

AGENDA

Meeting of the

CITY COUNCIL OF THE CITY OF TROY

MARCH 3, 2008

CONVENING AT 7:30 P.M.

Submitted By
The City Manager

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

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: Phillip L. Nelson, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

This booklet provides a summary of the many reports, communications and recommendations that accompany your Agenda. Also included are suggested or requested resolutions and/or ordinances for your consideration and possible amendment and adoption.

Supporting materials transmitted with this Agenda have been prepared by department directors and staff members. I am indebted to them for their efforts to provide insight and professional advice for your consideration.

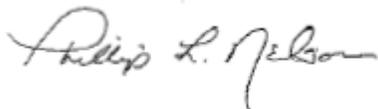
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

Goals

- I. Enhance the livability and safety of the community
- II. Minimize the cost and increase the efficiency and effectiveness of City government
- III. Retain and attract investment while encouraging redevelopment
- IV. Effectively and professionally communicate internally and externally
- V. Maintain relevance of public infrastructure to meet changing public needs
- VI. Emphasize regionalism and incorporate creativity into the annual strategic planning process

As always, we are happy to provide such added information as your deliberations may require.

Respectfully submitted,



Phillip L. Nelson, City Manager



CITY COUNCIL

AGENDA

March 3, 2008 – 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: Pastor Tom Lancaster – Woodside Bible Church 1

ROLL CALL 1

CERTIFICATES OF RECOGNITION: 1

A-1 No Presentations 1

CARRYOVER ITEMS: 1

B-1 No Carryover Items 1

PUBLIC HEARINGS: 1

C-1 No Public Hearings 1

POSTPONED ITEMS: 1

D-1 Preliminary Site Condominium Review – Brycewood Site Condominium, 9 Units/Lots Proposed, East Side of Evanswood Road, North of Square Lake Road, Section 1 – R-1D 1

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

PUBLIC COMMENT: Limited to Items Not on the Agenda **2**

REGULAR BUSINESS: **2**

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CALL TO ORDER:**INVOCATION & PLEDGE OF ALLEGIANCE: Pastor Tom Lancaster –
Woodside Bible Church****ROLL CALL**

- (a) Mayor Louise E. Schilling
Robin Beltramini
Cristina Broomfield
David Eisenbacher
Wade Fleming
Mayor Pro Tem Martin Howrylak
Mary Kerwin
- (b) Excuse Absent Council Members

CERTIFICATES OF RECOGNITION:

A-1 No Presentations

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings

POSTPONED ITEMS:

D-1 Preliminary Site Condominium Review – Brycewood Site Condominium, 9 Units/Lots Proposed, East Side of Evanswood Road, North of Square Lake Road, Section 1 – R-1D

Suggested Resolution

Resolution #2008-03-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** the preliminary site condominium plan, as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium, known as Brycewood Site Condominium, located on the east side of Evanswood, north of Square Lake Road, in Section 1, including 9 home sites, also including a 28-foot wide paved

street, terminating in a cul-de-sac, within a 40-foot private easement, within the R-1D zoning district, being 3.376 acres in size.

Yes:

No:

PUBLIC COMMENT: Limited to Items Not on the Agenda

Public comment limited to items not on the Agenda in accordance with the Rules of Procedure of the City Council, Article 16 - Members of the Public and Visitors.

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 in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 10“E” of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. 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. Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

NOTE: Any item selected by the public for comment from the Regular Business Agenda shall be moved forward before other items on the regular business portion of the agenda have been heard. Public comment on Regular Agenda Items will be permitted under Agenda Item 10 “E”.

E-1 Appointments to Boards and Committees: a) Mayoral Appointments: Brownfield Redevelopment Authority; Economic Development Corporation; and Planning Commission b) City Council Appointments: Advisory Committee for Senior Citizens; Board of Zoning Appeals; Cable Advisory Committee; Charter Revision Committee; Historic District Commission; Library Advisory Board; and Personnel Board

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 exceeds 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 black lines indicate the number of appointments required:

(a) Mayoral Appointments

Suggested Resolution

Resolution #2008-03-

Moved by

Seconded by

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

Brownfield Redevelopment Authority

Appointed by Council (7-Regular) – 3 Year Terms

Term Expires 04/30/11

Term Expires 04/30/11

Term Expires 04/30/11

Economic Development Corporation

Appointed by Council (9-Regular) – 6 Year Terms

Term Expires 04/30/16

Planning Commission

Appointed by Mayor (9-Regular) – 3-Year Terms

Unexpired Term 12/31/08

Yes:

No:

