	25	5(N)	15	35	1,000	30%
30.10.07	**CR-1 One Family Residential Cluster**	See Section 11.00.00		2	25	25	See Section 11.00.00		35	1,000	30%
30.10.08	**R-1T One Family Attached Residential**	7,000	20	2 ½	25(U)	25(O)	See Section 12.00.00 20(O)	40(O)	35(O)	1,000	30%
30.10.09	**R-2 Two Family Residential**										
	Without Sewer	15,000	75	2	25	25	15(N)	30	35	1,000	30%
	With Sewer	5,000	40	2	25	25	10(N)	20	35	1,000	30%
30.10.10	**R-M Multiple-Family Medium Density**	See Section 14.00.00 (B)	(B)	2	25	30(O)	See Section 14.00.00 30(O)	60(O)	40(O)	(B) 1-BR-600	30%
30.10.11	**RM-1 Multiple-Family (Low-Rise)**	See Section 15.00.00 (B)	(B)	2	25	30(C)	See Section 15.00.00 30(C)	60(C)	30(C)	2-BR-800	30%
30.10.12	**RM-2 Multiple-Family (Mid-Rise)**	See Section 16.00.00 (B)	(B)	See Section 16.00.00		(C)	See Section 16.00.00 (C)	(C)	(C)	3-BR-1000	25%
30.10.13	**RM-3 Multiple-Family (High-Rise)**	See Section 17.00.00 (B)	(B)	See Section 17.00.00 (no Max)		(C)	See Section 17.00.00 (C)	(C)	(C)	4-BR-1200	25%

PROPOSED ZONING ORDINANCE TEXT AMENDMENT
(ZOTA 182)
AS RECOMMENDED BY CITY MANAGEMENT
R-1T One Family Attached Residential District
Development Standards

Amend the indicated portions of the R-1T One Family Attached Residential District and the Schedule of Regulations – Residential text in the following manner:

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

12.50.00 DEVELOPMENT STANDARDS:

12.50.01 All units that abut a major thoroughfare shall have a rear or side yard relationship to said thoroughfare, and such yards shall not be less than fifty (50) feet in depth as measured from the right-of-way line of the thoroughfare as indicated on the Master Thoroughfare Plan. The Planning Commission may modify the dwelling unit orientation, or relationship to a major thoroughfare, when they determine that the parcel size and configuration are such that the rear or side yard relationship would be impractical or overly restrictive, and a more desirable residential environment can be created by permitting a front yard relationship to the thoroughfare.

All units that abut a freeway shall have a yard setback of not less than seventy-five (75) feet in depth as measured from the right-of-way line of the freeway.

All units that abut a secondary thoroughfare shall have a yard setback of not less than fifty (50) feet in depth as measured from the right-of-way line of the thoroughfare as indicated on the Master Thoroughfare Plan.

(Rev. 4-10-00)

12.50.02 No more than three (3) contiguous one family attached dwelling units may occupy the same horizontal front line, without offset. Beyond this limit, the horizontal front line of the abutting units shall be offset a minimum of four (4) feet.

12.50.03 In the course of reviewing plans for development, the Planning Commission may require that the dwelling unit elevations and

orientation be modified or varied in order to minimize the repetitive visibility of garage entrances from the street at the front of the units.

(4-12-99)

12.50.04 Principal access and circulation through One-Family Attached Residential Developments, on sites over ten (10) acres in area, shall be provided by Public Streets constructed to City Standards, within sixty (60) foot wide rights-of-way. Secondary access and circulation through such developments, on which some of the residential buildings may have their sole frontage, may be provided by twenty-eight (28) foot wide streets constructed to City Public Street Standards, within forty (40) foot Private Street Easements. Five (5) foot easements for sidewalk and public utility purposes shall also be provided, adjacent to the private street easements. Building setbacks from the private street easements shall be the same as those required by this Chapter in relation to public streets.

Principal access to a One-Family Attached Residential Development of ten (10) acres or less in area may be provided by way of twenty-eight (28) foot wide streets constructed to City Public Street Standards, within forty (40) foot Private Street Easements, when in the opinion of the City Council the property configuration is such that the provision of sixty (60) foot public rights-of-way would be overly restrictive and would make the provision of desirable dwelling unit sites impractical. Five (5) foot easements for sidewalk and public utility purposes shall also be provided, adjacent to the private street easements. Building setbacks from the private street easements shall be the same as those required by this Chapter in relation to public streets.

The pavement width for private street elements may be reduced to twenty-four (24) feet, subject to the condition that the residential buildings shall be equipped with an automatic fire suppression system acceptable to the Troy Fire Department.

The street system in all developments involving private streets shall be subject to the review and approval of the City Council, after receiving a recommendation from the Planning Commission. The City Council's approval of private street elements shall be subject to their finding that the street system will provide for safe and efficient access for emergency and service vehicles throughout the development. The City Council's action shall further be conditioned on the execution of an Agreement with the developer, ensuring private ownership and maintenance of the private street elements,

and precluding acceptance for maintenance of the private street elements by the City.

All entrances to major or secondary thoroughfares shall include deceleration and passing lanes as required by the City Development Standards.

(Rev. 5-1-00)

12.50.05 All developments shall include a sidewalk system which will enable pedestrian movement to and throughout the site, including sidewalks along any abutting public street frontage. To ensure safety and convenience for pedestrians and other non-motorized users, sidewalk and safety path systems within the development shall be connected to existing and planned public sidewalk and safety path systems that are located outside of the development, whenever feasible. Planned safety paths are delineated on the City of Troy Transportation Plan.

(4-12-99)

12.50.06 See Section 39.95.00 of the General Provisions for the regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

(Rev. 4-12-99)

12.50.07 In developments that utilize public streets for providing access to units within the development, the Planning Commission may require that an internal street be connected with an existing abutting public stub street.

12.50.08 Developments shall maintain the following rear yard perimeter setbacks:

A. Adjacent to R-1A or R-1B: 45 feet.

B. Adjacent to R-1C or R-1D: 40 feet.

D. Adjacent to R-1E and all other zoning districts: 35 feet.

30.10.00

SCHEDULE OF REGULATIONS - RESIDENTIAL

	Use District	Minimum Lot Size Per Dwelling Unit: Area in Sq. Ft.	Minimum Lot Size Per Dwelling Unit: Width In Feet	Maximum Height of Structures (T): In Stories	Maximum Height of Structures (T): In Feet	Minimum Yard Setback (R) (Per Lot in Feet): Front	Sides: Least One	Sides: Total Two	Rear	Minimum Floor Area Per Unit (Square Feet)	Maximum % of Lot Area Covered by All Buildings
30.10.01	**R-1A One Family Residential**										
	Without Sewer	30,000(A)	150	2 ½	25(U)	40	15(N)	30	45	1,400	30%
	With Sewer	21,780(A)	120	2 ½	25(U)	40	15(N)	30	45	1,400	30%
30.10.02	**R-1B One Family Residential**										
	Without Sewer	21,780(A)	110	2 ½	25(U)	40	15(N)	30	45	1,400	30%
	With Sewer	15,000(A)	100	2 ½	25(U)	40	10(N)	25	45	1,400	30%
30.10.04	**R-1C One Family Residential**										
	Without Sewer	21,780(A)	110	2	25	30	15(N)	30	40	1,200	30%
	With Sewer	10,500(A)	85	2	25	30	10(N)	20	40	1,200	30%
30.10.05	**R-1D One Family Residential**										
	Without Sewer	21,780(A)	110	2	25	25	15(N)	30	40	1,000	30%
	With Sewer	8,500(A)	75	2	25	25	8(N)	20	40	1,000	30%
30.10.06	**R-1E One Family Residential**										
	Without Sewer	21,780	110	2	25	25	15(N)	30	35	1,000	30%
	With Sewer	7,500	60	2	25	25	5(N)	15	35	1,000	30%
30.10.07	**CR-1 One Family Residential Cluster**	See Section 11.00.00		2	25	25	See Section 11.00.00		35	1,000	30%
30.10.08	**R-1T One Family Attached Residential**	7,000	20	2 ½	25(U)	25(O)	See Section 12.00.00 20(O)	40(O)	35(O)	1,000	30%
30.10.09	**R-2 Two Family Residential**										
	Without Sewer	15,000	75	2	25	25	15(N)	30	35	1,000	30%
	With Sewer	5,000	40	2	25	25	10(N)	20	35	1,000	30%
30.10.10	**R-M Multiple-Family Medium Density**	See Section 14.00.00 (B)	(B)	2	25	30(O)	See Section 14.00.00 30(O)	60(O)	40(O)	(B) 1-BR-600	30%
30.10.11	**RM-1 Multiple-Family (Low-Rise)**	See Section 15.00.00 (B)	(B)	2	25	30(C)	See Section 15.00.00 30(C)	60(C)	30(C)	2-BR-800	30%
30.10.12	**RM-2 Multiple-Family (Mid-Rise)**	See Section 16.00.00 (B)	(B)	See Section 16.00.00		(C)	See Section 16.00.00 (C)	(C)	(C)	3-BR-1000	25%
30.10.13	**RM-3 Multiple-Family (High-Rise)**	See Section 17.00.00 (B)	(B)	See Section 17.00.00 (no Max)		(C)	See Section 17.00.00 (C)	(C)	(C)	4-BR-1200	25%

7. ORDINANCE REVISION DISCUSSION - R-1T ONE FAMILY CLUSTER (ZOTA 196)

Discussions were held on the draft revisions to the R-1T One Family Cluster district and it was agreed on by the Planning Commission to move forward with this item and to schedule it for a public hearing.

ZONING ORDINANCE TEXT AMENDMENT

11. PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT (ZOTA 194) – Articles 12.00.00 & 30.10.08 R-1T One Family Cluster

Mr. Miller gave an overview of the proposed zoning ordinance text amendment, R-1T One Family Cluster. The amendments to R-1T zoning districts include Section 12.50.05 addressing pedestrian and non-motorized users; Section 12.50.07 addressing snow removal; Section 12.50.08 addressing guest parking; and Section 12.50.09 addressing traffic circulation.

Mr. Kramer asked if the proposed amendments apply to condo minimum and site condo minimum developments.

Mr. Miller stated that site condo minimum developments are normally submitted in one family districts that follow subdivision rules. Mr. Miller noted that problems could arise with the multi family districts (CR-1), citing River Bend as an example. Mr. Miller said that the Planning Department has been given direction from City Council to review CR-1 zoning districts.

Mr. Kramer asked what the requirement is for guest parking in R-1T.

Mr. Miller responded the requirement is two spaces per unit, noting there are no spaces for guests currently.

Mr. Starr questioned what form of snow removal would be used.

Mr. Miller replied there would be designated areas in which to pile the snow.

PUBLIC HEARING OPENED

There was no public comment.

PUBLIC HEARING CLOSED

Moved by Starr Seconded by Storrs

RESOLVED, that the Planning Commission hereby recommends to the City Council that the Articles 12.00.00 & 30.10.08, of the Zoning Ordinance, be amended to read as follows:

R-1T One Family Attached Residential District
Development Standards

Amend the indicated portions of the R-1T One Family Attached Residential District and the Schedule of Regulations – Residential text in the following manner:

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

12.50.00 DEVELOPMENT STANDARDS:

12.50.01 All units that abut a major thoroughfare shall have a rear or side yard relationship to said thoroughfare, and such yards shall not be less than fifty (50) feet in depth as measured from the right-of-way line of the thoroughfare as indicated on the Master Thoroughfare Plan. The Planning Commission may modify the dwelling unit orientation, or relationship to a major thoroughfare, when they determine that the parcel size and configuration are such that the rear or side yard relationship would be impractical or overly restrictive, and a more desirable residential environment can be created by permitting a front yard relationship to the thoroughfare.

All units that abut a freeway shall have a yard setback of not less than seventy-five (75) feet in depth as measured from the right-of-way line of the freeway.

All units that abut a secondary thoroughfare shall have a yard setback of not less than fifty (50) feet in depth as measured from the right-of-way line of the thoroughfare as indicated on the Master Thoroughfare Plan.

(Rev. 4-10-00)

12.50.02 No more than three (3) contiguous one family attached dwelling units may occupy the same horizontal front line, without offset. Beyond this limit, the horizontal front line of the abutting units shall be offset a minimum of four (4) feet.

12.50.03 In the course of reviewing plans for development, the Planning Commission may require that the dwelling unit elevations and orientation be modified or varied in order to minimize the repetitive visibility of garage entrances from the street at the front of the units.

(4-12-99)

12.50.04 Principal access and circulation through One-Family Attached Residential Developments, on sites over ten (10) acres in area, shall be provided by Public Streets constructed to City Standards, within sixty (60) foot wide rights-of-way. Secondary access and circulation through such developments, on which some of the residential buildings may have their sole frontage, may be provided by twenty-eight (28) foot wide streets constructed to City Public Street Standards, within forty (40) foot Private Street Easements. Five (5) foot easements for sidewalk and public utility purposes shall also be provided, adjacent to the private street easements. Building setbacks from the private street easements shall be the same as those required by this Chapter in relation to public streets.

Principal access to a One-Family Attached Residential Development of ten (10) acres or less in area may be provided by way of twenty-eight (28) foot wide streets constructed to City Public Street Standards, within forty (40) foot Private Street Easements, when in the opinion of the City Council the property configuration is such that the provision of sixty (60) foot public rights-of-way would be overly restrictive and would make the provision of desirable dwelling unit sites impractical. Five (5) foot easements for sidewalk and public utility purposes shall also be provided, adjacent to the private street easements. Building setbacks from the private street easements shall be the same as those required by this Chapter in relation to public streets.

The pavement width for private street elements may be reduced to twenty-four (24) feet, subject to the condition that the residential buildings shall be equipped with an automatic fire suppression system acceptable to the Troy Fire Department.

The street system in all developments involving private streets shall be subject to the review and approval of the City Council, after receiving a recommendation from the Planning Commission. The City Council's approval of private street elements shall be subject to their finding that the street system will provide for safe and efficient access for emergency and service vehicles throughout the development. The City Council's action shall further be conditioned on the execution of an Agreement with the developer, ensuring private ownership and

maintenance of the private street elements, and precluding acceptance for maintenance of the private street elements by the City.

All entrances to major or secondary thoroughfares shall include deceleration and passing lanes as required by the City Development Standards.

(Rev. 5-1-00)

12.50.05 All developments shall include a sidewalk system which will enable pedestrian movement to and throughout the site, including sidewalks along any abutting public street frontage. **To ensure safety and convenience for pedestrians and other non-motorized users, sidewalk and trail systems within the development shall be connected to existing and planned sidewalk and trail systems that are located outside of the development.**

(4-12-99)

12.50.06 See Section 39.95.00 of the General Provisions for the regulations applicable to construction of buildings and uses in this District when the site falls within a designated Flood Hazard Area.

(Rev. 4-12-99)

12.50.07 The Preliminary Site Plan shall include a Snow Removal Plan which demonstrates how snow will be removed from streets and sidewalks within the development, and disposed of. Such Snow Removal Plan shall include proposed winter parking patterns, the proposed method used to remove snow, and the location, size and design of snow storage areas.

12.50.08 Guest parking shall be accommodated within the development at a ratio of one (1) guest parking space for every five (5) required off-street parking spaces. Guest parking spaces shall be clearly marked on the site plan.

12.50.09 To improve traffic circulation within the development and surrounding area, the Planning Commission may require that an internal street be connected with an existing abutting stub street or cross access easement. The Planning Commission may require that a development provide one (1) or more cross access easements for the purpose of a potential future connection to an abutting property or street. The Planning Commission may require two (2) or more abutting developments to share one (1) common access drive.

12.50.10 Developments abutting residentially zoned property shall maintain the following perimeter setbacks:

A. Adjacent to R-1A: 45 feet.

B. Adjacent to R-1B: 45 feet.

C. Adjacent to R-1C: 40 feet.

D. Adjacent to R-1D: 40 feet.

E. Adjacent to R-1E: 35 feet.

Yeas	Absent
All present (5)	Chamberlain
	Pennington
	Vleck
	Wright

MOTION CARRIED

ADJOURN

The Regular Meeting of the Planning Commission was adjourned at 9:35 p.m.

Respectfully submitted,

Mark F. Miller AICP/PCP
Planning Director

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October 1, 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 (OCTOBER 27, 2003) - ZONING ORDINANCE TEXT AMENDMENT FOR SECTION 03.40, SITE PLAN REVIEW / APPROVAL (ZOTA #199)

A Public Hearing is scheduled for the October 27, 2003 City Council meeting.

The Planning Commission developed a draft Zoning Ordinance amendment for Section 03.40 Site Plan Review/Approval. The general intent of the amendment was to clarify those instances when a proposed project is required to go through the site plan review process. In addition, the amendment expands the information required to be shown on a site plan or submitted with the application.

The Planning Commission held a Public Hearing on the proposed amendments on May 13, 2003. Following the Public Hearing, the Planning Commission recommended approval of the proposed text amendments. A copy of the proposed text is included as an attachment.

City Management concurs with the Planning Commission recommendation, with the exception of the following minor revisions.

1. City Management agrees that wetlands determination should be required for all subdivisions and site condominiums (one family residential) and, in fact, that is the current practice. However with applications for non-residential preliminary site plan approval, City Management recommends that a wetlands determination be submitted only when the Natural Features Map indicates the possibility of wetlands. In addition, City Management is recommending the Planning Director have the authority to waive the wetlands determination requirement.

2. City Management recommends eliminating the requirements of submitting floor plans (03.43.01(13), building elevations (03.43.01(14), and grading plans (03.43.01(15) with the Preliminary Site Plan application. This information is required during the final site plan approval process and is more applicable to the Building and Engineering Departmental reviews.

3. City Management recommends that the methods used to remove snow and the location of on-site snow storage areas (03.43.01(17) should not be required to be shown on the site plan. It is impossible to predict the amount of snow that will fall in any given snow event or in any given winter season. In addition, it would be difficult to enforce any snow removal practices that were indicated on a site plan.

cc: Planning Commission
Mark Stimac, Building and Zoning Director
File/ ZOTA 199

Attachments:
1. Proposed Section 03.40 as recommended by the Planning Commission
2. Proposed Section 03.40 as recommended by City Management
3. Minutes from March 4, 2003 Planning Commission Study Meeting
4. Minutes from March 25, 2003 Planning Commission Study Meeting
5. Minutes from May 13, 2003, Planning Commission Public Hearing

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PROPOSED ZONING ORDINANCE TEXT AMENDMENT

(ZOTA 199)

AS RECOMMENDED BY PLANNING COMMISSION

Site Plan Review / Approval Standards
And Submittal Requirements

Amend the indicated portions of the Applications and Procedures Site Plan Review / Approval Standards and Submittal Requirements text in the following manner:

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

03.40.00 SITE PLAN REVIEW / APPROVAL

03.40.01 INTENT

03.40.02 The site plan review requirements in this Article are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations in this Ordinance and other applicable ordinances and state and Federal laws, to achieve efficient use of the land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the City and the applicant to facilitate development in accordance with the City's land use objectives.

03.40.02 SITE PLAN REQUIRED

The development of any new use, the construction of any new structures, any change of an existing use of land or structure, and all other building or development activities shall require prior site plan approval pursuant to this Article. Specifically, site plan review shall be required for any of the following activities:

(1) Erection, moving, relocation, conversion or structural alteration to a building or structure to create additional usable floor space, other than a one family or two family dwelling.

(2) Development of uses other than an individual one family residential unit in the R-1A, R-1B, R-1C, R-1D, and R-1E districts.

(3) Any change in use that could affect compliance with the standards set forth in this Ordinance.

(4) Expansion or paving of off-street parking and/or a change in circulation or access for other than a one or two family dwelling.

(5) The development or construction of any accessory uses or structures at least 1,000 square feet in area or greater, except for uses or structures that are accessory to a one or two family dwelling.

(6) Any use or development for which submission of a site plan is required by the provisions of this Ordinance, including all Special Use Approval applications.

(7) A substantial revision to a development that has received Preliminary or Final Site Plan Approval, as determined by the Planning Director and Building and Zoning Director.

(8) Changes to pedestrian access or site and building interconnectivity.

(9) The Planning Director has the authority to waive the site plan review requirement if it is determined that a project does not affect compliance with the standards of this Ordinance or other regulations.

03.41.00 PROCEDURE

03.41.01 A petitioner seeking Site Plan Approval ~~for proposed development and/or use of property within the City of Troy~~ as required under Section ~~03.41.01~~ 03.40.02 shall submit an application for same at the Planning Department of the City of Troy, together with the appropriate fee, not less than thirty (30) days prior to the date of the Regular Meeting of the Planning Commission.

03.41.02 The Planning Department shall review the application with respect to the submittal requirements contained herein. Any application which fails to provide the information and materials specified within this Section shall be held in abeyance until all deficiencies have been rectified.

03.41.03 Applications in conformity with the requirements of this Section shall be reviewed inter-departmentally and any revisions and/or corrections necessary shall be made by the petitioner prior to presentation to the Planning Commission for Preliminary Site Plan Approval. The Planning Department shall inform the Planning Commission of any inter-departmental comments or concerns.

03.41.04 The request for Preliminary Site Plan Approval shall be presented to the Planning Commission and after action by the Planning Commission, the petitioner shall obtain a copy of the Approved Preliminary Site Plan upon which shall be noted any requirements for modifications, additional information, or executed documents and/or agreements. Planning Commission Preliminary Site Plan Approval shall be effective for a period of one year. Within that one year period the petitioner shall submit a complete application for Final Site Plan Approval to the Planning

Department in accordance with Section 03.41.07**.** If the petitioner does not renew the Preliminary Site Plan Approval or receive Final Site Plan Approval within 1 year, Preliminary Site Plan Approval shall expire. If at the time of renewal, the Planning Director determines that conditions have changed since Preliminary Site Plan Approval was first granted, the petitioner shall be required to resubmit the application for Preliminary Site Plan Approval.

(11-19-90)

03.41.05 Landscape Plans, in conformity with the City's Landscape Design Standards, related to the required greenbelts, landscape and open space areas, shall be submitted with the application for the Preliminary Site Plan. ~~to~~ The Department of Parks and Recreation shall ~~for~~ review and approve ~~approval~~, the Landscape Plan prior to the application for Preliminary ~~Final~~ Site Plan Approval.

03.41.06 Building and Engineering plans, conforming to all applicable portions of the City Code and the City's Engineering Design Standards, shall be submitted to the Building and Engineering Departments for their review and approval.

03.41.07 The petitioner shall, after review of building and engineering plans by the Building and Engineering Departments ~~and after review of landscape plans by the Department of Parks and Recreation~~, and before granting of any building permits, submit the site plan to the Planning Department for consideration and Final Site Plan Approval. This site plan submittal shall include those items indicated under Section 03.43.03 of this Article. It shall be the responsibility of the petitioner to secure all necessary approvals and authorizations related to the items covered under Section 03.43.03.

(11-19-90)

03.41.08 The Planning Department will review the submittal for Final Site Plan Approval to ascertain that all the requirements of Sections 03.41.07 and 03.43.03 have been complied with. Any submittal which fails to provide the modifications, information and/or documents required shall be deemed incomplete and held in abeyance until all deficiencies have been rectified.

03.41.09 In the event that the Site Plan has been substantially revised from that which received Preliminary Site Plan Approval, as determined by the Planning Director, the Planning Department shall present the revised plan to the Planning Commission for their review and approval. The Planning Commission shall review the request for approval of the revised Site Plan, taking into account the configuration of the plan granted Preliminary Approval, and the implications of Building and Engineering Plan Review, along with any plan modifications proposed by the petitioner. The Planning Commission shall then, by resolution:

(1) Grant the request for Approval of the Revised Site Plan, subject to any additional modifications it deems necessary to assure the proper development of the proposed site and its' compatibility with adjacent or abutting properties, or

(2) Deny the request for Approval of the Revised Site Plan indicating specific reasons for denial, or

(3) Table the request for Approval of the Revised Site Plan, indicating the reasons for tabling.

03.41.10 When the Planning Department determines that the Final Site Plan is consistent with that which received Preliminary Site Plan Approval, and thus that further Planning Commission action is not necessary, they shall then review the applicable portions of complete submittals in order to confirm that all necessary City Department approvals, authorizations or certifications have been received from Departments including, but not limited to, the Engineering, Right-Of-Way, and Fire Departments. The Planning Department shall then grant Final Site Plan Approval and shall notify the Chief Building Inspector that building permits can be issued.

(11-19-90)

03.41.11 In those instances where Planning Commission review and approval of a revised site plan is necessary, and where modifications to the site plan are required by the Planning Commission, no building permits shall be issued until five copies of the modified site plan have been submitted and have been approved by the Building and Engineering Departments.

(11-19-90)

03.41.12 Final Site Plan Approval shall be effective for a period of one year.

(11-19-90)

03.42.00 APPLICATIONS

Application forms for Site Plan Approval for proposed development and/or use of property within the City of Troy are obtainable at the Planning Department of the City of Troy.

03.43.00 SUBMITTAL REQUIREMENTS

03.43.01 A petition or request for Preliminary Site Plan Approval shall be submitted on forms published by the Planning Department and shall contain the following:

(1) The name, address and telephone of the person applying for Preliminary Site Plan Approval.

(2) The name, address and telephone of the owner of the property.

(3) The relationship between the applicant and the property owner.

(4) The present zoning classification of the subject property.

(5) The proposed use of the property.

(6) A Certified Topographic ~~Architectural~~ Survey and a Certified Boundary Survey of the property, prepared and sealed by a Licensed Land Surveyor. The legal description and boundary survey shall be provided on ~~8~~1/2 x 14 pages attached to the application, suitable for recording in accordance with Act 132 of Public Acts of 1970. The legal description of acreage parcels and parcels from subdivisions platted prior to January 1, 1970 shall be tied to a recorded Section or Quarter-Section Corner. If the subject Section or Quarter-Section Corner is not recorded, it is the responsibility of the applicant to have the Corner recorded by a Licensed Surveyor by filing a "Land Corner Recordation Certificate" with the Oakland County Register of Deeds. A copy of the proposed "Land Corner Recordation Certificate" shall be attached to the Site Plan Approval application. The Planning Director may waive the Topographic Survey requirement for changes in use of existing buildings if each of the following conditions exist:

(a) No additional impervious surfaces will be constructed on the property.

(b) The Engineering Department determines that the existing storm water drainage system is sufficient given present conditions.

(7) A location map (minimum scale of 1"=400') indicating the subject property and the zoning classifications and uses of abutting and adjacent properties, on ~~8~~1/2 x 11 pages, shall be attached to the application.

(8) Attached to this application shall be ten (10) ~~six (6)~~ prints of the proposed site plan drawn to a scale of not less than 1"=20', (1" = 50' for parcels of 3 acres or more) wherein the following items shall be clearly labeled and dimensioned:

(a) All drawings are to have a title block which shall have the name of the project and date of plans including revision dates.

(b) All drawings are to have a northpoint and the scale of the drawing is to be indicated.

(c) All lot and property lines.

(d) Location of all proposed structures.

(e) Existing and future right-of-way of adjacent streets, including centerlines and Section Lines where applicable.

(f) Location of all sidewalks, on and adjacent to the site, as required by the Zoning Ordinance and the Sidewalk Ordinance.

(g) Deceleration and passing lanes as required by the City of Troy Transportation Engineer.

(Rev. 5-17-93)

(h) Indication of the means by which storm water detention will be provided.

(i) Setbacks and required yards.

(j) Parking areas, access drives, loading and unloading areas, and trash receptacles.

(k) Greenbelts, landscape areas and other open space areas; and screening walls.

(l) The location of any existing driveways and streets within 100 feet of the subject property, including those across frontage streets.

(m) The location of existing cross access easements on abutting properties and the location of proposed cross access or joint drive easements on the subject property.

(n) Calculations for the following shall be included on the site plan:

1. Gross and net (after rights-of-way) site area.

2. Gross and net ("usable") building area.

3. Required parking and statement of parking provided.

4. Required landscape and open space area and statement of area provided.

(o) Site Plans for residential developments shall include the following additional information:

1. Calculation of the dwelling unit density allowable and a statement of the number of dwelling units, by type, provided.

2. Topography on site and 50 feet beyond, drawn at two (2) foot contour intervals, with existing drainage courses, flood plains, wetlands and tree stands indicated.

3. Two prints each of the typical floor plans and elevations of the proposed buildings, indicating building height.

(p) Existing and proposed grades.

(q) Number of employees on the largest working shift (if applicable).

(9) A wetlands determination shall be required for all applications for preliminary site plan approval, including subdivisions and site condominiums.

(10) An Environmental Impact Statement shall be attached as a part of the submittal when required in accordance with Article VII of the Zoning Ordinance.

(11) A Tree Preservation Plan in accordance with the City of Troy Landscape Design and Tree Preservation Standards shall be attached to all applications for Site Plan Approval. This requirement may be waived, by the Planning Director or by the Superintendent of Public Grounds, in those instances where the Topographic ~~Architectural~~ Survey and/or other written information provided by the applicant demonstrate that the nature of the site is such that a Tree Preservation Plan would not be applicable, or would serve no practical purpose.

(12) A Landscape Plan prepared in conformance with the City of Troy's Landscape Design Standards.

(13) Floor Plans.

(14) Building Elevations.

(15) Grading Plans.

(16) Preliminary Tree Preservation Plan.

(17) Indicate the method used to remove snow and the location of on-site snow storage areas.

03.43.03 A petition or request for Final Site Plan Approval shall be submitted on forms published by the Planning Department and shall contain the following:

(1) The modifications and/or additional information required by the Planning Commission at the time of Preliminary Site Plan Approval;

(2) Any and all executed Easements, Agreements, or other documents required in conjunction with Preliminary Site Plan Approval, or required in conjunction with Building and Engineering Plan Reviews, including, but not limited to, the following:

(a) The dedication of rights-of-way,

(b) The conveyance of easements for public utilities, private access drives, cross access easements, joint driveway easements and pedestrian easements,

(c) "Private Agreements" for the installation of Public Improvements, by the petitioner.

(d) "Irrevocable Petition Agreements" for participation in potential Special Assessment Projects involving Road, Pedestrian and/or Public Utility improvements.

(3) A current Title Commitment, indicating all parties in interest in the subject property.

(4) A statement from the Landscape Analyst ~~Superintendent of Public Grounds~~ indicating that the Landscape Plans have been submitted, approved and the related fees have been paid.

(5) Approved Engineering Site Plans, developed in accordance with the City's Engineering Design Standards, indicating the location of the major elements of:

(a) The water distribution system,

(b) The sanitary sewer system,

(c) The storm drainage system, including the location size and shape of required storm water detention basins or other detention facilities.

(6) Site area and building area information and calculations to confirm that Zoning Ordinance requirements such as parking and landscape area are met. Final building floor area information shall include all floor levels including basement and mezzanine areas.

(7) The location of Fire Lanes as recommended by the Fire Department.

PROPOSED ZONING ORDINANCE TEXT AMENDMENT

(ZOTA 199)

AS RECOMMENDED BY CITY MANAGEMENT

Site Plan Review / Approval Standards
And Submittal Requirements

Amend the indicated portions of the Applications and Procedures Site Plan Review / Approval Standards and Submittal Requirements text in the following manner:

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

03.40.00 SITE PLAN REVIEW / APPROVAL

03.40.01 INTENT

03.40.02 The site plan review requirements in this Article are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations in this Ordinance and other applicable ordinances and state and Federal laws, to achieve efficient use of the land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the City and the applicant to facilitate development in accordance with the City's land use objectives.

03.40.02 SITE PLAN REQUIRED

The development of any new use, the construction of any new structures, any change of an existing use of land or structure, and all other building or development activities shall require prior site plan approval pursuant to this Article. Specifically, site plan review shall be required for any of the following activities:

(1) Erection, moving, relocation, conversion or structural alteration to a building or structure to create additional usable floor space, other than a one family or two family dwelling.

(2) Development of uses other than an individual one family residential unit in the R-1A, R-1B, R-1C, R-1D, and R-1E districts.

(3) Any change in use that could affect compliance with the standards set forth in this Ordinance.

(4) Expansion or paving of off-street parking and/or a change in circulation or access for other than a one or two family dwelling.

(5) The development or construction of any accessory uses or structures at least 1,000 square feet in area or greater, except for uses or structures that are accessory to a one or two family dwelling.

(6) Any use or development for which submission of a site plan is required by the provisions of this Ordinance, including all Special Use Approval applications.

(7) A substantial revision to a development that has received Preliminary or Final Site Plan Approval, as determined by the Planning Director and Building and Zoning Director.

(8) Changes to pedestrian access or site and building interconnectivity.

(9) The Planning Director has the authority to waive the site plan review requirement if it is determined that a project does not affect compliance with the standards of this Ordinance or other regulations.

03.41.00 PROCEDURE

03.41.01 A petitioner seeking Site Plan Approval ~~for proposed development and/or use of property within the City of Troy~~ as required under Section ~~03.41.01~~ 03.40.02 shall submit an application for same at the Planning Department of the City of Troy, together with the appropriate fee, not less than thirty (30) days prior to the date of the Regular Meeting of the Planning Commission.

03.41.02 The Planning Department shall review the application with respect to the submittal requirements contained herein. Any application which fails to provide the information and materials specified within this Section shall be held in abeyance until all deficiencies have been rectified.

03.41.03 Applications in conformity with the requirements of this Section shall be reviewed inter-departmentally and any revisions and/or corrections necessary shall be made by the petitioner prior to presentation to the Planning Commission for Preliminary Site Plan Approval. The Planning Department shall inform the Planning Commission of any inter-departmental comments or concerns.

03.41.04 The request for Preliminary Site Plan Approval shall be presented to the Planning Commission and after action by the Planning Commission, the petitioner shall obtain a copy of the Approved Preliminary Site Plan upon which shall be noted any requirements for modifications, additional information, or executed documents and/or agreements. Planning Commission Preliminary Site Plan Approval shall be effective for a period of one year. Within that one year period the petitioner shall submit a complete application for Final Site Plan Approval to the Planning

Department in accordance with Section 03.41.07**.** If the petitioner does not renew the Preliminary Site Plan Approval or receive Final Site Plan Approval within 1 year, Preliminary Site Plan Approval shall expire. If at the time of renewal, the Planning Director determines that conditions have changed since Preliminary Site Plan Approval was first granted, the petitioner shall be required to resubmit the application for Preliminary Site Plan Approval.

(11-19-90)

03.41.05 Landscape Plans, in conformity with the City's Landscape Design Standards, related to the required greenbelts, landscape and open space areas, shall be submitted with the application for the Preliminary Site Plan. ~~to~~ The Department of Parks and Recreation shall ~~for~~ review and approve ~~approval~~, the Landscape Plan prior to the application for Preliminary ~~Final~~ Site Plan Approval.

03.41.06 Building and Engineering plans, conforming to all applicable portions of the City Code and the City's Engineering Design Standards, shall be submitted to the Building and Engineering Departments for their review and approval.

03.41.07 The petitioner shall, after review of building and engineering plans by the Building and Engineering Departments ~~and after review of landscape plans by the Department of Parks and Recreation~~, and before granting of any building permits, submit the site plan to the Planning Department for consideration and Final Site Plan Approval. This site plan submittal shall include those items indicated under Section 03.43.03 of this Article. It shall be the responsibility of the petitioner to secure all necessary approvals and authorizations related to the items covered under Section 03.43.03.

(11-19-90)

03.41.08 The Planning Department will review the submittal for Final Site Plan Approval to ascertain that all the requirements of Sections 03.41.07 and 03.43.03 have been complied with. Any submittal which fails to provide the modifications, information and/or documents required shall be deemed incomplete and held in abeyance until all deficiencies have been rectified.