(b) City Council Appointments

Suggested Resolution

Resolution #2008-03-

Moved by

Seconded by

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

Advisory Committee for Senior Citizens

Appointed by Council (9-Regular) – 3 Year Terms

Term Expires 04/30/11

Term Expires 04/30/11

Term Expires 04/30/11

Board of Zoning Appeals

Appointed by Council (7-Regular) – 3 Year Terms

Term Expires 04/30/11

Term Expires 04/30/11

Cable Advisory Committee

Appointed by Council (7-Regular) – 3 Year Terms

Term Expires 02/28/11

Charter Revision Committee

Appointed by Council (7-Regular) – 3 Year Terms

Term Expires 04/30/11

Term Expires 04/30/11

Historic District Commission

Appointed by Council (7-Regular) – 3 Year Terms

Term Expires 03/01/11

***Historical Commission Recommendation** Term Expires 03/01/11

***Historical Society Recommendation** Term Expires 03/01/11

***Recommendations from Historical Commission & Historical Society expected at their March 11th, 2008 meeting.**

Library Advisory Board

Appointed by Council (5-Regular) –3 Year Terms

Term Expires 04/30/11

Term Expires 04/30/11

Personnel Board

Appointed by Council (5-Regular) – 3 Year Terms

Term Expires 04/30/11

Term Expires 04/30/11

Yes:

No:

E-2 Planning Department Proposed Fee IncreasesSuggested Resolution

Resolution #2008-03-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** the following revisions to the Planning Department Fees as recommended by City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, and said fee revisions shall apply to applications submitted after April 1, 2008:

SERVICES:

Item	Current Fee	Proposed Fee
Rezoning Request	\$1500	\$1800
Conditional Rezoning Request	\$2300 (\$1500 rezoning request + \$800 site plan review)	\$2800 (\$1800 rezoning request + \$1000 site plan review)
Final Site Plan Review	\$100	No change
Site Plan Review	\$800	\$1000
Final Site Plan Review	\$100	No change
Site Plan Renewal (before expires)	\$500	No change
Special Use Request	\$1500	\$1800
Special Use Request Renewal (before expires)	\$500	No change
Final Site Plan Review	\$100	No change
Zoning Text Amendment	\$1000	\$1500
Street Vacation Request	\$400	\$500
Zoning Compliance Letter	\$100	No change
P.U.D. - Pre Application Meeting	No Fee	No change
P.U.D. - Concept Development Plan Review	\$1500.00	\$3000.00
P.U.D. - Preliminary Development Plan Review	\$1500.00	No change
P.U.D. – Final Development Plan Review	\$100.00	\$500.00
P.U.D. Consultant Fees	Direct reimbursement of ALL Planning Consultant	No change

Item	Current Fee	Proposed Fee
P.U.D. Consultant Fees	Direct reimbursement of ALL Planning Consultant	No change
P.U.D. Compliance Inspection	No fee	\$100/hour
Subdivision Approval Renewal (before expires)	\$500 plus \$10 per lot	No change
Site Condominium - Preliminary Site Plan Review	\$500 plus \$10 per unit	\$1000 plus \$10 per unit
Site Condominium – Final Site Plan Review	\$100 plus \$10 per unit	No change
Site Condominium Approval Renewal (before expires)	\$500 plus \$10 per unit	No change
Public Hearing Re-Notification	\$300 per public hearing	No change
Site Plan Compliance - Re-Inspection	No Fee	\$100 per hour

Yes:

No:

E-3 Museum Education Programs and Facility Rentals Proposed Fee Increases

Suggested Resolution

Resolution #2008-03-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** the following revisions to the Museum Education Programs and Facility Rental Fees as recommended by City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, and said fee revisions shall apply as of July 1, 2008:

MUSEUM / Education Programs:			
*Troy School District Programs		CURRENT	PROPOSED
	½ Day, per student	\$3.00	\$3.50
	Full Day, per student	\$5.00	\$5.50
*Out of District Programs			
	½ Day, per student	\$4.00	\$4.50
	Full Day, per student	\$6.00	\$6.50
*Day Care/Private School Programs			
	½ Day, per child	\$4.00	\$4.50
	Full Day, per child	\$6.00	\$6.50
*Student residents of Troy will be accorded the Troy School District Fee.			
MUSEUM / Facility Rentals:			
	Village Grounds & Buildings (Excludes Church)	Village Grounds & Church	
Wedding Ceremony Fees:			
	CURRENT/PROPOSED	CURRENT/PROPOSED	
Resident	\$250.00 /\$350.00	\$350.00 /\$450.00	
Non-resident	\$350.00 /\$450.00	\$450.00 /\$550.00	
Security Deposit	\$200.00/No Change	\$200.00/No Change	
Fee for Wedding Photos on the Green:			
Resident	\$50.00/ No Change	\$100.00/No Change	
Non-resident	\$100.00/No Change	\$150.00/No Change	
Security Deposit	\$50.00/No Change	\$50.00/No Change	
Rental Fees for Meetings and Occasional Events:			
Location	Troy Org.	Non-Profit Org.	Non-Troy Org.
Museum Building	\$50.00 per hr / No Change	\$50.00 per hr / No Change	\$100.00 per hr / No Change
Village Green	\$50.00 per hr / No Change	\$50.00 per hr / No Change	\$100.00 per hr / No Change