03.41.09 In the event that the Site Plan has been substantially revised from that which received Preliminary Site Plan Approval, as determined by the Planning Director, the Planning Department shall present the revised plan to the Planning Commission for their review and approval. The Planning Commission shall review the request for approval of the revised Site Plan, taking into account the configuration of the plan granted Preliminary Approval, and the implications of Building and Engineering Plan Review, along with any plan modifications proposed by the petitioner. The Planning Commission shall then, by resolution:

(1) Grant the request for Approval of the Revised Site Plan, subject to any additional modifications it deems necessary to assure the proper development of the proposed site and its' compatibility with adjacent or abutting properties, or

(2) Deny the request for Approval of the Revised Site Plan indicating specific reasons for denial, or

(3) Table the request for Approval of the Revised Site Plan, indicating the reasons for tabling.

03.41.10 When the Planning Department determines that the Final Site Plan is consistent with that which received Preliminary Site Plan Approval, and thus that further Planning Commission action is not necessary, they shall then review the applicable portions of complete submittals in order to confirm that all necessary City Department approvals, authorizations or certifications have been received from Departments including, but not limited to, the Engineering, Right-Of-Way, and Fire Departments. The Planning Department shall then grant Final Site Plan Approval and shall notify the Chief Building Inspector that building permits can be issued.

(11-19-90)

03.41.11 In those instances where Planning Commission review and approval of a revised site plan is necessary, and where modifications to the site plan are required by the Planning Commission, no building permits shall be issued until five copies of the modified site plan have been submitted and have been approved by the Building and Engineering Departments.

(11-19-90)

03.41.12 Final Site Plan Approval shall be effective for a period of one year.

(11-19-90)

03.42.00 <u>APPLICATIONS</u>

Application forms for Site Plan Approval for proposed development and/or use of property within the City of Troy are obtainable at the Planning Department of the City of Troy.

03.43.00 <u>SUBMITTAL REQUIREMENTS</u>

03.43.01 A petition or request for Preliminary Site Plan Approval shall be submitted on forms published by the Planning Department and shall contain the following:

(1) The name, address and telephone of the person applying for Preliminary Site Plan Approval.

(2) The name, address and telephone of the owner of the property.

(3) The relationship between the applicant and the property owner.

(4) The present zoning classification of the subject property.

(5) The proposed use of the property.

(6) A Certified Topographic ~~Architectural~~ Survey and a Certified Boundary Survey of the property, prepared and sealed by a Licensed Land Surveyor. The legal description and boundary survey shall be provided on ~~8~~1/2 x 14 pages attached to the application, suitable for recording in accordance with Act 132 of Public Acts of 1970. The legal description of acreage parcels and parcels from subdivisions platted prior to January 1, 1970 shall be tied to a recorded Section or Quarter-Section Corner. If the subject Section or Quarter-Section Corner is not recorded, it is the responsibility of the applicant to have the Corner recorded by a Licensed Surveyor by filing a "Land Corner Recordation Certificate" with the Oakland County Register of Deeds. A copy of the proposed "Land Corner Recordation Certificate" shall be attached to the Site Plan Approval application. The Planning Director may waive the Topographic Survey requirement for changes in use of existing buildings if each of the following conditions exist:

(a) No additional impervious surfaces will be constructed on the property.

(b) The Engineering Department determines that the existing storm water drainage system is sufficient given present conditions.

(7) A location map (minimum scale of 1"=400') indicating the subject property and the zoning classifications and uses of abutting and adjacent properties, on ~~8~~1/2 x 11 pages, shall be attached to the application.

(8) Attached to this application shall be ten (10) ~~six (6)~~ prints of the proposed site plan drawn to a scale of not less than 1"=20', (1" = 50' for parcels of 3 acres or more) wherein the following items shall be clearly labeled and dimensioned:

(a) All drawings are to have a title block which shall have the name of the project and date of plans including revision dates.

(b) All drawings are to have a northpoint and the scale of the drawing is to be indicated.

(c) All lot and property lines.

(d) Location of all proposed structures.

(e) Existing and future right-of-way of adjacent streets, including centerlines and Section Lines where applicable.

(f) Location of all sidewalks, on and adjacent to the site, as required by the Zoning Ordinance and the Sidewalk Ordinance.

(g) Deceleration and passing lanes as required by the City of Troy Transportation Engineer.

(Rev. 5-17-93)

(h) Indication of the means by which storm water detention will be provided.

(i) Setbacks and required yards.

(j) Parking areas, access drives, loading and unloading areas, and trash receptacles.

(k) Greenbelts, landscape areas and other open space areas; and screening walls.

(l) The location of any existing driveways and streets within 100 feet of the subject property, including those across frontage streets.

(m) The location of existing cross access easements on abutting properties and the location of proposed cross access or joint drive easements on the subject property.

(n) Calculations for the following shall be included on the site plan:

1. Gross and net (after rights-of-way) site area.

2. Gross and net ("usable") building area.

3. Required parking and statement of parking provided.

4. Required landscape and open space area and statement of area provided.

(o) Site Plans for residential developments shall include the following additional information:

1. Calculation of the dwelling unit density allowable and a statement of the number of dwelling units, by type, provided.

2. Topography on site and 50 feet beyond, drawn at two (2) foot contour intervals, with existing drainage courses, flood plains, wetlands and tree stands indicated.

3. Two prints each of the typical floor plans and elevations of the proposed buildings, indicating building height.

(p) Existing and proposed grades.

(q) Number of employees on the largest working shift (if applicable).

(9) A wetlands determination shall be required for all applications for subdivisions and site condominiums. A wetlands determination shall be required for all other applications for preliminary site plan approval, when the Natural Features Map indicates there may be wetlands on site. A wetlands determination waiver may be granted by the Planning Director based on the Natural Features Map and other applicable site information.

(10) An Environmental Impact Statement shall be attached as a part of the submittal when required in accordance with Article VII of the Zoning Ordinance.

(11) A Tree Preservation Plan in accordance with the City of Troy Landscape Design and Tree Preservation Standards shall be attached to all applications for Site Plan Approval. This requirement may be waived, by the Planning Director or by the Superintendent of Public Grounds, in those instances where the Topographic ~~Architectural~~ Survey and/or other written information provided by the applicant demonstrate that the nature of the site is such that a Tree Preservation Plan would not be applicable, or would serve no practical purpose.

(12) A Landscape Plan prepared in conformance with the City of Troy's Landscape Design Standards.

(13) Preliminary Tree Preservation Plan.

03.43.03 A petition or request for Final Site Plan Approval shall be submitted on forms published by the Planning Department and shall contain the following:

(1) The modifications and/or additional information required by the Planning Commission at the time of Preliminary Site Plan Approval;

(2) Any and all executed Easements, Agreements, or other documents required in conjunction with Preliminary Site Plan Approval, or required in conjunction with Building and Engineering Plan Reviews, including, but not limited to, the following:

(a) The dedication of rights-of-way,

(b) The conveyance of easements for public utilities, private access drives, cross access easements, joint driveway easements and pedestrian easements,

(c) "Private Agreements" for the installation of Public Improvements, by the petitioner.

(d) "Irrevocable Petition Agreements" for participation in potential Special Assessment Projects involving Road, Pedestrian and/or Public Utility improvements.

(3) A current Title Commitment, indicating all parties in interest in the subject property.

(4) A statement from the Landscape Analyst ~~Superintendent of Public Grounds~~ indicating that the Landscape Plans have been submitted, approved and the related fees have been paid.

(5) Approved Engineering Site Plans, developed in accordance with the City's Engineering Design Standards, indicating the location of the major elements of:

(a) The water distribution system,

(b) The sanitary sewer system,

(c) The storm drainage system, including the location size and shape of required storm water detention basins or other detention facilities.

(6) Site area and building area information and calculations to confirm that Zoning Ordinance requirements such as parking and landscape area are met. Final building floor area information shall include all floor levels including basement and mezzanine areas.

(7) The location of Fire Lanes as recommended by the Fire Department.

7. ORDINANCE REVISION DISCUSSION – Site Plan Approval Language (ZOTA #199)

Mr. Savidant gave a report on the site plan approval ordinance text language. He stated that the Planning Department added an intent statement that describes the general terms of site plan approval and why it is necessary. The Planning Department also arrived at a set of standards to determine when a site plan review is required. Mr. Savidant cited the proposed text includes: firm language regarding when a preliminary site plan application expires; a requirement for a landscape plan; how to determine when a revised site plan goes back to the Planning Commission; the requirement for a topographic survey (presently called an architectural survey), giving the Planning Director the right to waive the topographic survey; and expanding the list of information that is required on a site plan.

Mr. Savidant noted that language relating to giving the Planning Commission authority for final site plan approval is not included, and noted the language could be added if it is the Commission's preference. Mr. Savidant said there are several reasons that the Planning Department believes that final site plan approval should remain at the administrative level.

A discussion followed with respect to transferring authority to the Planning Commission for final site plan approval.

It was the consensus of the Commission to accept in theory the text language as presented tonight, and to the reserve the right to final site plan approval. Further, that the Commission is in agreement, on an interim basis, to receiving updated reports from the Planning Department on final site plan approvals conducted administratively.

Mr. Kramer suggested that language be added to the effect that City staff is responsible to provide the Planning Commission at the time of site plan approval and the presentation given by the Planning Department of all departmental input and recommendations.

Mr. Savidant stated he would incorporate the minor revisions discussed tonight and provide an updated draft to the Commission.

Chairman Littman requested the item be placed on the March 25, 2003 Special/Study Meeting for final review and announced that a tentative Public Hearing date would be early May.

10. ORDINANCE REVISION DISCUSSION – Site Plan Approval (ZOTA #199)

Mr. Savidant reported the proposed ordinance text for Site Plan Approval incorporates the revisions suggested at the last meeting. Section 03.40.02, (8), reads: "Changes to pedestrian access or site and building interconnectivity." Also, Section 03.41.03 reads: "The Planning Department shall inform the Planning Commission of any inter-departmental comments or concerns."

Mr. Chamberlain brought attention to a typographical error in Section 03.41.01.

Brief discussions were held on the following sections:

Section 03.40.01, (2) Development of uses other than one family residential uses in the R-1A, R-1B, R-1C, R-1D and R-1E districts.

It was the consensus of the Commission to change the word "uses" to "unit".

Section 03.40.02 (7) A substantial revision to a development that has received Preliminary or Final Site Plan Approval, as determined by the Planning Director.

It was the consensus of the Commission to add: ...., as determined by the Planning Director *and the Building and Zoning Director.*

After a complete review, it was the consensus of the Commission to publish the proposed ordinance text for Site Plan Review/Approval as revised and to go forward with the Public Hearing.

Resolution

Moved by Chamberlain Seconded by Waller

RESOLVED, that Mr. Vleck be excused from attendance at this meeting.

Yeas	Absent
All present (8)	Vleck

MOTION CARRIED

14. PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA-199) – Article 03.40.00 Site Plan Approval

Mr. Savidant summarized the intent of the proposed revisions to the site plan zoning ordinance text.

A brief discussion was held with respect to specific criteria required for site plan approval; i.e., city projects, car dealerships.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution

Moved by Schultz Seconded by Wright

RESOLVED, that the Planning Commission hereby recommends to the City Council that ARTICLE III (APPLICATIONS AND PROCEDURES), Section 03.40.00 (SITE PLAN REVIEW / APPROVAL) of the Zoning Ordinance, be amended to read as follows:

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

03.40.00 SITE PLAN REVIEW / APPROVAL

03.40.01 INTENT

03.40.02 The site plan review requirements in this Article are intended to provide a consistent and uniform method of review of proposed development plans, to ensure full compliance with the regulations in this Ordinance and other applicable ordinances and state and Federal laws, to achieve efficient use of the land, to protect natural resources, and to prevent adverse impact on adjoining or nearby properties. It is the intent of these provisions to encourage cooperation and consultation between the City and the applicant to facilitate development in accordance with the City's land use objectives.

03.40.02 SITE PLAN REQUIRED

The development of any new use, the construction of any new structures, any change of an existing use of land or structure, and all other building or development activities shall require prior site plan approval pursuant to this Article. Specifically, site plan review shall be required for any of the following activities:

(1) Erection, moving, relocation, conversion or structural alteration to a building or structure to create additional usable floor space, other than a one family or two family dwelling.

(2) Development of uses other than an individual one family residential unit in the R-1A, R-1B, R-1C, R-1D, and R-1E districts.

(3) Any change in use that could affect compliance with the standards set forth in this Ordinance.

(4) Expansion or paving of off-street parking and/or a change in circulation or access for other than a one or two family dwelling.

(5) The development or construction of any accessory uses or structures at least 1,000 square feet in area or greater, except for uses or structures that are accessory to a one or two family dwelling.

(6) Any use or development for which submission of a site plan is required by the provisions of this Ordinance, including all Special Use Approval applications.

(7) A substantial revision to a development that has received Preliminary or Final Site Plan Approval, as determined by the Planning Director and Building and Zoning Director.

(8) Changes to pedestrian access or site and building interconnectivity.

(9) The Planning Director has the authority to waive the site plan review requirement if it is determined that a project does not affect compliance with the standards of this Ordinance or other regulations.

03.41.00 PROCEDURE

03.41.01 A petitioner seeking Site Plan Approval ~~for proposed development and/or use of property within the City of Troy~~ as required under Section ~~03.41.01~~ 03.40.02 shall submit an application for same at the Planning Department of the City of Troy, together with the appropriate fee, not less than thirty (30) days prior to the date of the Regular Meeting of the Planning Commission.

03.41.02 The Planning Department shall review the application with respect to the submittal requirements contained herein. Any application which fails to

provide the information and materials specified within this Section shall be held in abeyance until all deficiencies have been rectified.

03.41.03 Applications in conformity with the requirements of this Section shall be reviewed inter-departmentally and any revisions and/or corrections necessary shall be made by the petitioner prior to presentation to the Planning Commission for Preliminary Site Plan Approval. The Planning Department shall inform the Planning Commission of any inter-departmental comments or concerns.

03.41.04 The request for Preliminary Site Plan Approval shall be presented to the Planning Commission and after action by the Planning Commission, the petitioner shall obtain a copy of the Approved Preliminary Site Plan upon which shall be noted any requirements for modifications, additional information, or executed documents and/or agreements. Planning Commission Preliminary Site Plan Approval shall be effective for a period of one year. Within that one year period the petitioner shall submit a complete application for Final Site Plan Approval to the Planning Department in accordance with Section 03.41.07. If the petitioner does not renew the Preliminary Site Plan Approval or receive Final Site Plan Approval within 1 year, Preliminary Site Plan Approval shall expire. If at the time of renewal, the Planning Director determines that conditions have changed since Preliminary Site Plan Approval was first granted, the petitioner shall be required to resubmit the application for Preliminary Site Plan Approval.

(11-19-90)

03.41.05 Landscape Plans, in conformity with the City's Landscape Design Standards, related to the required greenbelts, landscape and open space areas, shall be submitted with the application for the Preliminary Site Plan. ~~to~~ The Department of Parks and Recreation shall ~~for~~ review and approve ~~approval~~, the Landscape Plan prior to the application for Preliminary ~~Final~~ Site Plan Approval.

03.41.06 Building and Engineering plans, conforming to all applicable portions of the City Code and the City's Engineering Design Standards, shall be submitted to the Building and Engineering Departments for their review and approval.

03.41.07 The petitioner shall, after review of building and engineering plans by the Building and Engineering Departments ~~and after review of landscape plans by the Department of Parks and Recreation~~, and before granting of any building permits, submit the site plan to the Planning Department for consideration and Final Site Plan Approval. This site plan submittal shall include those items indicated under Section 03.43.03 of this Article. It shall be the responsibility of the petitioner to secure all necessary

approvals and authorizations related to the items covered under Section 03.43.03.

(11-19-90)

03.41.08 The Planning Department will review the submittal for Final Site Plan Approval to ascertain that all the requirements of Sections 03.41.07 and 03.43.03 have been complied with. Any submittal which fails to provide the modifications, information and/or documents required shall be deemed incomplete and held in abeyance until all deficiencies have been rectified.

03.41.09 In the event that the Site Plan has been substantially revised from that which received Preliminary Site Plan Approval, as determined by the Planning Director, the Planning Department shall present the revised plan to the Planning Commission for their review and approval. The Planning Commission shall review the request for approval of the revised Site Plan, taking into account the configuration of the plan granted Preliminary Approval, and the implications of Building and Engineering Plan Review, along with any plan modifications proposed by the petitioner. The Planning Commission shall then, by resolution:

(1) Grant the request for Approval of the Revised Site Plan, subject to any additional modifications it deems necessary to assure the proper development of the proposed site and its' compatibility with adjacent or abutting properties, or

(2) Deny the request for Approval of the Revised Site Plan indicating specific reasons for denial, or

(3) Table the request for Approval of the Revised Site Plan, indicating the reasons for tabling.

03.41.10 When the Planning Department determines that the Final Site Plan is consistent with that which received Preliminary Site Plan Approval, and thus that further Planning Commission action is not necessary, they shall then review the applicable portions of complete submittals in order to confirm that all necessary City Department approvals, authorizations or certifications have been received from Departments including, but not limited to, the Engineering, Right-Of-Way, and Fire Departments. The Planning Department shall then grant Final Site Plan Approval and shall notify the Chief Building Inspector that building permits can be issued.

(11-19-90)

03.41.11 In those instances where Planning Commission review and approval of a revised site plan is necessary, and where modifications to the site plan are required by the Planning Commission, no building permits shall be issued until five copies of the modified site plan have been submitted and have been approved by the Building and Engineering Departments.

(11-19-90)

03.41.12 Final Site Plan Approval shall be effective for a period of one year.

(11-19-90)

03.42.00 APPLICATIONS

Application forms for Site Plan Approval for proposed development and/or use of property within the City of Troy are obtainable at the Planning Department of the City of Troy.

03.43.00 SUBMITTAL REQUIREMENTS

03.43.01 A petition or request for Preliminary Site Plan Approval shall be submitted on forms published by the Planning Department and shall contain the following:

(1) The name, address and telephone of the person applying for Preliminary Site Plan Approval.