Yes:

No:

E-4 Proposed Amendments to Chapter 60, Fees and Bonds Required

Suggested Resolution

Resolution #2008-03-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AMENDS** Chapter 60, Section 60.03, to reflect a new fee schedule for Chapter 93, Fire Department Fees, and one fee change in Chapter 41, Planning Department Fee as listed below:

FIRE DEPARTMENT FEES (Chapter 93)	
Permit Fee: Exhibit, Craft, Trade Show	\$50.00 \$60.00
Permit Fee: For public display and the retail display & sale of fireworks	\$100.00- \$125.00
Hazardous Material Permit Fees	
Based on Quantity & Form	
0-1,000 LBS.; 0-100 CU. FT; 0-330 GAL	\$150.00 \$175.00
1,001-20,000 LBS; 101-6,000 CU.FT; 331-990 GAL	\$300.00 \$350.00
20,001+ LBS.; 6,001 + CU. FT.; 991 + GAL	\$600.00- \$700.00
Permit Fees cover initial plan review and 2 inspections	
Note: Subsequent plan reviews and inspections of the same system shall apply to each inspector performing the re-inspection	\$50.00 \$60.00
Sprinkler Systems	
Riser(s) & Sprinkler Heads	
1-10 Heads	\$75.00 \$90.00
11-20 Heads	\$100.00 \$125.00
21-50 Heads	\$125.00 \$150.00
51-100 Heads	\$175.00 \$210.00
101-200 Heads	\$250.00 \$300.00
201-300 Heads	\$330.00 \$390.00
301-400 Heads	\$430.00 \$510.00
401-500 Heads	\$500.00 \$600.00
500 - > Heads	\$550.00* \$660.00
*Plus \$0.50 \$0.060 per head over 500	
Standpipes	\$50.00** \$60.00
**Base Fee plus \$5.00 \$7.00 per hose connection	
Fire Pump	\$100.00 \$125.00
Dry or Wet Chemical Fire Suppression Systems – Per System	\$100.00 \$125.00
Each additional system reviewed at the same time	\$50.00 \$60.00
Alterations, additions, or modifications to existing system	\$35.00 \$45.00
Total Flooding Agent Extinguishing System	\$100.00*** \$125.00
***Plus Appropriate Detection System Fee	
Permit Fees: Subsequent Plan Reviews and Inspections of the Same System	\$50.00 \$60.00

Fire Alarm and Detection Systems	
Device	
Control Panel	\$50.00 \$60.00
Central Station Connection	\$25.00 \$30.00
Fire Initiating Device (Smoke Detector, Heat Detector, etc.)	\$15.00 \$20.00
Each Additional Initiating or Auxiliary Control Device	\$5.00 \$7.00
First Auxiliary Control Device (Control Switch, Relay, etc.)	\$15.00 \$20.00
Each Additional Auxiliary Control Device	\$5.00 \$7.00
First Audio/Visual Device (Horn, Speaker, Bell Strobe, etc.)	\$15.00 \$20.00
Each Additional Audio/Visual Device	\$5.00 \$7.00
First Communication Device (Firefighter Phone, etc.)	\$15.00 \$20.00
Each Additional Communication Device	\$5.00 \$7.00
Exception: One and two family residential alarm systems must meet the requirements of the Troy Building Department	
Other System or Device	\$25.00
Additional Fees	
Each Re-inspection: During Normal Working Hours	\$50.00 \$60.00 each
Each Re-inspection: During Non-working hours with a minimum assessment of three hours	\$75.00 \$90.00 per hour each
Cost Recovery – Hazardous Materials Cost Recovery – Fires	See Recovery Charges Fee Schedule in Section 60.04
Planning Department Fees (Chapter 41)	
Subdivision Tentative Preliminary Plat	\$500 plus \$10.00 per lot \$1,000 plus \$10.00 per lot
Subdivision Final Preliminary Plat	\$100 plus \$10.00 per lot
Subdivision Final Plat	\$100 plus \$10.00 per lot

Yes

No:

E-5 Traffic Committee Recommendations – February 20, 2008Suggested Resolution

Resolution #2008-03-

Moved by

Seconded by

(a) No Changes at Candace and Carlson ParkRESOLVED, That there be **NO CHANGES** at Candace and Carlson Park.

(b) No Changes at Thistle and Walden

RESOLVED, That there be **NO CHANGES** at Thistle and Walden.

(c) Rescind Traffic Control Order #87-4-P and Issue New Traffic Control Order for Parking Restrictions at the Troy Public Library

RESOLVED, That Traffic Control Order #87-4-P be **RESCINDED**, and Traffic Control Order No. _____ be **ISSUED** for 15-minute and 2-hour parking restrictions at the Troy Public Library, as shown on the attached sketch.

Yes:

No:

CONSENT AGENDA:

The Consent Agenda includes items of a routine nature and will be approved with one motion. That motion will approve the recommended action for each item on the Consent Agenda. Any Council Member may ask a question regarding an item as well as speak in opposition to the recommended action by removing an item from the Consent Agenda and have it considered as a separate item. Any item so removed from the Consent Agenda shall be considered after other items on the consent portion of the agenda have been heard. Public comment on Consent Agenda Items will be permitted under Agenda Item 12 "F".

F-1a Approval of "F" Items NOT Removed for Discussion

Suggested Resolution

Resolution #2008-03-

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 (F) items, as printed.

Yes:

No:

F-1b Address of "F" Items Removed for Discussion by City Council and/or the Public**F-2 Approval of City Council Minutes**

Suggested Resolution

Resolution #2008-03-

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of February 18, 2008 and the Regular City Council Meeting of February 20, 2008 be **APPROVED** as submitted.

F-3 Proposed City of Troy Proclamation(s): None Submitted

F-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 3: Exercise Renewal Option – Asphalt Paving Material

Suggested Resolution
Resolution #2008-03-

WHEREAS, On March 5, 2007, one-year contracts for Asphalt Paving Materials was awarded to the low bidders, Barrett Paving Materials, Inc. of Troy, MI, Surface Coatings Company of Auburn Hills, MI, and Ajax Materials Corporation of Troy, MI (Res #2007-03-075-E4c); and

WHEREAS, The contracts contain an option to renew for one additional year and all three awarded bidders have agreed to exercise the renewal under the same prices, terms, and conditions;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the options to renew these contracts are hereby exercised with Barrett Paving Materials, Inc of Troy, MI, and Surface Coatings Company of Auburn Hills, MI, as primary suppliers and Ajax Materials Corporation of Troy, MI, as a secondary supplier to provide one-year requirements of Asphalt Paving Materials under the same prices, terms, and conditions as the original contract expiring March 31, 2009.

b) Standard Purchasing Resolution 4: MITN Purchasing Cooperative – Turnout Gear

Suggested Resolution
Resolution #2008-03-

RESOLVED, That Troy City Council hereby **APPROVES** a three-year cooperative contract to purchase turnout gear for the Troy Fire Department with an option to renew for one (1) additional year from the sole bidder, Apollo Fire Equipment Company of Romeo, MI, through the City of Rochester Hills bid process and extended to the MITN Purchasing Cooperative at prices contained in the bid tabulation opened June 26, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting with a contract expiration of July1, 2010.

c) Standard Purchasing Resolution 4: National Intergovernmental Purchasing Alliance (NIPA)

Suggested Resolution
Resolution #2008-03-

RESOLVED, That Troy City Council hereby **AUTHORIZES** participation in the National Intergovernmental Purchasing Alliance Program (NIPA) and for administration to approve purchases over \$10,000.00 for operating expenditures under this program, while “Capital”

purchases over \$10,000.00 continue to be presented for Troy City Council review and pending approval.

F-5 Donation of Obsolete Self-Contained Breathing ApparatusSuggested Resolution

Resolution #2008-03-

RESOLVED, That Troy City Council hereby **APPROVES** the donation of obsolete fire department Survivair Sigma self-contained breathing apparatus, air cylinders, and face pieces to the Oakland Fire Training Institute.