(2) The name, address and telephone of the owner of the property.

(3) The relationship between the applicant and the property owner.

(4) The present zoning classification of the subject property.

(5) The proposed use of the property.

(6) A Certified Topographic ~~Architectural~~ Survey and a Certified Boundary Survey of the property, prepared and sealed by a Licensed Land Surveyor. The legal description and boundary survey shall be provided on 8-1/2 x 14 pages attached to the application, suitable for recording in accordance with Act 132 of Public Acts of 1970. The legal description of acreage parcels and parcels from subdivisions platted prior to January 1, 1970 shall be tied to a recorded Section or Quarter-Section Corner. If the subject Section or Quarter-Section Corner is not recorded, it is the responsibility of the applicant to have the Corner recorded by a Licensed Surveyor by filing a "Land Corner Recordation Certificate" with the Oakland County Register of Deeds. A copy

of the proposed "Land Corner Recordation Certificate" shall be attached to the Site Plan Approval application. The Planning Director may waive the Topographic Survey requirement for changes in use of existing buildings if each of the following conditions exist:

(a) No additional impervious surfaces will be constructed on the property.

(b) The Engineering Department determines that the existing storm water drainage system is sufficient given present conditions.

(7) A location map (minimum scale of 1"=400') indicating the subject property and the zoning classifications and uses of abutting and adjacent properties, on 8-1/2 x 11 pages, shall be attached to the application.

(8) Attached to this application shall be ten (10) ~~six (6)~~ prints of the proposed site plan drawn to a scale of not less than 1"=20', (1" = 50' for parcels of 3 acres or more) wherein the following items shall be clearly labeled and dimensioned:

(a) All drawings are to have a title block which shall have the name of the project and date of plans including revision dates.

(b) All drawings are to have a northpoint and the scale of the drawing is to be indicated.

(c) All lot and property lines.

(d) Location of all proposed structures.

(e) Existing and future right-of-way of adjacent streets, including centerlines and Section Lines where applicable.

(f) Location of all sidewalks, on and adjacent to the site, as required by the Zoning Ordinance and the Sidewalk Ordinance.

(g) Deceleration and passing lanes as required by the City of Troy Transportation Engineer.

(Rev. 5-17-93)

(h) Indication of the means by which storm water detention will be provided.

(i) Setbacks and required yards.

(j) Parking areas, access drives, loading and unloading areas, and trash receptacles.

(k) Greenbelts, landscape areas and other open space areas; and screening walls.

(l) The location of any existing driveways and streets within 100 feet of the subject property, including those across frontage streets.

(m) The location of existing cross access easements on abutting properties and the location of proposed cross access or joint drive easements on the subject property.

(n) Calculations for the following shall be included on the site plan:

1. Gross and net (after rights-of-way) site area.

2. Gross and net ("usable") building area.

3. Required parking and statement of parking provided.

4. Required landscape and open space area and statement of area provided.

(o) Site Plans for residential developments shall include the following additional information:

1. Calculation of the dwelling unit density allowable and a statement of the number of dwelling units, by type, provided.

2. Topography on site and 50 feet beyond, drawn at two (2) foot contour intervals, with existing drainage courses, flood plains, wetlands and tree stands indicated.

3. Two prints each of the typical floor plans and elevations of the proposed buildings, indicating building height.

(p) Existing and proposed grades.

(q) Number of employees on the largest working shift (if applicable).

(9) A wetlands determination shall be required for all applications for preliminary site plan approval, including subdivisions and site condominiums.

(10) An Environmental Impact Statement shall be attached as a part of the submittal when required in accordance with Article VII of the Zoning Ordinance.

(11) A Tree Preservation Plan in accordance with the City of Troy Landscape Design and Tree Preservation Standards shall be attached to all applications for Site Plan Approval. This requirement may be waived, by the Planning Director or by the Superintendent of Public Grounds, in those instances where the Topographic ~~Architectural~~ Survey and/or other written information provided by the applicant demonstrate that the nature of the site is such that a Tree Preservation Plan would not be applicable, or would serve no practical purpose.

(12) A Landscape Plan prepared in conformance with the City of Troy's Landscape Design Standards.

(13) Floor Plans.

(14) Building Elevations.

(15) Grading Plans.

(16) Preliminary Tree Preservation Plan.

(17) Indicate the method used to remove snow and the location of on-site snow storage areas.

03.43.03 A petition or request for Final Site Plan Approval shall be submitted on forms published by the Planning Department and shall contain the following:

(1) The modifications and/or additional information required by the Planning Commission at the time of Preliminary Site Plan Approval;

(2) Any and all executed Easements, Agreements, or other documents required in conjunction with Preliminary Site Plan Approval, or required in conjunction with Building and Engineering Plan Reviews, including, but not limited to, the following:

(a) The dedication of rights-of-way,

(b) The conveyance of easements for public utilities, private access drives, cross access easements, joint driveway easements and pedestrian easements,

(c) "Private Agreements" for the installation of Public Improvements, by the petitioner.

(d) "Irrevocable Petition Agreements" for participation in potential Special Assessment Projects involving Road, Pedestrian and/or Public Utility improvements.

(3) A current Title Commitment, indicating all parties in interest in the subject property.

(4) A statement from the Landscape Analyst ~~Superintendent of Public Grounds~~ indicating that the Landscape Plans have been submitted, approved and the related fees have been paid.

(5) Approved Engineering Site Plans, developed in accordance with the City's Engineering Design Standards, indicating the location of the major elements of:

(a) The water distribution system,

(b) The sanitary sewer system,

(c) The storm drainage system, including the location size and shape of required storm water detention basins or other detention facilities.

(6) Site area and building area information and calculations to confirm that Zoning Ordinance requirements such as parking and landscape area are met. Final building floor area information shall include all floor levels including basement and mezzanine areas.

(7) The location of Fire Lanes as recommended by the Fire Department.

Yeas	Nays	Absent
Kramer	Vleck	Chamberlain
Littman		Storrs
Pennington		
Schultz		
Waller		
Wright		

MOTION CARRIED

Mr. Vleck stated he is not in favor of the motion because Section 03.43.01, (8) (q) references the "largest working shift" and he thinks the criteria would arrive at a fictitious number because tenancy is not known and therefore the largest working shift is unknown.

G-04a

R-31-03

A RESOLUTION

of the Council of the City of Berkley, Michigan recognizing September 11, 2003 as Patriot Day

WHEREAS, *All Americans, young and old, will remember September 11, 2001 as the darkest day in the new millennium; and*

WHEREAS, *By a joint resolution approved December 18, 2001, the Congress of the United States designated September 11th of each year as "Patriot Day"; and*

WHEREAS, *By Proclamation on September 4, 2003, President George W. Bush reminded us of the "greatness of America in the bravery of victims, the heroism of first responders who laid down their lives to save others; in the compassion of people who stepped forward to help those they had never met; and in the generosity of millions of Americans who enriched our country with acts of service and kindness."*

WHEREAS, *President Bush proclaimed September 11, 2003, as "Patriot Day" and called upon the people of the United States to observe this day in memory of that awful day in history and fly our flags at half mast; and*

WHEREAS, *"Patriot Day" will further remind us of the great men and women who have and continue to serve and sacrifice around the world to ensure the freedom and security this country cherishes, will never take for granted, or will allow to be taken from our lives.*

NOW, THEREFORE, THE CITY OF BERKLEY RESOLVES:

SECTION 1: *That the Council of the City of Berkley, with the spirit that has joined this country since its beginning, enforces its condemnation of the terrorist acts perpetrated against America; and*

SECTION 2: *That the Council of the City of Berkley, on behalf of the citizens of the City of Berkley, vows never to forget September 11, 2001, its victims, heroes, and the courage of those who protect our freedom and we pledge to celebrate "Patriot Day" every year following to remind us of this task.*

SECTION 3: *That the City Clerk is directed to send a copy of this Resolution to President George W. Bush; New York Mayor Michael R. Bloomberg; New York City representatives of the Police and Fire Departments; representatives of the New York City Emergency Medical Services; New York Governor George E. Pataki; Virginia Governor Mark Warner; Washington D.C. Mayor Anthony Williams; Pennsylvania Governor Edward G. Rendell; Michigan Governor Jennifer Granholm; the City of Berkley representative in Congress; the Michigan State Legislature; the Oakland County Board of Commissioners; and to neighboring communities.*

Introduced and passed at a Regular City Council Meeting on Monday, September 15, 2003.

John Mooney

John Mark Mooney
Mayor

Attest:

Karen L Brown

Karen L. Brown
City Clerk

Litho. in U.S.A.
© GOES 345
All Rights Reserved

G-05a

CERTIFICATE OF APPRECIATION

IS PRESENTED TO

City of Troy Fire Department And its Dedicated Volunteers

United States Navy and Joint Task Force Six, wish to thank you for your assistance and support in training federal Law Enforcement Agencies in trauma management. The support of your training facilities allowed for a conducive learning environment and promoted extreme realism in training. This course instructed the agents in assessment and treatment casualties in a realistic environment. Your selfless service to your community and your country is greatly appreciated.

LTJG Glenn A. Barnes
United States Navy

MSGT Kirby Cashen
Joint Task Force Six

OFFICER Breidenich & Barrows

G-05b

03-25 281

[redacted]
Troy, Michigan, 48085
Wednesday, Sept. 3, 2003

Troy Police Department

Troy, Michigan

Dear Sirs

Thank you for responding to my 9-1-1 call on August 13 (?) regarding assorted firecrackers sounds from a variety of places and Trespassers across the street.

Sincerely

Arik K. Rupp

RECEIVED
Chief of Police
9/5/2003 CE

G-05c

Thank You Very Much

RECEIVED
Chief of Police
9/18/03 CR

Dear 911 & Police Dept.

Thank you for your assistance in getting my son 911 on 9/13.
So glad w/ your professionalism & care
Thank you
God Blessing
Tim Dick

Officer Giorgi

G-05d

Constance J. Cress
[redacted]
Ann Arbor, Michigan 48105

September 18, 2003

RECEIVED
Chief of Police
9/24/2003 CW

Troy Police Department
Troy, Michigan

Dear Officers,

It was my pleasure to personally meet three of your officers in a distressing situation last weekend at the Troy Daze.

I did not know exactly where my daughter had parked my car - although I thought that I did and was very disoriented as to where to find my Lexus. Two of your officers took me back and forth through the lots before turning me over to the third policeman. He spent a great deal of time with me, keeping me somewhat calm and was reassuring.

I can't thank you all enough!
I safely returned to Ann Arbor for
the Big Game and all was well.
You do a terrific job and I
just wanted to say "Thank you".

Sincerely,
Constance J. Cress

G-05e

THE VILLAGE AT
MIDTOWN
SQUARE

RECEIVED
SEP 19 2003
CITY OF TROY
CITY MANAGER'S OFFICE

September 18, 2003

City Manager
John Szerlag
500 West Big Beaver
Troy, Mi. 48084

Dear John Szerlag,

On behalf of myself, my staff and the Developers of this new community in your city, The Village at Midtown Square, I would like to extend our thanks and appreciation.

As you know the construction of these multiple attached brownstone condominiums is a very involved process. It has required patience and utmost cooperation between many of Troy's city personnel and ourselves to produce these beautifully attractive but safe new homes for over 200 new residents in Troy. Learning the intricacies of the fire safety systems is a method my staff and the Fire Department have struggled with and mastered together to produce the most secure buildings possible. The attention and dedication your Fire Department has given us namely Rod Bovensiep, Dave Caloia, Eric Roberts over the past few years can not go unnoticed. Their professionalism and courtesy has been outstanding. They have enabled us to produce and proceed with our production goals. We greatly appreciate all their assistance and hope you will acknowledge the same to them.

Sincerely,

Tony DeMeo

Tony DeMeo
Project Manager
The Village at Midtown Square

Cc: Mayor Matt Pryor

PRESENTED BY
S.R. JACOBSON
MIDTOWN SQUARE DEVELOPMENT, LLC

3202 CAMDEN DRIVE TROY, MICHIGAN 48084
248.649.1700 FAX 248.649.5807

October 2003

October 2003

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November 2003

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
		October 1 8:30am Building Code Board of Appeals (Lower Level) 7:00pm Adv Comm Pers w/Disabilities	2 10:00am Sr Citizen Advisory Committee (Community Center)	3	4 5
6 7:30pm City Council-Regular (Council Chambers)	7 7:30pm Planning Commission-Study (Lower Level)	8 3:00pm Retirement System Board of Trustees (C)	9 7:00pm Parks & Recreation Board (Community Center) 7:30pm Library Board (Library)	10	11 12
13 7:00pm Liquor Committee (C)	14 7:30pm Historical Society (Community Center) 7:30pm Planning Commission-Regular (Council Chambers)	15 7:30am Downtown Development Authority (Lower Level) 7:00pm CATV 7:30pm Traffic Committee (Lower Level)	16 3:00pm Brownfield Redevelopment Authority	17	18 19
20 7:30pm City Council-Regular (Council Chambers)	21 7:30pm Board of Zoning Appeals (Council Chamber) 7:30pm Historic District Commission (City Hall)	22 7:00pm Troy Youth Council (Lower Level)	23	24	25 8:00am City Council Special Meeting - Strategic 8:00am Strategic Planning 26
27 7:30pm City Council-Regular (Council Chambers)	28 7:30pm Historical Commission (Museum) 7:30pm Planning Commission-Study (Lower Level)	29	30	31	

10/6 - PH Parking Variance Request: 2075-2085 W. Big Beaver
10/6 - PH Prelim Site Plan Approval & Amended Consent Judgement: Troy Commons, Sec 22

November 2003

November 2003

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December 2003

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
					November 1
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3 7:30pm City Council-Regular (Council Chambers)	4 Election Day 7:30pm Planning Commission-Study (Lower Level)	5 8:30am Building Code Board of Appeals (Lower Level) 7:00pm Adv Comm Pers w/Disabilities	6 10:00am Sr Citizen Advisory Committee (Community Center)	7	8
					9
10 7:00pm Liquor Committee (C)	11 10:30am Veteran's Day Ceremony (Veteran's Memorial Plaza) 7:30pm Historical Society (Community Center) 7:30pm Planning Commission-Regular	12 3:00pm Retirement System Board of Trustees (DPW)	13 7:30pm Library Board (Library) 7:30pm Parks & Recreation Board (Community Center)	14	15
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17 7:30pm City Council-Regular (Council Chambers)	18 7:30pm Board of Zoning Appeals (Council Chamber) 7:30pm Historic District Commission (City Hall)	19 7:30am Downtown Development Authority (Lower 7:00pm Troy Youth Council (Lower Level) 7:30pm Traffic Committee (Lower Level)	20	21	22
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24 7:30pm City Council-Regular (Council Chambers)	25 7:30pm Historical Commission (Museum)	26	27 Thanksgiving Holiday-City Offices Closed	28	29
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6.6

December 2003

December 2003

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January 2004

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Monday	Tuesday	Wednesday	Thursday	Friday	Sat/Sun
December 1	2	3	4	5	6
7:30pm City Council-Regular (Council Chambers)	7:00pm Tree Lighting Ceremony (City Hall) 7:30pm Planning Commission-Study (Lower Level)	8:30am Building Code Board of Appeals (Lower Level) 7:00pm Adv Comm Pers w/Disabilities	10:00am Sr Citizen Advisory Committee (Community Center)		7
8	9	10	11	12	13
7:00pm Liquor Committee (C)	7:30pm Historical Society (Community Center) 7:30pm Planning Commission-Regular (Council Chamber)	3:00pm Retirement System Board of Trustees (C)	7:30pm Library Board (Library) 7:30pm Parks & Recreation Board (Community Center)		14
15	16	17	18	19	20
7:30pm City Council-Regular (Council Chambers)	7:30pm Board of Zoning Appeals (Council Chamber) 7:30pm Historic District Commision (City Hall)	7:30am Downtown Development Authority (Lower Level) 7:00pm Troy Youth Council 7:30pm Traffic Committee (Lower Level)			21
22	23	24	25	26	27
	7:30pm Historical Commission (Museum)	Christmas Holiday-City Offices Closed			28
29	30	31			
7:30pm City Council-Regular (Council Chambers)		New Years Holiday-City Offices Cl			

6.6

c. Gary Shripka
Steve Vandette

G-07

September 16, 2003

ROAD COMMISSION for OAKLAND COUNTY
QUALITY LIFE THROUGH GOOD ROADS:
ROAD COMMISSION FOR OAKLAND COUNTY
"WE CARE"

Board of Road Commissioners

Richard G. Skarritt
Chairman

Rudy D. Lozano
Vice-Chairman

Larry P. Crake
Commissioner

Brent O. Bair
Managing Director

Gerald M. Holmberg
Deputy Managing Director
County Highway Engineer

31001 Lahser Road
Beverly Hills, MI
48025

248-645-2000

FAX
248-645-1349

TDD
248-645-9923

www.rcocweb.org

John Szerlag, Manager
City of Troy
500 West Big Beaver Rd.
Troy, MI 48084

RECEIVED
SEP 17 2003
CITY OF TROY
CITY MANAGER'S OFFICE

RE: 2030 REGIONAL TRANSPORTATION PLAN

Dear Mr. Szerlag:

One of the topics we covered during our strategic planning meeting with you a few months ago was the preparation of the 2030 Regional Transportation Plan (RTP). We showed you a colored map that indicated the projects that are currently in the 2025 RTP. We also noted the dotted lines on the map, which indicated candidates for addition to the 2030 RTP.

The Road Commission for Oakland County (RCOC), on behalf of the Southeast Michigan Council of Governments (SEMCOG), has completed the 2030 RTP for Oakland County. The 2030 RTP is the "blueprint" for transportation planning and is necessary to meet federal requirements in order to allow federal funds to be spent in Oakland County. The 2030 RTP is fiscally constrained by the funds available, and a public involvement plan was implemented to ensure meaningful input was received from local officials (our meeting), the public, and various transportation interest groups.

Unfortunately, we now find that due to project cost increases, we cannot accomplish all the projects in the 2025 plan by the year 2030, much less by 2025. In fact, three projects had to be totally dropped. The following provides the impact of this on your community and an explanation of why this happened.

The following RCOC projects in your community, which were included in the 2025 RTP, are no longer included in the 2030 RTP:

PROJECT	LOCATION	IMPROVEMENT
Livernois Rd.	Wattles to South Blvd.	Widen 2 to 5 lanes
Wattles Rd.	John R to Dequindre	Widen 2 to 5 lanes
Wattles Rd.	Rochester to John R	Widen 2 to 5 lanes

G-7

ROAD COMMISSION for OAKLAND COUNTY

QUALITY LIFE THROUGH GOOD ROADS:
ROAD COMMISSION FOR OAKLAND COUNTY
"WE CARE"

The projects are not included in the 2030 RTP for the following reasons:

1) The cost estimates for projects in the 2025 RTP were nearly five years old. Road improvement costs have increased substantially since the 2025 Plan was put together. The cost of right-of-way, for example, has gone up dramatically. These costs were updated, and with each project now costing much more, fewer projects could be included in the 2030 RTP.

2) Many projects in the 2025 RTP did not include funding for preliminary engineering, right-of-way acquisition, and construction phases. In the 2030 RTP, SEMCOG is requiring that all phases be included for each project, using updated costs. Therefore, fewer funds were available for additional projects in the 2030 RTP.

SEMCOG requires that the RTP be updated every five years, and RCOC will reevaluate the above projects when the next RTP is prepared. However, the above situation clearly indicates that Oakland County's road problems are going to get worse, especially in terms of congestion.

Sincerely,

Brent O. Bair
Managing Director

/lb

9/12/03

G-08

CHIEF-
WENDELL MOORE HANDLE THIS FOR THE DEPT. AND DOES A VERY GOOD JOB WITH IT.
Gary Mayer

FERRIS STATE UNIVERSITY

September 12, 2003

City of Troy Police Department
Captain Gary Mayer
Support Services
500 West Big Beaver Rd.
Troy,MI 48084

Dear Captain Mayer,

Please allow this letter to convey our sincere appreciation to you personally and to all the members of your agency who assisted in making the 2003 Ferris State University Criminal Justice Summer Internship Program a success. We feel that the internship program is an essential part of the student's education and without your cooperation the program would not be possible. We appreciate the considerable time and effort that you and your staff devoted to our intern(s).

We are constantly trying to improve the meaningfulness of the internship program with the ultimate goal of preparing the student for the real world. We would welcome any suggestions or comments from you or members of your agency relative to the operation of our internship program.

Once again, please accept our gratitude for your assistance with our internship program this year. We look forward to working with you again in the future.

Sincerely,

Terry M Nerbonne

Terry M. Nerbonne, Ph. D.
Internship Coordinator
School of Criminal Justice

RECEIVED
Chief of Police
9/16/03 CC

WENDELL MOORE

COLLEGE OF EDUCATION AND HUMAN SERVICES
SCHOOL OF CRIMINAL JUSTICE
1349 Cramer Circle, BIS 506, Big Rapids, MI 49307-2737
Phone 231 591-3652 or 231 591-5080 Fax 231 591-3792

September 29, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John M Lamerato, Assistant City Manager/Finance & Administration
Cindy Stewart, Community Affairs Director

SUBJECT: Mailing the 2004 Calendar/Annual Report

We are currently working with the printer to produce the 2004 City Calendar/Annual Report. Since this project has a short shelf life, we will mail it to all residents at the end of December. If you have any objections, please pass a resolution indicating such. Funds are available from the operating budget in the Community Affairs Department.

G-10

It shouldn't hurt to be a child

Crain's Detroit Best Managed Non Profit 1999

CHILD ABUSE AND NEGLECT COUNCIL OF OAKLAND COUNTY

44765 Woodward Ave.
Pontiac, Michigan
48341

Office: (248) 332-7173
CARE House: (248) 333-0999
Fax: (248) 333-1539
website:
www.carehouse.org

Board of Directors

John O'Brien
President

Diana Dietle
Vice President

Eileen Gordon
Treasurer

Carol Ragan
Secretary

Jerry Adams
Denise Alexander
Elaine Blouse
Deborah L. Carley
Vicki Celani
Michael Cotter
William Dwyer
Katie Farkas
Freeman Farrow, M.D.
Elyse Essick Foltyn
Darlene Jackson
Mitchell Klein
Cheryl Matthews
George J. Miller
Janice Morganroth
Julie Nelson-Klein
Thomas O'Brien
Hon. Wendy Potts
Laura Ragold
Richard Remstad
Elizabeth Robbins, Ph.D.
Hon. Kimberly Small
Mary Smyth, M.D.
Elizabeth Siver
Stephen Strome
Margaret C. Warner
James Windell

Patricia Rosen
Executive Director

September 22, 2003

Chief Charles Craft
Troy Police Department
500 W. Big Beaver
Troy, MI 48084

Dear Chief Craft,

It is my great honor to inform you of your election to the Board of Directors of the Child Abuse and Neglect Council of Oakland County. **The next meeting of the Board of Directors is Wednesday, October 29th at CARE House. The meeting begins at 5:30 p.m. Orientation will be held at 4:30 prior to the meeting. I hope you will be able to attend.** Please return the enclosed information sheet. We are currently updating our Board List.

The Council is celebrating 25 years of service to the community in 2003. The Agency recently completed a successful Capital Campaign to establish a new home for CARE House, the place where an abused child's healing can begin.

The mission of the Council is to be an advocate for the safety of all children and to be a leading resource in the prevention of child abuse and the protection of children through education, intervention, treatment and research, in collaboration with the community.

I have recently joined the Council as their Executive Director and I am humbled and honored to be involved with the organization and their mission.

Service to the Child Abuse and Neglect Council as a Board member include attendance at six Board meetings annually, participation on a committee and donations to the annual fund drive and attendance at fundraising events.

On behalf of the Board, staff and the many children we serve, we appreciate your commitment and look forward to working together.

Thank you for **"Believing it shouldn't hurt to be a child".**

Sincerely,

Pat

Patricia R. Rosen
Executive Director

RECEIVED
Chief of Police
9/25/2003

August 20, 2003 **National Purchasing Institute, Inc.**

Achievement of Excellence in Procurement®

P.O. Box 530669
Henderson, NV 89053-0669
Tel: (702) 260-7114 Fax: (702) 260-7052
www.nationalpurchasinginstitute.org

John M. Lamerato
Assistant City Manager/Finance & Administration
City of Troy
500 W Big Beaver Road
Troy, MI 48084

Subject: Achievement of Excellence in Procurement Award

Dear Mr. Lamerato:

In 1995, the National Purchasing Institute (NPI) established a program designed to recognize the achievement of organizational excellence in public procurement. The award is achieved by those organizations that demonstrate excellence in procurement by obtaining a high score on a rating of standardized criteria. The program is designed to measure innovation, professionalism, procurement, productivity, and leadership attributes of the procurement function. In addition to NPI, the Achievement of Excellence in Procurement is sponsored by the California Association of Public Purchasing Officers (CAPPO), Florida Association of Public Purchasing Officers (FAPPO), and the Institute for Supply Management (ISM).

It is my pleasure to notify you that the Procurement Department for the City of Troy has earned the Achievement of Excellence in Procurement Award for 2003.

According to the application, it was requested that the trophy would be mailed directly to the City of Troy. The trophy will be mailed in November 2003.

Congratulations on the Achievement of Excellence in Procurement Award.

Sincerely,

Wayne A. Casper, C.P.M.
Director of Procurement
City of Tucson
and
Chairperson
Achievement of Excellence in Procurement Award Committee

c: Jeanette Bennett, Purchasing Director
Achievement of Excellence in Procurement Award Committee

ISM™
institute for supply management

Certified Purchasing Manager - The Competitive Edge

ICLE

THE INSTITUTE OF CONTINUING LEGAL EDUCATION
The source Michigan lawyers trust

City of Troy
City Attorney's Office
OCT 1 2003 PM 1:50

Lynn P. Chard, Director

1020 Greene Street

Ann Arbor, MI

48109-1444

Toll free: (877) 229-4350

Toll free fax: (877) 229-4351

email: icle@umich.edu

http://www.icle.org/

September 26, 2003

Lori Grigg Bluhm
City of Troy City Attorney's Office
500 W Big Beaver Rd
Troy, MI 48084

Re: Land Use and Development 2003
Thursday, September 25, 2003
MSU Management Education Center, Troy

Dear Lori:

Thank you very much for taking part in the ICLE presentation **"Land Use and Development 2003"** course. We appreciate very much your participation in the program and the time and effort you devoted to preparing your materials and lecture.

I am enclosing a summary of the registrant evaluations turned in after the Troy presentation. As you can see, the registrants were generally very pleased both with the course and with your presentation.

Also enclosed is an expense voucher which you can use to claim reimbursement for any out-of-pocket expenses you may have incurred as a result of your participation in the program. Simply complete and return to me using the enclosed envelope. Please note that mileage is reimbursed at 32.5 cents per mile, and that the University requires original cash register or credit card receipts for all other expenses.

Thank you again for taking part in the course. I would be very interested in any comments you might have concerning the course, and also any suggestions you might have for future programs the Institute should present. We strive to present the topics that will be the most useful and of the highest possible quality for Michigan lawyers. Your thoughts would be very welcome.

Cordially,

Jeffrey E. Kirkey
Program Attorney

You did a great job on short notice!

JEK/ae

Enclosures

The State Bar of Michigan

The University of Michigan Law School

Wayne State University Law School

The Thomas M. Cooley Law School

Michigan State University Detroit College of Law

University of Detroit Mercy School of Law

Zoning Tools for Effective Planning and Development

Lori Grigg Bluhm
City Attorney, City of Troy

I. Introduction

In the area of zoning and planning, private property rights can be in conflict with a municipality's charge of stewardship of the environmental, cultural, and natural resources. According to the city and village zoning enabling statute (MCL 125.581), and the comparable township zoning enabling statute (MCL 125.271), government is charged with the following responsibilities:

- Meeting the community needs for food, fiber, energy, natural resources
- Providing adequate locations for residences, recreation, industry, trade, and services
- Insuring that land is situated in appropriate locations and relationships
- Limit inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities
- Facilitate adequate and efficient provisions for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs
- Promote public health safety and welfare

Zoning is the mechanism that facilitates the governmental mandates. However, there has historically been conflict between preservation of home rule and deference to the municipalities and the protection from overzealous regulation of property that results in unlawful takings of private property without compensation. There are a few tools that currently exist to preserve this delicate balance between municipal obligations and property rights. However, the Michigan Land Use Leadership Council has recently released a report that concludes that more tools are necessary to limit urban sprawl and enhance the future of the State of Michigan.

II. Consistency with the Master Plan

Municipalities (cities, villages, and townships) are required to adopt municipal master plans for the physical development of the municipality, pursuant to the provisions of

MCL 125.36. [1] Master plans have been described as a commitment to a coherent development plan for a neighborhood or community, which takes into account existing conditions and legitimate future expectations. [2] Master plans can include maps, plats, charts, and other descriptive or explanatory matter showing the recommendations for development of the land.[3] Under the revised statute MCL 125.36,[4] master plans must contain the following elements:

- General location, character, and extent of streets, viaducts, boulevards, parkways, bridges (R*ailroads, airports, bicycle paths, and pedestrian ways were added in 2001)*
- General location, character, and extent of waterways, flood plains, waterfronts, and open spaces (*Drainage was added in 2001 amendments)*
- General location, character, and extent of public buildings, public property, playgrounds, community centers and neighborhood units
- General location, character, and extent of water, light, sanitation, transportation, communication, power utilities and terminals, whether private or public (*Slightly modified in 2001 to specify sanitary sewers, water supply systems, pollution prevention facilities, public utilities and structures*
- General character, extent, and layout of re-planning and redevelopment of blighted areas (*Modified in 2001 to require recommendations as to the general character, extent and layout for redevelopment or rehabilitation of blighted areas)*
- Zoning plan for the control of the height, area, bulk, location, and use of buildings and premises
- Any changes, including removal, relocation, widening, narrowing, abandonment, change of use or extension of the above
- *Land use and plan program allocating land for agriculture, residences, commerce, industry, recreation, ways and grounds, public buildings, public schools, soil conservation, forests, woodlots, open space, wildlife refuges*
- *Recommendations for the implementation of proposals*[5]

Master plans are also required to follow a specified process of approval that guarantees both notification and also an opportunity for the public to comment on a proposed plan. In addition, the master plans must be approved by a 2/3 vote, providing an additional safeguard to municipalities.[6] The planning commission is the entity responsible for approving the plan unless the legislative body of the municipality, by resolution, has asserted the right to reject or approve the plan. [7]

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[1] Also see MCL 125.326, Section 6 for the provisions applicable to townships.
[2] *Troy Campus v. Troy*, 349 NW2d 177
[3] MCL 125.36 (version existing prior to 2001 amendment)
[4] *Italics represents modifications in 2001 amendments that apply to all plans adopted or amended after 2001*
[5] MCL 124.36 (3) and (4)
[6] MCL 124.37 (b) and MCL 124.38
[7] MCL 125.38, MCL 125.328

The master plan should be based upon "careful and comprehensive surveys and studies of present conditions and future growth … with due regard to its relation to the neighboring territory." [8] The statute specifies the master plan's purpose as:

> guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, the promotion of safety from fire and other damages, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements. [9]

The completion of a master plan requires the employment of a knowledgeable planning consultant, and some would argue a clairvoyant person, since the statute recommends that municipalities predict land use for a minimum of 20 years into the future.[10] However, once the master plan has been prepared and properly adopted, it is invaluable to a community. A master plan grants municipalities the ability to impose requirements on land development consistent with the plan, provided such requirements are not arbitrary or capricious. For example, a master plan can identify areas that contain environmental, cultural, and/or historical elements worthy of preservation. A review of the master plan would alert prospective purchasers of these areas of property to limitations on prospective development. A master plan can also identify limitations with the public infrastructure systems, which provide communities with an opportunity to limit development to the capacity of the utilities. Again, the master plan provides prospective purchasers of these under-serviced areas with notification that the density will be limited. The purchase price of the property is generally adjusted according to the maximum potential for development. Master plans also insure adequate buffers between inconsistent uses (eg. A buffer between residential and industrial property to minimize the effects of noise and odors the latter may have on the former). The existence of these buffers is again openly communicated when a master plan is adopted.

When the municipality has followed the guidelines to produce a supportable master plan with legitimate future expectations, then the entire community is subject to a comprehensive zoning scheme. Zoning consistent with the master plan should be upheld. Unfortunately, we do not live in such a utopian society. Owners of property who experience a limitation on the potential for development frequently challenge the master plan and/or zoning designations. For example, the City of Troy has unsuccessfully and disproportionately litigated challenges to the master land use plan or zoning that is

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[8] MCL 125.37
[9] MCL 125.37
[10] MCL 124.36 (4)

consistent with the plan. *Christine Building v. City of Troy*, 367 Mich. 508, 116 NW2d 816 (1962); *Roll v. City of Troy*, 370 Mich. 94, 120 NW2d 804 (1963); *Biske v. City of Troy*, 381 Mich. 611, 166 NW2d 453 (1969); *Troy Campus v. City of Troy*, 132 Mich. App. 441, 349 NW2d 177 (1984). The opinion of the three dissenters in the *Christine Building v. City of Troy* case provides an insightful review of the municipal challenges. In that case, the minimum lot sizes in the challenged district were larger than the minimum lot sizes in other districts. The larger lot size was due, in part, to anticipated sewage capacity limitations. Three judges wanted to preserve the minimum lot size of the subject parcels, since the lot sizes were an integral part of the master land use plan. An independent consultant, with excellent credentials, had prepared Troy's master land use plan with a view to the future. This planner speculated that Troy's population would substantially increase over a 50 year period, from 19,000 in 1962 to 134,000 in the year 2000. The planner determined recommended locations for schools, parks, streets, industrial areas, commercial areas, and residential areas. He took topography and utility capacity limitations into account before recommending larger lot sizes for certain areas in the City. The inclusion of larger and smaller residential lots furthered the goal of diversity, since many different income levels could be accommodated by the varying lot sizes. The estimated population growth of the City was calculated by taking the maximum number of residential units that would fit on the minimum lot sizes in the different districts of the City. If a court altered the minimum lot sizes set forth in the master plan by decreasing the minimum lot areas, the result is more homes and an increase in population. These increases in population would necessitate unexpected, but necessary additional parks, schools, roads, and public facilities. The municipal taxpayers would foot this bill, to the windfall benefit of the individual property owners.

Although in most cases, property is acquired with full knowledge of the limitations of development, many owners successfully argue alleged deprivation of property rights. These lawsuits pit individual property owners against municipalities, which are often portrayed with the characteristics of "Goliath" in the biblical battle with David.

It is generally true that zoning which is consistent with an adopted master plan is enforceable. Consistency with the approved master plan is therefore an essential element in the planning and development process. It is also important to keep plans up to date. Changes in circumstances require constant monitoring of plans to prevent the loss of credibility. [11] However, piecemeal challenges to the overall master plan have limited its effectiveness, which has forced governments and property owners to be innovative in limiting urban sprawl, preserving open space, providing affordable housing, or minimizing traffic. As a result, municipalities are turning to other methods of meeting their goals and/or mandates.

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[11] Clan Crawford, Jr., *Michigan Zoning and Planning (3rd edition)*, Section 10.10, p. 248

III. Agricultural Development Rights Agreements or Easements

One of the biggest causes of urban sprawl is the development of larger tracts of agricultural property. Owners of agricultural property are constantly being faced with financial pressures to sell their property for development. Development of these undeveloped tracts in a cookie cutter fashion is usually more profitable than farming. It is also much easier to construct the required utilities on virgin land than to deal with redevelopment or development of smaller, in-fill projects. The Michigan Land Use Leadership Council Summary of Recent Data on Land Use, prepared by Public Sector Consultants Inc., projects that two million acres of agricultural land will be lost between 2002 and 2020 if the current rate of loss continues at 10 acres/ hour. The Michigan legislature proposed the transfer of development rights as one solution to the injurious loss of agricultural land.