F-6 Library HVAC Rooftop Replacement UnitsSuggested Resolution

Resolution #2008-03-

RESOLVED, That Troy City Council hereby **AUTHORIZES** City staff to replace the HVAC rooftop units at the Troy Public Library for an estimated \$91,550.00, in accordance with Appendix I, Detailed Pricing, utilizing in-house personnel, approved contracts, and standard purchasing procedures.

F-7 Approval of Subcontract No. 07-5734/S1 with Spalding DeDecker Associates, Inc. for Construction Engineering Services for the Reconstruction of Project No. 02.201.5Suggested Resolution

Resolution #2008-03-

RESOLVED, That Troy City Council hereby **APPROVES** Subcontract No. 07-5734/S1 between the City of Troy and Spalding DeDecker Associates, Inc. for Construction Engineering Services for the Stephenson Highway Reconstruction Project, from 14 Mile to I-75, Project No. 02.201.5 and **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-8 Renewal of Membership in the Traffic Improvement Association (TIA) of Oakland CountySuggested Resolution

Resolution #2008-03-

RESOLVED, That Troy City Council hereby **APPROVES** the renewal of City of Troy's membership in the Traffic Improvement Association for the year 2008, in the amount of \$25,200.00 and funds are available in the 2007-2008 Traffic Engineering budget, Account No. 446.7958.

F-9 Amber Creek East Apartments v. City of TroySuggested Resolution

Resolution #2008-03-

RESOLVED, That Troy City Council hereby **AUTHORIZES** and **DIRECTS** the City Attorney to represent the City of Troy in any and all claims and damages in the matter of *Amber Creek East Apartments v. City of Troy* (District Court Case No. C00-415 GZ 01 and Oakland Court Circuit Court Case No. 08-DA8750 AV); and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City.

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**G-1 Announcement of Public Hearings: None Submitted****G-2 Memorandums: None Submitted****COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda****H-1 Council Member Broomfield Recommendation to Amend City Council Rules of Procedures Rule Number 15 – Appointments**Suggested Resolution

Resolution #2008-03-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AMENDS** City Council Rules and Procedures Rule Number 15 as follows:

15. APPOINTMENTS**A. Appointments to Boards, Commissions and Committees:**

The Mayor shall, with City Council concurrence, appoint members of Boards or Committees as governed by State Statute or local ordinances.

The Mayor Pro Tem will contact incumbents to determine their interest in being nominated for reappointment.

The Mayor or any Council Member desiring to nominate a person for appointment to a Board, Commission, or Committee shall at the meeting prior to the appointment, submit such name, into nomination, ~~along with a~~ **A** brief summary of background and personal data as to nominee's qualifications should be presented at the time of nomination, except that such a resume shall not be required for the re-nomination of a

current member, or if the Council unanimously agrees that a resume is not necessary. Resumes will be submitted on or before the time of voting.

Nominations will occur during any regular meeting of the Council. A resolution to nominate will be considered during the "Regular Business" of the agenda. All nominations are subject to Section "B" which appears below.

B. Method of Voting on Nominees.

1. Where the number of nominees does not exceed the number of positions to be filled, a roll call vote shall be used.
2. Where the number of nominations exceeds the number of positions to be filled, voting shall take place by the City Clerk calling the roll of the Council and each Council Member is to indicate the names of the individuals he/she wishes to fill the vacancies
3. When no candidate receives a majority vote, the candidate(s) with the least number of votes shall be eliminated from the ensuing ballot.
4. No member of the City Council shall serve on any committee, commission or board of the City of Troy, except the Retirement System Board of Trustees, unless membership is required by Statute or the City Charter.
5. Persons nominated, but not appointed during this process will be sent a letter thanking them for their willingness to serve the community.
6. Recognition will be given to persons who have concluded their service to the community on Boards and Commissions.

Yes:

No:

H-2 Council Member Eisenbacher Proposed Resolution for Responsible Support of the New Troy Library

Suggested Resolution

Resolution #2008-03-

Moved by

Seconded by

WHEREAS, The State of Michigan and the County of Oakland and City of Troy are facing tremendous economic challenges due to a significant downturn in the Michigan economy;

WHEREAS, The Troy City Council recognizes the economic distress facing many families, individuals, businesses, organizations, and charities, many of whom are affected within the City of Troy, by the devastating and negative impact brought about by the adjusting economy in the State of Michigan;

WHEREAS, Businesses and families are making cutbacks in their budgets and cost of living and the Troy City Council recognizes that government on all levels should and will have to reduce expenditures to do its part in the present day atmosphere;

WHEREAS, Oakland County and City of Troy in the last 24 months have had the highest foreclosure rates on homes not seen in the last 50 years. Individuals and families are leaving the state of Michigan at a very high rate due to the economic condition and loss of jobs and businesses;