The farm land transfer of development rights is authorized by MCL 324.36103. In essence, in exchange for a state income tax credit, an owner of qualifying farmland [12] promises not to develop the land for a period of time. This promise is reduced to an agreement or easement, which is recorded with the register of deeds. The "public" is the beneficiary of the restricted covenant, and jointly holds (and controls) the right to development. The term of the agreement or easement must be a minimum term of 10 years. Although the agreement or easement runs with the land, it is not necessarily perpetual, since new agreements or easements shall not exceed 90 year terms. [13] In addition, a farmland development rights agreement can be terminated upon a mutual request from the landowner and the local governing body when agricultural production is no longer economically viable on the property. Early relinquishment of the development rights can also occur when it is in the best interest of the public, due to potential mitigation or dedication.

The dedication of development rights does not invalidate recorded liens or encumbrances on the property, and in fact become subordinate to any preexisting liens. [14] However, under the policies of the Michigan Department of Agriculture, an agricultural parcel that is subject to a lease agreement (parking or otherwise) or a rental agreement will not be approved.

Even though the property is essentially dedicated to the public for a period of time, the public does not have a right to access the property. Property that is covered by a farmland development rights agreement remains on the property tax rolls. [15] However,

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[12] Qualifying farmland is defined in MCL 324.36101 (h), and requires that at least 51% of the land is devoted to agricultural use. The land must be under single ownership, and must be at least five acres or support another farm, unless designated a specialty farm. If the acreage is less than 40, there must be a minimum income from agricultural production.

[13] MCL 324.36103 (1)

[14] MCL 324.36103 (3) and (4)

[15] MCL 324.36104 (12)

special assessments for sanitary sewers, water, lights, or non-farm drainage cannot be added to the property after execution of a development rights agreement or easement. [16]

An owner must apply for the transfer of development rights with the municipality that will be bound by the terms of the agreement. The application is then forwarded to the State Land use office for approval. [17] Both the local governing body and also the state attorney general have the ability to request injunctive relief to enforce a transfer of development rights agreement. [18]

In addition to the development rights agreements, the State of Michigan also provided for a purchase of development rights for agricultural property. Pursuant to MCL 324.36111 (10), agricultural land can be purchased using proceeds deposited in an agricultural preservation fund. The regulations of the agricultural preservation fund are found in MCL 324.36201 et. seq.

These tools to preserve farmland may be expanded as a result of the recent Land Use Council report recommendations to limit urban sprawl.

IV. Open Space Development Rights Easements

In connection with the farmland development transfer agreements, the Michigan legislature has also created an analogous open space development rights easement in MCL 324.36105 et. seq. This is more onerous than the agricultural component, however, since both houses of the Michigan legislature must approve any open space development rights easement after receiving the cost implications.

Open space development easements apply to only a limited number of properties that are deemed worthy of preservation. These properties include undeveloped historical sites that are recognized under state or federal law, undeveloped riverfront property, designated environmental lands, and any other area where preservation would conserve natural or scenic resources or enhance recreational opportunities. [19]

Owners seeking an open space development rights easement would initiate the request with the local governmental entity having jurisdiction over the property. In contrast to the agricultural development rights agreements, open space development rights easements are exempt from taxation. [20] In addition, the properties are also shielded from any special assessments imposed subsequent to the execution of an open space development rights agreement or easement. [21]

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[16] MCL 324.36108
[17] MCL 324.36104
[18] MCL 324.36114
[19] MCL 324.36101 (j)
[20] MCL 324.36105 (5)
[21] MCL 324.36108

V. Conservation Easements

Michigan lawmakers have also permitted conservation easements as a measure that encourages public trustees to prepare for the future, while simultaneously affording landowners to reap benefits from their properties. [22] MCL 324.2140 defines conservation easements as a restriction, covenant, or deed restriction that maintains property or a body of water "predominantly in its natural, scenic, or open condition, or in an agricultural, farming, open space, or forest use…" [23] Conservation easements must be recorded at the applicable county register of deeds, and the beneficiaries of the easement (a governmental entity, charity, or educational association) can enforce the provisions against current or subsequent owners. [24]

The grant of a conservation easement can result in state tax relief under the provisions of MCL 324.36109. Michigan law also allows for the purchase of conservation easements on farmland. [25] Local units of government may also qualify for state grants to purchase conservation easements. [26] Federal tax relief is also available for qualified conservation easement contributions, pursuant to Section 170 (h) of the Internal Revenue Code. [27] Under this provision, perpetual restrictions on real property made in furtherance of either historic or ecologic conservation qualify for this tax relief when dedicated to preservation organizations or local governmental units.

The City of Troy has utilized conservation easements as a method of preserving open space and natural features. A recently drafted conservation easement is attached as Exhibit A.

Preservation of open space is essential to the future of Michigan. The American Farmland Trust 2003 study, as referenced in the Michigan Land Use Leadership Council Summary of Recent Data on Land Use, references the economic benefits of preserving farmland. According to this report, Marshall Township, a community in Calhoun County, Michigan, expends $1.47 for required public services for every $1.00 in revenue. However, the open space land in that township results in expenditures of $0.27 cents for every $1.00 of generated revenue, and $0.20 cents for every $1.00 of generated revenue for commercial and industrial uses. [28] For these reasons, it is expected that additional measures for conservation will be introduced in the State of Michigan.

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[22] MCL 324.2140(a)

[23] MCL 324.2140 (a)
[24] MCL 324.2141
[25] MCL 324.36205
[26] MCL 324.36206
[27] 26 USCA Section 170 (h)
[28] Page 16 of the Michigan Land Use Report Summary of Recent Data on Land Use

VI. Historic Preservation

Historic preservation is a valid public purpose, according to the U.S. Supreme Court in *Penn Central Transportation v. City of New York*, 438 US 104 (1978). Historic preservation promotes an increased appreciation of the past, and is often a key feature of successful community planning and economic development. According to *Penn Central*, historic preservation fosters civic pride in the beauty and noble accomplishments of the past, enhances and protects a community's attractions to tourists and visitors, supports and stimulates business and industry and strengthens the economy of the community. Rehabilitation of historic areas revitalizes neighborhoods, decreases crime, increases local tax revenues from improved properties, and stimulates the economy with the increased use of consumer goods and construction services. Unfortunately, large numbers of historic structures, landmarks, and areas have been destroyed without adequate consideration of values or the possibility of preserving them in economically productive ways.

Some of the economically productive methods of preservation include favorable state and federal tax treatment. In order to receive this benefit, owners are generally required to register the property with a federal, state, or local historic registry that precludes alterations of structures without approval. Federal tax incentives for historic rehabilitation have been around for over 25 years and provide a dollar for dollar income offset for up to 20% of qualified rehabilitation expenditures, as long as the structure is listed on national registry or is otherwise of historical significance. This rehabilitation must be consistent with historical character of building and district where located. The federal and state rehabilitation tax credits are offered when a property owner returns a "property to a state of utility, through repair and alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its history, architecture and cultural value." (36 CFR Part 67) The federal government has also recently implemented the Civil War Preservation Trust program. Under this program, $10 million dollars for each of the next five years will be used to match preservation efforts of state, local, and private preservation groups to preserve civil war battlefields that are not currently owned by the federal government.

There are also programs and tax benefits under Michigan law. Historic preservation/conservation easements have already been discussed. [29] Pursuant to MCL 208.39c and 206.266, qualified taxpayers can claim a credit against qualified expenditures made for the rehabilitation of a historic resource (one in a designated local historic district, State Register of Historic Sites, or the National Register of Historic Places).

In addition to these historic preservation incentives, another method of achieving historic preservation is through the implementation of local historic districts. Zoning regulations that further historic preservation do not violate the 5th Amendment to the U.S.

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[29] MCL 324.2140

Constitution, as long as the property remains economically viable. *Penn Central Transportation v. City of New York*, 438 US 104 (1978).

Michigan's local historic districts act (MCL 399.301 et. seq.) is designed to "stabilize and improve property values, strengthen the local economy, safeguard a community's heritage, and foster civic beauty within the community". Communities that have adopted local historic districts can significantly impact local land use development and policy. Under Michigan law, local historic district commissions can regulate or restrict alterations, repairs, excavation, moving or demolishing historic resources that are designated as historic districts. [30] These regulations are required to be in conformance with the U. S. Secretary of the Interior's guidelines, as found in 36 CFR part 67.[31]

Historic districts are designated by a local government entity, after inventories and due process have been afforded. [32] Owners of historic districts do not retain a veto right over the inclusion of their property into historic districts. [33] The only exception to this rule is schools, since the Attorney General has opined that private and/or public school buildings are not subject to a local historic district ordinance.[34] In addition, the RILUPA (Religious Land Use and Institutionalized Persons Act of 2000) [35] may also have some impact on historic preservation of religious buildings. Under RILUPA, state or local governments are precluded from imposing or implementing a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person. Any other historic structures, including public structures, are subject to the local historic districts ordinances, if adopted.

If properties are located in local historic districts, there may be restrictions that would impact potential development. As such, the land use community should be cognizant of this zoning tool.

VII. Blight Elimination

Providing incentives for historic preservation and restoration is one method of eliminating blight, which generally occurs in older, run down houses that have not been regularly maintained. As a general rule, renters do not possess the same commitment to community pride and preservation, which is evidenced by the lack of maintenance and landscaping. This leads to further deterioration in the neighborhood, as explained in the "Broken Windows Theory," as described by George L. Kellng and Catherine M. Coles in *Fixing Broken Windows (1996).* In short, the presence of a broken window conveys apathy in the owner. This apathy is contagious, and spreads to other residents. The

[30] MCL 399.205
[31] MCL 399.205 (3)
[32] MCL 399.203
[33] OAG 1996, No. 6919, OAG 1997, No. 6952
[34] OAG 1997 No. 6957

[35] 42 USC Section 2000cc

spread of the apathy then leads to decline in the neighborhood too great for anyone to address. The residents abandon all hope for solutions to the accompanying increase in crime that predictably occurs with the deterioration of property. Gangs gravitate towards abandoned structures in areas that are neglected and abandoned, since apathetic neighbors will not interfere with their business.

Potential causes of blight can be addressed through the planning and zoning process. This is especially true in the areas that are not completely developed. In these areas, conformance with a properly adopted master land use plan ensures that inconsistent uses are in compatible locations, with appropriate buffers. The master land use plan can designate the best locations for the high density properties, industrial properties, commercial properties, and residential properties. The enforcement of zoning ordinances that are consistent with the master land use plan provides for orderly and efficient development that produces stability, a deterrent to future blight.

For the communities that are already developed, zoning ordinances provide some additional methods of eradicating blight. Municipalities also have the ability to limit the expansion of non-conforming uses through their zoning ordinances. This is important, since the goal of zoning is the eventual elimination of non-conforming structures or uses that are inconsistent with the orderly plan of development, as espoused in the master land use plan. However, the owners of these structures are reluctant to forfeit the benefits of maintaining non-conforming structures in their current locations. For example, commercial entities that are located in residentially zoned areas have an edge over their competitors. The taxes for residentially zoned property are generally lower. The initial capital investment for these properties is usually lower than for other commercial entities. The location of the business places them in close proximity to their customers. As a result of the long- term continuance of non-conforming structures or uses, these structures eventually become blighted due to neglect. In order to discourage perpetual non-conforming structures and/or uses, municipalities need to enforce provisions of zoning ordinances that limit expansion, improvement, and maintenance of such structures or uses.

Zoning ordinances also permit municipalities to enforce restrictions on abandoned vehicles, trash, and cutting grass and weeds. Justice Douglas has provided a powerful statement summarizing the need for municipalities to use their police powers to eradicate blight. He states:

> Miserable and disreputable housing conditions may do more than spread disease and crime and immorality. They may also suffocate the spirit by reducing the people who live there to the status of cattle. They may indeed make living an almost insufferable burden. They may also be an ugly sore, a blight on the community which robs it of charm, which makes it a place from which men turn. The misery of housing may despoil a community as an open sewer may ruin a river. *Berman v. Parker*, 348 US 26, 32-33 (1954)

In addition to zoning laws, there are also applicable nuisance laws and restrictive covenants that can eradicate blight. These methods are being actively pursued in the City of Detroit, and have been successful.

Another incentive for eliminating blight is to encourage redevelopment through flexible development. The Michigan legislature has explicitly authorized at least two development tools that can be used by municipalities to limit urban sprawl and encourage redevelopment of blighted areas. These topics are only summarily covered here, since other presenters will provide an in depth discussion of these innovative methods of land development. MCL 125.584 [36] authorizes the adoption of planned unit development ordinances. Under a planned unit development ordinance, municipalities can allow for mixed use development. Although this is a deviation from the traditional zoning, where there is a segregation of uses, this flexible approach encourages redevelopment of previously blighted areas, where the municipality determines that inconsistent uses can compliment each other as proposed. This utilizes the existing infrastructure, and prevents further expansion to previously undeveloped areas. The City of Troy has adopted a planned unit development, which is attached as Exhibit B.

Another flexible approach to development is the allowance of cluster zoning, which was recently mandated by the Michigan legislature. Pursuant to MCL 125.584f (cities and villages), MCL 125.286h (townships) and MCL 125.216h (counties), the passage of open space preservation statutes now allows developers to deviate from the traditional zoning regulations if the deviation results in additional open space.

VII. Conclusion

There is a need for immediate action to prevent urban sprawl from destroying our communities. Some tools have been provided, and others are anticipated, now that the public has been educated about the detrimental effects of the continuous expansion of development to the undeveloped areas in the State of Michigan. The rights of the property owners to sell their land for the greatest profit must be balanced against the very strong charge given to municipalities to protect our future. The legislature and also the courts must be cognizant of the benefits of deferring to local land use regulations and incentives. Unfortunately, the Michigan Supreme Court has hampered the municipal involvement in land use development. In *Pittsfield Charter Township v. Washtenaw County and Ann Arbor*, a July 9 2003 opinion of the Michigan Supreme Court, the majority held that a county does not need to comply with a township zoning ordinance. In *Charter Township of Northville v. Northville Public Schools,* the Michigan Supreme Court in August 2003 held that school districts were not required to comply with local zoning and planning ordinances. This is contrary to the suggestions in the recently released report of the Michigan Land Use Leadership Council, which encourages municipalities to tackle their responsibilities of responsible stewardship of the environment, and cultural and natural resources.

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[36] MCL 125.286 allows townships to adopt planned unit development ordinances, and MCL 125.216 enables counties to adopt similar provisions.

EXHIBIT A
SAMPLE CONSERVATION EASEMENT

CONSERVATION EASEMENT

On this _____ day of _____, 2001, PRATT BUILDING COMPANY (OWNER), a Michigan Corporation, with an address of 1080 North Opdyke, #200, Auburn Hills, MI 48326, hereby conveys and warrants a perpetual conservation easement to THE CITY OF TROY, (TROY) a Michigan municipal corporation, with an address of 500 W. Big Beaver Road, Troy, MI 48084. The subject Property is described as:

Part of lots 3 thru 8 of Big Beaver Poultry Farms, as recorded in Liber 23, Page 14, being part of the Southwest Quarter of Section 24, T.2N., R11E., City of Troy, Oakland County, Michigan, being described as:

Commencing at the South Quarter corner of Section 24; thence N.89°41'57"W.225.03 feet along the South line of Section 24; thence N.00°38'00"E.419.05 feet along the East line of Lot 3 of Big Beaver Poultry Farms to the point of beginning; thence N.89°42'45"W.539.82 feet; thence N.00°17'15"E. 30.00 feet to the North line of Lot 8 of Big Beaver Poultry Farms; thence S.89°42'45"E.540.00 feet along the North line of Lots 3 thru 8 to the Northeast corner of Lot 3; thence S.00°38'00"W.30.00 feet along the East line of Lot 3 of Big Beaver Poultry Farms to the point of beginning.

No monetary consideration will be provided to PRATT for this easement, and therefore the conveyance is exempt from Transfer Tax pursuant to MCL 207.505(a) AND 207.526(a).

The parties (OWNER and TROY and any successors in interest) agree as follows:

1. PRATT BUILDING COMPANY is the current OWNER of the property described above, and is committed to preserving the Conservation Values of the Property. OWNER agrees 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 Easement, and is committed to preserving the Conservation Values of the Property, and is committed to upholding the terms of this Conservation 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 desire to ensure that the Property will be perpetually preserved in its predominately natural, forested, and open space condition.

4. The parties agree that the purposes of this Conservation 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 OWNER, 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. 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. There is a reasonable possibility that the Conservancy may acquire other valuable property rights on nearby or adjacent properties to expand the Conservation Values preserved by this Conservation Easement.
   E. 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."

F. 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.

G. The Property provides vital corridor wetlands and upland wildlife habitats that serve as a connection for wildlife movement and create a natural "green way."

H. The Property contains significant natural habitat in which wildlife, plants, or the ecosystems that support them thrive in a natural state.

I. 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.

J. 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 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.

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 watercourses, 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 OWNER retains all ownership rights that are not expressly restricted by this Conservation Easement. This includes the right to sell, mortgage, bequeath, or donate the Property. Any conveyance will remain subject to the terms of the Conservation Easement and the subsequent OWNER 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 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 Easement. TROY may not, however, unreasonably interfere with OWNER'S use and quiet enjoyment of the Property. TROY has no right to permit others to enter the Property. The general public is not granted access to the Property under this Conservation 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 Easement or detrimental to the Conservation Values of the Property.

C. Right to Require Restoration. TROY has the right to require OWNER to restore areas or features of the Property that are damaged by any activity inconsistent with this Conservation Easement.

D. Signs. TROY has the right to place signs on the Property that identify the land as protected by this

Conservation Easement. The number and location of any signs are subject to OWNER'S approval.