WHEREAS, It is important to maintain the City of Troy's low tax rate to provide a stable economic environment and recognizing that low tax rates are important for attracting and retaining businesses and homeowners within Troy in these competitive times; and

WHEREAS, A new or an expanded public library seems to be one of the public priorities at this time and recently the Troy Public Library has been ranked second in Michigan for public libraries of all sizes based on nationally gathered statistics;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DIRECTS** the City Manager and City Staff to prioritize existing revenues toward new or expanded library facilities from the existing budgets over the next 5 to 15 years to accommodate funding for a new library; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Manager and City Staff to also work to seek revenue sources outside of a City of Troy tax increase such as public or private grants, public-private partnership, donations, and other creative revenue sources; and

BE IT FURTHER RESOLVED, That Troy City Council **WILL NOT ASK** its Taxpayers for a new tax increase to fund a new Troy Public Library.

Yes:

No:

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

REPORTS:

J-1 Minutes – Boards and Committees:

- a)** Historic District Study Committee/Final – December 4, 2007
- b)** Employees' Retirement System Board of Trustees/Final – January 9, 2008
- c)** Board of Zoning Appeals/Final – January 15, 2008
- d)** Downtown Development Authority/Draft – January 16, 2008
- e)** Traffic Committee/Final – January 16, 2008
- f)** Planning Commission Special/Study/Final – January 22, 2008
- g)** Planning Commission Special/Study/Final – February 5, 2008
- h)** Building Code Board of Appeals/Draft – February 6, 2008

J-2 Department Reports:

- a) Police Department – 2007 Year End Calls for Police Service Report
 - b) City of Troy Monthly Financial Report – January 31, 2008
-

J-3 Letters of Appreciation:

- a) Letter of Thanks to the Troy Police Department from Nancy Negohosian, Vice President HMS Products, Regarding Response Time and Quality of Officers
 - b) Letter of Thanks to Sgt. Clark from Kathie Kryla
 - c) Letter of Thanks to Captain Murphy from Tina Rowley Regarding Leadership Oakland
-

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

J-5 Calendar

J-6 Communication from City Attorney Lori Grigg Bluhm Regarding Kocenda v. Troy et. al.

J-7 Communication from City Attorney Lori Grigg Bluhm Regarding International Transmission Company's (ITC) Application for Certificate of Public Convenience and Necessity

J-8 Official Statement Relating to City of Troy General Obligation Unlimited Tax Refunding Bonds, Series 2008

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of "K" Items

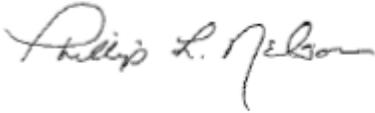
Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 18 of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. 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. City Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

CLOSED SESSION:

L-1 Closed Session: No Closed Session Requested

ADJOURNMENT

Respectfully submitted,



Phillip L. Nelson, City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

Monday, March 17, 2008

1. Community Development Block Grant (CDBG) Program Year 2005
Reprogramming of Unexpended Funds

SCHEDULED CITY COUNCIL MEETINGS:

Monday, March 17, 2008	Regular City Council
Monday, April 7, 2008	Regular City Council
Monday, April 21, 2008	Regular City Council
Monday, May 12, 2008.....	Regular City Council
Monday, May 19, 2008.....	Regular City Council
Monday, June 2, 2008.....	Regular City Council
Monday, June 16, 2008.....	Regular City Council



CITY COUNCIL ACTION REPORT

February 26, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Mark F. Miller, Planning Director

SUBJECT: Preliminary Site Condominium Review – Brycewood Site Condominium, 9 units/lots proposed, east side of Evanswood Road, North of Square Lake Road, Section 1 – R-1D

Background:

- The Planning Commission recommended approval of Brycewood Preliminary Site Condominium Plan at the January 8, 2008 Regular meeting.
- City Council postponed the item at the January 28, 2008 Regular meeting.
- The applicant is proposing a 9-unit site condominium on a 3.376-acre parcel. The development will utilize the Lot Averaging Option which provides for reduced lot widths. The applicant proposes a 28-foot wide paved street, terminating in a cul-de-sac, within a 40-foot private easement.
- For parcels 5 acres or less in area, access may be provided by way of 28 foot wide streets constructed to City Public Street Standards, within 40 foot private easements for Public Access, when in the opinion of the City Council the property configuration is such that the provision of 60 foot public rights-of-way would be overly restrictive and would make the provision of conforming dwelling unit parcels impractical (Section 34.30.04).
- At the request of the Planning Department the applicant provided an alternate layout with a stub road terminating at the southern property line. This layout also yields 9 units.
- A detention basin is required for this residential development, as per City Development Standards.
- The City Engineer verified that there is an easement to the storm sewer to the east.

- The Planning Director discussed the project with the Applicant and the Applicant's Engineer. The Applicant indicated the following:
 - The Applicant is providing storm water detention capacity within the proposed detention basin to accommodate the future redevelopment of 6322 Evanswood, the abutting parcel to the north that is owned by Mr. Carolan.
 - The Applicant has agreed to provide a capped 8-inch pipe/sleeve under the proposed private road to be used as a future sewer connection by Mr. Carolan.
 - The Applicant agreed to provide easement rights for the future use of the private road to Mr. Carolan for future lot splits, under the following conditions:
 - Any future homeowners using the private road to get access to their property shall contribute to ongoing maintenance of the private road.
 - Homes shall not be developed on the private road until construction of the Brycewood Site Condominium units is complete.

Financial Considerations:

- There are no financial considerations for this item.

Legal Considerations:

- The City Attorney's Office reviewed the plat argument that was raised by Mr. Carolan. At this Preliminary review stage and in light of amendments made to the Preliminary plan, City Council has the authority to act on this Preliminary Site Condominium application.

Policy Considerations:

- Approval of the site condominium would be consistent with City Council Goal I (Enhance the livability and safety of the community) and Goal III (Retain and attract investment while encouraging redevelopment).

Options:

- City Council can approve the Preliminary Site Condominium Plan as submitted or with conditions.
- City Council can deny the Preliminary Site Condominium Plan.

Attachments:

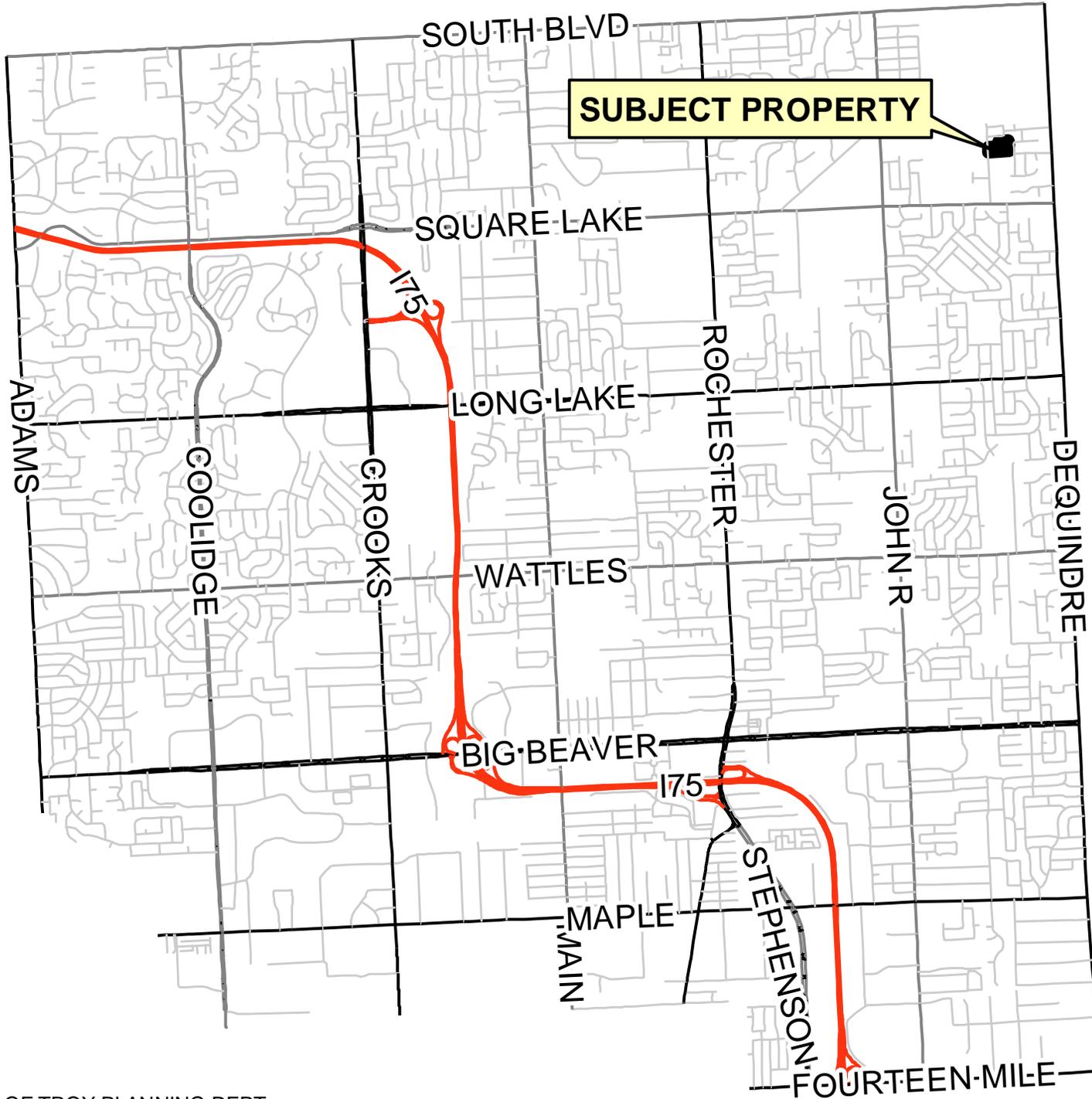
1. Maps.
2. Report prepared for January 8, 2008 Planning Commission Regular meeting.
3. Minutes from January 8, 2008 Planning Commission Regular meeting.
4. Minutes from January 28, 2008 City Council Regular meeting.
5. Public comment.