10. The parties agree that TROY shall have the rights to enforce the terms of this Conservation Easement. A delay in enforcement shall not be construed as a waiver of TROY'S right to eventually enforce the terms of this Conservation Easement.

11. The parties agree that TROY shall not bring an action against OWNER for modifications to the Property resulting from causes beyond OWNER'S 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 OWNER'S well-intentioned action in response to an emergency resulting in changes to the Property. OWNER has no responsibility under this Conservation Easement for such unintended modifications.

12. The parties agree that if OWNER is in violation of this Conservation Easement, or that a violation is threatened, TROY shall provide written notice to OWNER. 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 Easement is, or is expected to be, violated, and TROY'S good-faith and reasonable efforts to notify OWNER are unsuccessful, TROY may pursue its lawful remedies to mitigate or prevent harm to the Conservation Values without prior notice and without awaiting OWNER'S opportunity to cure. OWNER agrees to reimburse all reasonable costs associated with this effort.

14. The parties further agree that if OWNER, within 28 days after written notice, does 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 Easement. In the case of immediate or irreparable harm, or if OWNER is 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 OWNER to restore the Property. If the court determines that OWNER has failed to comply with this Conservation Easement, OWNER 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 OWNER to enforce this Conservation 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 OWNER'S 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. OWNER agrees 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 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 Easement.

18. TROY is entitled to 60 Days written notice whenever its approval is required under this Conservation Easement. If TROY fails to respond within 60 Days after it receives the written request, then its approval shall be deemed given. This implied approval shall not extend to any activity contrary to this Conservation 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 OWNER must re-submit the written application to the Conservancy.

19. This Conservation 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 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 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. OWNER agrees to defend TROY and its directors, officers, employees and agents against such claims arising during the term of OWNER'S ownership of the Property.

22. OWNER warrants that OWNER has no knowledge of a release of hazardous substances or hazardous wastes on the Property. OWNER agrees to protect and defend TROY against any claims of hazardous materials contamination on the Property.

23. The parties agree that this Conservation Easement may be extinguished only by an unexpected change in condition that causes it to be impossible to fulfill the Conservation Easement's purposes. If subsequent circumstances render the purposes of this Conservation Easement impossible to fulfill, then this Conservation Easement may be partially or entirely terminated only by judicial proceedings. TROY will then be entitled to compensation in accordance with the provisions of IRC Treasury Regulations Section 1.170A-14(g)(6)(ii).

24. The parties agree that this Conservation 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. For purposes of this agreement, notices may be provided to either party by personal delivery or by mailing a written notice to the party (at the last known address of a party) by certified mail.

26. If any portion of this Conservation Easement is determined to be invalid, the remaining provisions will remain in force.

27. This Conservation Easement is binding upon, and inures to the benefit of, OWNER'S and TROY'S successors in interest. All subsequent OWNERS of the Property are bound to all provisions of this Conservation Easement to the same extent as OWNER.

28. The parties agree that a party's future rights and obligations under this Conservation 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.

29. This Conservation Easement will be construed in accordance with Michigan Law.

30. This Conservation 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)

OWNER:

_____

_____
Donald Pratt, President
PRATT BUILDING COMPANY

_____

STATE OF MICHIGAN)
)
COUNTY OF _____)

Acknowledged before me on this _____ of _____, of 2001, by

_____

Notary Public
_____County, Michigan
My commission expires:

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 2001, by Matt Pryor, Mayor of the City of Troy.

. _____

Notary Public
_____County, Michigan
My commission expires:

Acknowledged before me on this _____ of _____ , of 2001, 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:
Lori Grigg Bluhm (P46908)
City Attorney
CITY OF TROY
500 W. Big Beaver Rd.
Troy, MI 48084

EXHIBIT B
SAMPLE PUD ORDINANCE, CITY OF TROY

ARTICLE XXXV Planned Unit Development (PUD)

35.10.00 INTENT:

The intent of the PUD Option is to permit flexibility in the design and use of residential and non-residential land that, through the implementation of an overall development plan, will:

A. Encourage innovation and variety in design, layout, and types of land uses and structures;

B. Ensure the preservation of significant natural features and open space areas;

C. Achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and facilities;

D. Encourage a higher quality of development than can be achieved utilizing the requirements of the underlying zoning classifications;

E. Encourage the assembly of properties and redevelopment of outdated structures and areas;

F. Provide for enhanced housing, employment, recreation, and shopping opportunities for the citizens of Troy;

G. Ensure compatibility of developments with the design and function of neighboring sites;

H. Ensure development that is consistent with the direction of the Master Land Use Plan.

The provisions of this Article are not intended to be used as a device for avoiding the applicable zoning requirements. The use of the provisions of this Article to permit variations from other requirements of this Ordinance shall only be approved when such approval results in improvements to the

public health, safety, and welfare in the area affected, in accordance with this Intent Statement.

The PUD shall not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards.

The development permitted under this Article shall be considered as an optional means of development, and thus shall only be permitted when mutually agreeable to the developer and to the City Council.

35.20.00 DEFINITION

A "Planned Unit Development" is a development consisting of a combination of land uses wherein the specific development configuration and use allocation is based upon a comprehensive physical plan meeting the requirements of this Article. The predominant uses permitted within a Planned Unit Development shall be those consistent with the direction of the Master Land Use Plan. Other uses may, however, be permitted as a part of a PUD. Physical standards relating to matters such as building height and bulk, density, and setbacks are determined based upon the specific PUD plan presented, its internal design quality, and its compatibility with adjacent uses, rather than being based upon the specific standards contained in the underlying Zoning Districts or in those Districts within which the proposed uses otherwise occur. A Planned Unit Development plan, approved in accordance with the provisions of this Article, replaces the underlying Zoning Districts as the basis upon which the subject property is developed and its uses are controlled.

35.30.00 ELIGIBILITY:

In order to qualify for the Planned Unit Development Option, it must be demonstrated that the following conditions will be met:

A. The proposed development site shall be under a single ownership or control, and be capable of being planned and developed as one integral unit.

B. The proposed development site shall be limited in its location to one of the following areas:

1. The City Center Area, which is generally described as including the area lying between Crooks and Livernois Roads, extending north from the property on the south side of Kirts Boulevard to a point one-half mile north of Big Beaver Road, excluding developed single-family residential subdivisions.

2. Parcels on which the City Council determines, after a recommendation from the Planning Commission, that the flexibility of the PUD regulations would achieve a substantially higher quality of development than could be achieved under a conventional zoning approach. Factors related to development quality shall include, but shall not be limited to: overall site and building design, building materials, preservation of significant natural features, the

provision of a greater amount of open space and/or landscaped area, the provision of extensive pedestrian facilities and amenities, and the provision of facilities which enhance or replace those which would otherwise be provided by public entities (e.g. recreation, transportation, safety and security).

3. Parcels on which the City Council determines, after a recommendation from the Planning Commission, that extreme economic obsolescence exists, and that it would be extremely difficult to achieve economically sound development under a conventional zoning approach.

C. The applicant must show that a sufficient number of the following objectives, which would not be able to be accomplished without the use of the PUD, are met:

1. Provide development quality objectives such as those referred to in Section 35.30.00-B-2 above;

2. Provide a mixture of land uses that would otherwise not be permitted, provided that other objectives of this Article are met and the resulting development would promote the public health, safety, and welfare;

3. Provide a public improvement, or other facility used by the public, which could not otherwise be required, that would further the public health, safety and welfare, or protect existing or future uses from the impacts of the proposed uses.

4. Alleviate traffic congestion;

5. Provide for the appropriate redevelopment or re-use of sites that are occupied by obsolete uses;

6. Provide a complementary variety of housing types that is in harmony with the adjacent uses;

7. Promote the intent of the Master Land Use Plan.

35.40.00 <u>GENERAL DEVELOPMENT STANDARDS</u>:

Any land use authorized in this Zoning Ordinance may be included in a Planned Unit Development as a principal or accessory use, provided that:

A. The predominant uses within a Planned Unit Development shall be consistent with the intent of the Master Land Use Plan. Other uses may be permitted by the City Council, after a recommendation from Planning Commission, when such are determined to be consistent with the intent of this Article.

B. The applicant for approval of a Planned Unit Development shall demonstrate, to the Planning Commission and the City Council, that physical features of the proposed development, such as building height and bulk, setbacks, and development density are consistent or compatible with those of the adjacent properties.

C. Open space and landscaped areas are intended to be a primary feature of Planned Unit Developments. To this end, such developments shall provide substantially more open space area than that required for typical developments within the underlying Zoning Districts (e.g. fifteen (15) percent of non-residential site, vs. ten (10) percent requirement per Section 39.70.04). Specific interpretation of this standard shall be the responsibility of the City Council, after a recommendation from the Planning Commission.

D. Stormwater detention or retention shall be provided in open unfenced detention or retention basins, or in underground facilities. These basins shall be incorporated into the landscaping or open space plan for the site. Stormwater detention within parking lots shall not be permitted.

E. Parking shall be provided in order to properly serve the total series of uses within a Planned Unit Development, based on the provisions of Section 40.21.01. The City Council, after receiving a recommendation from the Planning Commission, may permit the sharing of parking among the various uses within a Planned Unit Development, and thus a reduction in the total parking provided, subject to the following conditions:

1. A finding by the City Council, based on technical information provided by qualified land use, parking, or traffic consultants, that the consequent reduction in off-street parking will not impair the functioning of the developments served, or have a negative effect on traffic flow on and/or adjacent to the sites served.

2. The execution of an Agreement between the developer benefiting from the shared parking and the City, setting forth the means by which additional parking, up to the minimum required by Section 40.21.01, will be provided, if and when such is determined to be necessary by the City.

F. It is intended that Planned Unit Developments will be implemented as a single coordinated and cohesive development project. If it is determined that the scale and nature of the project warrant phased or multi-stage development, the predominant uses established on the site shall be consistent with the intent of the Master Land Use Plan.

35.50.00 <u>SUBMITTAL REQUIREMENTS:</u>

Submittal requirements for Planned Unit Developments shall, as a minimum, follow the requirements found in Section 03.30.00 for Special Use Approvals which occur in conjunction with Site Plan Approvals.

35.50.01 Environmental Impact Statement, according to the provisions of Article VII of this Chapter, shall be submitted as a part of a Planned Unit Development application. The Preliminary Environmental Impact Statement shall be submitted with the application for Preliminary Plan Approval, and the Final Environmental Statement shall be submitted with the application for Final Plan Approval.

35.50.02 In the event that an applicant would wish to propose a Planned Unit Development wherein the predominant use or uses would not be consistent with the Master Land Use Plan, the applicant shall request that the Planning Commission consider an amendment to that Plan. This request and the supporting documentation may be submitted in advance of or simultaneous with the request for Preliminary Plan Approval. Action on an amendment to the Master Land Use Plan shall occur at or before the time of Preliminary Plan Approval.

35.60.00 APPROVAL PROCESS:

The review and approval of Planned Unit Developments shall occur in two stages; Preliminary Plan Approval, and Final Plan Approval.

35.60.01 Preliminary Plan Approval

Preliminary Plans for Planned Unit Developments shall be submitted to the Planning Commission, for review and recommendation to the City Council. Before making a recommendation to the City Council, the Planning Commission shall hold a Public Hearing on the proposal. Following their Public Hearing, the Planning Commission shall make a recommendation to the City Council on the Preliminary Plan for the proposed Planned Unit Development. A Public Hearing shall then be set for the City Council, at which time they will consider the proposal, along with the recommendations of the Planning Commission, the City staff, and other interested parties. The City Council shall then take action to approve, approve with conditions, or disapprove the Preliminary Planned Unit Development Plan. In the event of denial, the City Council shall set forth in their resolution the reasons for such action. The City Council's approval shall be effective for a period of one (1) year, during which time the petitioner is authorized to prepare and submit construction plans for site improvements, phasing plans, Planned Unit Development Agreements, and other documents necessary for Final Plan Approval.

35.60.02 Final Plan Approval

Final plans for Planned Unit Developments shall be submitted to the Planning Department for presentation to and review by the City Council, who shall have final authority for approval of such Final Plans. In conjunction with the application for Final Plan Approval, the applicant shall submit evidence of completion of the Final Site Plan Approval process in accordance with Section 03.40.00 of this Chapter. Following their review of the Final Plan, City Council shall take action to approve, approve with conditions, or disapprove the Final Planned Unit Development Plan. In the event of denial, the City Council shall set forth in their resolution the reasons for such action.

35.70.00 Standards for Approval of Planned Unit Developments

In considering applications for Planned Unit Developments, the Planning Commission and City Council shall make their determinations based upon the following standards:

35.70.01 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.

35.70.02 The proposed Planned Unit Development shall be consistent with the intent of the Master Land Use Plan.

35.70.03 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 relationships 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:

A. The bulk, placement, and materials of construction of the proposed structures and other site improvements.

B. The location and screening of vehicular circulation and parking areas in relation to surrounding properties and the other elements of the development.

C. The location and screening of outdoor storage, loading areas, outdoor activity or work areas, and mechanical equipment.

D. The hours of operation of the proposed uses.

E. The location, amount, type and intensity of landscaping, and other site amenities.

35.70.04 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, unless the project proposal contains an acceptable plan for the provision of such necessary additional facilities and services.

35.70.05 The Planned Unit Development shall be designed to minimize the impact of traffic generated by the proposed development on the surrounding uses and area.

35.70.06 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.

35.70.07 The proposed Planned Unit Development shall be in compliance with all applicable Federal, State, and local laws and ordinances.

35.80.00 PLANNED UNIT DEVELOPMENT AGREEMENT:

In conjunction with submittal to the Council of a request for Final Plan Approval for a Planned Unit Development, the applicant shall execute and submit one or more documents which shall serve as the Planned Unit Development Agreement. As a part of their Final Plan Approval action, the City Council shall authorize execution of this Agreement by the City. The PUD Agreement shall include, but shall not be limited to items such as the following:

1. A summary description of the nature and character of the proposed development, as to permitted uses and site improvements.

2. A statement of the conditions upon which Final Plan Approval by the City Council is based, with particular attention given to those conditions which are unique to the particular PUD Plan. These conditions can include matters such as, but not limited to, specific architectural standards, building elevations and materials, site lighting, pedestrian facilities, and landscaping.

3. A summary of the public improvements (streets, utilities, etc.) which are to be carried out in conjunction with the proposed development, along with financial guarantees, in a form acceptable to the City Manager, in order to ensure completion of those improvements.

4. A document ensuring the maintenance of any open space or common areas which will result from implementation of the PUD Plan (e.g. property owners association, conveyance to the City with maintenance deposit).

The Planned Unit Development Agreement shall be recorded in the office of the Oakland County Register of Deeds, referenced to the subject property.

35.90.00 Effect of Approval

Approval of a Planned Unit Development Plan shall constitute an amendment to the Zoning Ordinance. The area encompassed by a Planned Unit Development shall be depicted on the Zoning District Map, as a further notice of the unique nature of the development controls related to the property involved. Following Final Plan Approval for a Planned Unit Development, no use or development of the subject property may occur except that which is consistent with the approved Planned Unit Development Plan and Agreement.

35.95.00 Amendment or Abandonment of PUD Plan

35.95.01 Any proposed amendment of the Planned Unit Development Plan which alters the intent and conditions of Final Approval, shall be presented to and considered by the Planning Commission and the City Council at Public Hearings, following a procedure similar to that of Preliminary Plan Approval.

35.95.02 Planned Unit Development sites on which construction does not occur within a two (2) year period from the date of Final Plan Approval shall be considered abandoned, for the purposes of this Article. The applicant may request a twelve (12) month extension of Final Plan Approval, which will be considered and acted upon by the City Council following a Public Hearing. A written request for extension must be received by the City before the end of the two (2) year Final Plan Approval period.

Following any action to abandon the proposed Planned Unit Development, whether it be through failure to proceed or through formal notice of abandonment by the property owners or successors, the City Council shall take action to rescind their previous Final Plan Approval actions, and to invalidate any related Agreements. Evidence of such actions shall be recorded in the office of the Oakland County Register of Deeds, referenced to the subject property.

35.96.00 Appeals

The Board of Zoning Appeals shall have no authority in matters covered by this Article. Modifications to plans or proposals submitted under this Article shall be processed in accordance with the amendment procedures covered under Section 35.95.00.

35.97.00 Violations

Any violation of the approved PUD Final Plan or the PUD Agreement shall be considered a violation of the Zoning Ordinance, which shall be subject to the enforcement actions and penalties described in Section 02.50.00 of the Zoning Ordinance.

October 2, 2003

TO: The Honorable Mayor and City Council

FROM: John Szerlag, City Manager
John M. Lamerato, Assistant City Manager/ Finance and Administration
Charles Craft , Police Chief
Jeanette Bennett, Purchasing Director

SUBJECT: Report and Communication
Bidcorp On-Line Auction – Closing September 30, 2003
One (1) used Motorola Centracom Gold Elite Radio Console with Five (5) Workstations

Summary:

In compliance with Resolution #2002-12-644-E-9 which requires that final auction reporting be submitted to City Council, radio equipment was auctioned on-line through Bidcorp and closed Tuesday, September 30, 2003 at 11:42:10 a.m (EST).

The auction reserve was established at $15,000.00. The high bid was submitted by Grand Traverse County in the amount of $20,600.00. The City will be billed a 5% commission for the sale by Bidcorp. The following is the summary of the sale.

Total gross sales	$20,600.00
Costs: Auction Fee (5%)	$1,030.00
Net Income	**$19,570.00**

It should be noted that this is our first on-line auction. Due to the efforts of Police staff that found two (2) interested parties to bid on this item, the auction was very successful.

Jeanette Bennett

From: BidCorp.com Auction Manager [support@bidcorp.com]
Sent: Tuesday, September 30, 2003 11:42 AM
To: Auction Bidder; Auction Seller
Subject: End of Auction Notification

Dear auction participants,

Congratulations, this auction has successfully ended.

Item Titled: Radio Console System (number: 5005)

Final Price: $20600

Auction Ended: 9/30/2003 11:42:10 AM (EST)

Seller email address: bennettj@ci.troy.mi.us

Winning Bidder email address: kdeyoung@co.grand-traverse.mi.us

The buyer and seller should contact each other to arrange payment and delivery.

Winning Bidder Details
Name: Keith DeYoung
Address: 400 Boardman Ave.
City, State, ZIP: Traverse City, Michigan 49686
Phone: 2319224751

Thank you for using Bidcorp.com

BidCorp.com Revolutionizing the way government does business

Auction Details Logoff

Auction Details for Lot# 5005 (Auction Closed)

Title:	**Radio Console System**		
Category:	**Electronics**		
Currently:	**$20,600.00** (Reserve Met)	First bid:	**$15,000.00**
# of bids:	**4 bid history**	Location:	**Troy, Michigan**
Time left:	**Auction closed at 9/30/2003 11:42:10 AM**		
Started:	**9/25/2003 11:42:10 AM (EST)**		
Ends:	**9/30/2003 11:42:10 AM (EST)**		
Seller:	**City of Troy (troy)** view comments in seller's Feedback Profile | view seller's other auctions | ask seller a question		
High Bidder:	**kdeyoung**		
Payment Methods:	The Seller Accepts: Money Order COD		
Shipping Methods:	The Seller Will: will not ship to any location; item must be picked up.		

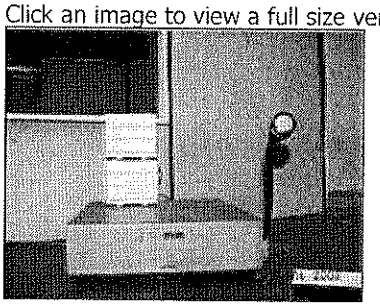
Description

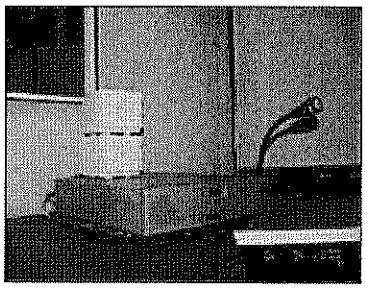
```
5 Each Gooseneck Microphones
5 Each Headset Jacks
5 Each Dual Footswitches
5 Each Auxilary Signaling input with PTT
5 Each NEC MultiSync XV 15+ color monitors
10 Each Desktop Speakers
10 Each Model BLN1423A Circuit Cards
4 Each Model BLN7061C Circuit Cards
1 Each Model BLN6654D Circuit Cards
17 Each Model BLN6664B Circuit Cards
12 Each Model BLN1165C Circuit Cards
2 Each Model BLN7011A Circuit Cards
8 Each Model BLN1196A Circuit Cards
9 Spare Cards
Computers:
1 -GX1 Pentium II
128 MB Ram
Onboard NIC and Sound
CD ROM Drive
Floppy Drive
WKS17685    (FKS72)
1-GX1 Pentium II
128 MB Ram
6GB Hard Drive
Onboard NIC and SOUND
CD ROM Drive
Floppy Drive
WKS18055   (359Y1)
1-GX1 Pentium II
128 MB RAM
10GB Hard Drive
```

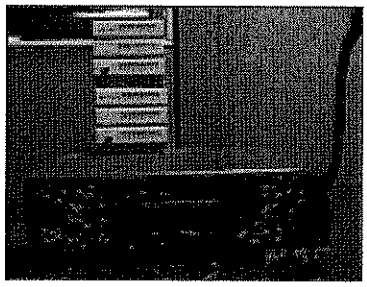
Onboard NIC and SOUND
CD ROM Drive
Floppy Drive
WKS17687 (FKS6X)
OR ALTERNATE AT THE CITY''S OPTION
1-GX1 Pentium III
128 MB RAM
10GB Hard Drive
On board NIC and SOUND
CD ROM Drive
Floppy Drive
WKS18057 (359Y7)
1-GX1 Pentium III
128 MB RAM
12GB Hard Drive
On board NIC and SOUND
CD ROM Drive
Floppy Drive
WKS18322 (8YU4A)
Miscellaneous:
Computers have been stripped of all operating software
Electronics boards and spares to support all functions
Additional equipment if located may be included
Racks with cards and power supply need to be disassembled
All equipment is to be removed from the City of Troy premises by the successful bidder at the bidder''s expense
Terms of Sale:
All items are sold "as is" and "where is". All sales will be final.
The City of Troy assumes no libility for inaccurate or erroneous descriptions contained in this announcement.
If a governmental entity is the successfull bidder, a tax exemption form will be required on or before the equipment is to be removed from the premises.
Payment is to be made before the equipment is removed from the City premises. The Treasurer''s Office is located at 500 West Big Beaver Road, Troy, MI 48084 and accepts cash, certified or cashier''s checks, or money orders.
If the successful bidders is another governmental entity, that entities'' check will be adequate form of payment.
PLEASE NOTE THE FOLLOWING:
The workstations and radio console were in working condition when taken out of service. Software for the (5) workstations is not included.
A license will be required from Motorola to use the radio system.

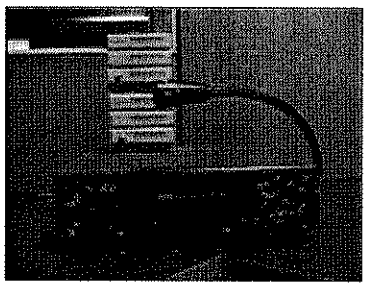
Images and Attachments

Click an image to view a full size version









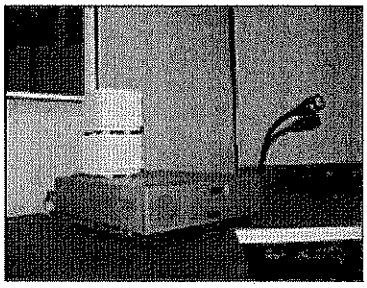
Place a Bid!
Auction is Closed.

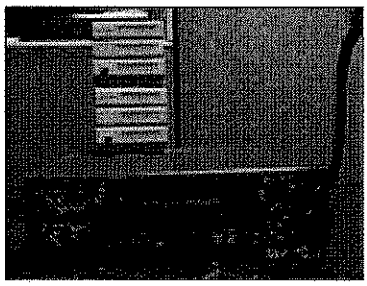
Bids Received for this Auction to Date

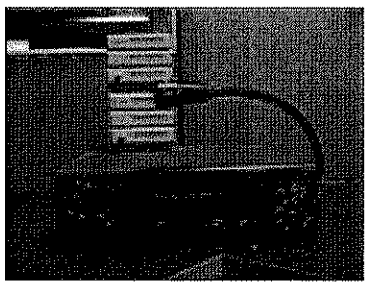
Bidder	Bid Date	Bid Amount
kdeyoung	9/30/2003	$20,600.00
nilespd	9/30/2003	$20,500.00
nilespd	9/30/2003	$15,200.00
nilespd	9/29/2003	$15,105.00

All bids are proxy bids. Earlier bids of the same amount take precedence.

Copyright © 2002 BidCorp.com, Inc., All Rights Reserved.
Phone (888)525-7971







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nilespd	9/30/2003	$15,200.00
nilespd	9/29/2003	$15,105.00

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TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: October 2, 2003
SUBJECT: Expired License Plate Ordinance

At the September 22, 2003 City Council meeting, Council adopted a revision to our expired license plate/ registration ordinance that changed the offense from a misdemeanor to a civil infraction. This change was consistent with a change in the state statute. At that time, there was some discussion about deviating from the state statutory definition of the offense in order to provide a grace period.

There are some state statutes that expressly provide for a grace period for traffic offenses. For example, under MCL 257.311, a person charged with driving without a valid operator's license on their person can present a valid license to a police officer, who then signs off on the ticket and submits it to the district court. Once the district court receives the certification from the officer, it is required to waive the fines and costs. There is still an admission of liability entered in the court records, but since this is a zero point offense, which is not reported to the Michigan Secretary of State, there are no additional ramifications.

Similarly, MCL 257.907 (9) mandates a waiver of fines and costs for defective equipment upon certification by a law enforcement agency that the defect is immediately repaired. MCL 257.907 (12) requires a waiver of fines and costs for persons cited for failing to have proper child restraints for children riding in a vehicle when a person presents proper child restraints to a police agency.

MCL 257.223 also requires Courts to waive civil fines, costs, and assessments when a person produces a valid registration certificate if previously stopped without one. Based on this, and also the fact that expired license plate/ registration is an offense that does not carry any points, it is my recommendation that no additional modifications be made to the ordinance at this time.

In addition to there being no points assessed for plate/ registration violations, there are similarly no repercussions under the new Driver Responsibility Fee Law, effective October 1, 2003. Under this law, enhanced driver license penalties are assessed when there are more than 7 points accumulated on a driver's record within two years. Additional penalties are also imposed for violations of other laws, but the plate/ registration offenses are not specifically included. In calculating the number of points on a driving record, the Secretary of State considers each incident separately. Following this, if there are three separate charges stemming from one incident, the number of points will be only for the one violation that receives the highest number of points. (MCL 257.320a)

If you have any additional questions, please let me know.

October 1, 2003

TO: The Honorable Mayor and City Council Members

FROM: John Szerlag, City Manager

SUBJECT: Proposed Study Topic: Parks and Recreation Fee Structure

Time permitting, I'd like to continue the discussion City Council engaged in relative to the Parks and Recreation fee structure. As you know, staff is going to proceed with the distributive approach to assessing fees for recreation programs. We now need to further review, and attain concurrence, for topics related to fees that are outlined below:

a) Special rates for youths and seniors
b) The desire or need for users to pay for exclusive use
c) Should the $2.7 million subsidy be a fixed amount or tied to a percentage of a mil?
d) What is the vision for quality-of-life issues as it relates to a low tax base, and what services should always continue to be funded by taxes?
e) Should we explore charging fees for park usage?
f) Should we look at a dedicated millage subject to voter approval for parks and recreation/quality-of-life issues?

Although this communication is part of the regular Council agenda, please make this the last item that's discussed before adjournment. This way, we'll have a sense of the potential for success of having study sessions following the first and third meetings.

JS/mr\AGENDA ITEMS\2003\10.06.03 – Proposed Study Topic

September 30, 2003

To: Honorable Mayor and City Council

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

Subject: Parks and Recreation Fee Structure

Over the past several months, information has been provided to City Council regarding the Parks and Recreation fee structure. This information was forwarded to Council to ensure agreement on the actions being taken by staff concerning fees.

At the September 22, 2003 meeting, a green memo was sent to Council. This memo outlined options for setting fees and indicated staff would proceed with the distributive approach to assessing fees for recreation programs. We now need to continue the discussion and obtain concurrence for topics related to fees that were discussed at the September 22, 2003 meeting, namely;

- Special rates for youths and seniors
- The desire or need for users to pay for exclusive use
- A fixed subsidy necessitates the need to change the way fees are charged.
- Maintaining the City and quality of life will necessitate changes to user fees and/or taxes.
- Taxes pay for some services and should continue to do so.

Using the distributive method when establishing fees will mean:

1) Some programs that currently have no fee will continue to have no fee
2) Some programs that currently have no fee will have a fee in the future (and recover full or partial costs)
3) Some programs that currently have a fee will have a higher fee in the future (and recover full or partial costs)
4) Some existing programs that have a fee or are offered at no cost may be eliminated if the program is no longer economically viable.
5) Programs that may be desirable may not be offered due to economic impacts.

Using the distributive method for setting fees will require staff to consider the market for programs, community value of the program or service, the practicality of fee collection as well as other consequences. This will effect many programs/services, however, some user groups that have been offered free programs or with a fee not covering the direct costs may

experience disproportionate increases compared to users that have been covering direct costs. Historically, senior programs have not covered program costs while youth programs/classes often cover program costs, therefore, increased fees in senior programs may be more frequent than youth programs. It should be noted, however, that not all youth programs cover direct costs and conversely, some senior programs cover costs. It is intended that those programs that are open to the public and where there is no exclusive use will likely have fewer increases than those with exclusive use.

Earlier this year, Walsh College students completed a study, Program Costing Study and Methodology, and found that indirect costs for the Parks and Recreation division are approximately eight percent. These indirect costs are those incurred by other City departments where there is no cost recovery. Indirect costs less than ten percent are considered very efficient.

With concurrence, staff will increase efforts to seek alternative sources of funding including grants and sponsorships.

Currently, fees are waived in part or whole for low-income youth residents for recreation programs (limited to one program/person/term). As part of a $5000 grant received from the Troy Community Foundation, 50% of the fee is waived for low-income seniors registering for a class (limited to one program/person/term).

The 2003-2004 budget was developed with the goal of the allocated subsidy ($2.7M) to recreation programs being met. The fiscal year end 2002-2003 shows the subsidy as greater than $2.7 million; therefore it is reasonable to expect operations to change for the 2003-2004 budget for the subsidy to be met.

In summary, staff recommends City Council approve the use of the distributive method when establishing fees for recreation programs, with the understanding that some programs will see increases in fees while others may not, that a fee waiver program for low-income residents continue under the present guidelines, and that programs and services offered may be modified now and in the future to meet the subsidy goal for the recreation division.

September 16, 2003

To: Honorable Mayor and City Council

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

Subject: Parks and Recreation Fee Structure

During the study session on February 24, 2003, the City Manager indicated that a goal for the recreation division is to keep the funding subsidy at the same level for future years. Council indicated that this should be an objective for City management. Information provided to Council stated that for fiscal year end 2002, the subsidy to the Parks and Recreation division was $2,705,164. Based on non-audited numbers in the 2002-03 budget, there is a shortfall of $245,044 in the subsidy. The 2003-04 budget reflects the ability to meet the subsidy, but thus far, revenues are not meeting projections. In development of the current budget, staff included fee increases to assist in achieving the recreation subsidy based on the distributive method as described below.

It is the goal of Council, city management and staff to maintain a low tax rate while maintaining the current level of service to residents. A way to accomplish this is to initiate fees or increase fees to participants/groups. This necessitates changes to the costs of programs/services offered. There are two options to consider when establishing fees:

1. **Distributive Method:** Staff would have the latitude required to implement fees to cover the direct costs of programs. Consideration will be given to: what the market will bear; user group (youth, disabled, senior citizen, able bodied working adults...); Administration of fee collection; value of program/service to community.

2. **Inflationary Method:** Initiate fees that cover only the inflation/increased costs of all programs from the 2001-02 audited budget figures. A different approach to the way fees are established will be required if this system is followed. We are now able to begin and end programs based on market value and public input. Some programs may be eliminated with this approach such as those where fee collection is impossible or where people would not pay for a service.

Listed below are some examples of free programs that may have a fee assessed (fee listed is approximate charge):

Program Area	Estimated Revenue
Community Center Audio Visual Equipment Rental – approved by council on May 12, 2003 (rates vary)	$2,500
Field Maintenance costs for youth organizations (Troy Baseball Boosters, Troy Youth Football, and Troy Youth Soccer League) – approved by council on September 8, 2003	$5,500
Brochure cost in Troy Today for groups not associated with the department – approved by council on September 8, 2003 (rates vary pending on space size)	$1,600
Senior Volleyball ($40)	$1,280
Senior Softball ($40)	$1,440
Community Center young adult basketball ($4 per person)	
Vendors at senior Health and Fitness Day ($75 per vendor)	$1,500
Senior Stretch and Tone and Chair exercise ($2 per class)	$4,000
Senior gardens ($20 per site),	$1,560
Senior newsletter ($10 per year)	$20,000
Adaptive newsletter ($10 per year)	$2,000

The cost to existing programs may also change as this is further analyzed.

In addition to implementing fees, we will be seeking additional alternative funding such as grants and sponsorships for programs such as concerts, special events, etc. Reducing expenses where possible is a high priority. Staff has been informed of the Manager's challenge regarding the subsidy. Some programs may also be eliminated to subsidy costs – Robinwood/Morse summer youth program, reduce summer concert series, etc.

Regarding the senior volleyball fee for this season, the following are expenses associated with the program: Entry Fees for two teams - $580; volleyballs - $132; gym costs at Community Center - $1260. Total expenditures are $1972. There are 16 players per team, total of 32 players for two teams. Actual direct cost per player, with no administrative fee, is $61.63. The fee of $40 per player would cover some of the direct costs – entry fees and volleyballs ($22.25), and minimal gym costs ($17.75). The department is still subsidizing this program by $692. Currently 28 of 32 players have registered and paid for the 2003-04 program, with department staff filling the remaining spots for players shortly. We will still re-examine the costs for Senior Volleyball and other youth/senior programs to see if a reduction can be made without jeopardizing other programs.

At the May 5, 2003 meeting City Council received a memo indicating the need to implement fees to meet this goal of keeping the funding level constant.

At the September 8, 2003 meeting City Council meeting received a memo indicating that fees would be charged for field maintenance and brochures costs to various organizations when there had been no charge for these services in the past. These fees were based on the distributive method.

Unless advised otherwise, staff will proceed with a distributive approach to assess fees for Recreation division programs.

September 3, 2003

To: Honorable Mayor and City Council

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

Subject: Assessment of Fees for Parks and Recreation Services to Outside Recreation Providers

During the study session on February 24, 2003 the City Manager indicated that a goal for the recreation division is to keep the funding subsidy at the same level for future years.

At the May 5, 2003 meeting, City Council received a memo indicating a need to implement fees to meet this goal.

Attached please find a sample letter to be sent to recreation providers/organizations outlying the assessment of fees by Parks and Recreation for services provided.

Included in the fees to be assessed beginning January 2004, are direct costs for Troy Today brochure information and a portion (20%) of maintenance fees associated with field preparation. The maintenance costs will be phased in over several years so the organizations can adjust to the expense.

Organizations being sent this letter include:

Troy Youth Soccer League
Troy Youth Football
Troy Baseball Boosters
Troy Daze Advisory Committee
Poseidon Swim Club
Troy Tennis Club
Travel athletic teams

Each organization will be charged different amounts based on the maintenance costs as well as brochure space used.