Prepared by RBS/MFM

cc: Applicant
File/Brycewood Site Condominium

G:\SUBDIVISIONS & SITE CONDOS\Brycewood Site Condo Sec 1\CC Prelim Approval Brycewood Site Condo 03 03 08.doc

CITY OF TROY



SANCTUARY LAKE GOLF COURSE

SITE PLAN REVIEW
PROPOSED BRYCEWOOD SITE CONDOMINIUM
E SIDE OF EVANSWOOD, N OF SQUARE LAKE
(6308 EVANSWOOD)
SEC. 1 (9 UNITS/LOTS ZONED R-1D)

TROY SCHOOL DISTRICT
PROPERTY

ROBART

MARILYN

RANIERI

RONALD

FLORA

DINA

SUBJECT PARCEL

EVANSWOOD

DEQUINDRE

TROY SCHOOL DISTRICT
PROPERTY

CHIPPEWA

SEMINOLE

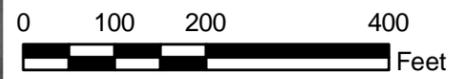
CHIPPEWA
CT

MOHICAN

MEADOWLARK

SONGBIRD

MANORWOOD



SANCTUARY LAKE GOLF COURSE

C-F

SITE PLAN REVIEW
PROPOSED BRYCEWOOD SITE CONDOMINIUM
E SIDE OF EVANSWOOD, N OF SQUARE LAKE
(6308 EVANSWOOD)
SEC. 1 (9 UNITS/LOTS ZONED R-1D)

ROBART

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TROY SCHOOL DISTRICT
PROPERTY

SUBJECT PARCEL

DINA

R-1D

EVANSWOOD

DEQUINDRE

CHIPPEWA

SEMINOLE

CHIPPEWA
CT

MOHICAN

MANORWOOD

MEADOWLARK

SONGBIRD



DATE: January 3, 2008

TO: The Planning Commission

FROM: Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Ronald Figlan, Planner
Paula Preston Bratto, Planner

SUBJECT: SITE CONDOMINIUM SITE PLAN REVIEW – Brycewood Site Condominium, 9 units/lots proposed, east side of Evanswood Road, North of Square Lake Road, Section 1, Zoned R-1D

This item was considered by the Planning Commission at the November 13, 2007 Regular meeting. At this meeting, the Planning Commission passed the following resolution:

RESOLVED, That this item be postponed until the petitioner submits a plan that incorporates some of the comments made at tonight's meeting.

The applicant submitted revised plans for the Planning Commission's consideration.

GENERAL INFORMATION

Name of Owner / Petitioner:

The application indicates that the owner and applicant is Mike Cappuso, Brycewood LLC.

Location of subject property:

The property is located on the east side of Evanswood, north of Square Lake Road, in section 1.

Size of subject parcel:

The parcel is approximately 3.376 acres in area.

Description of proposed development, including number and density of units:

The applicant is proposing to develop a 9-unit site condominium. The proposed development will have a 28-foot wide paved private road located within a 40 foot easement off of Evanswood. The road will terminate in a cul-de-sac.

Note that for parcels that are 5 acres or less in area, access may be provided by way of 28 foot wide streets constructed to City Public Street Standards, within 40 foot private easements for Public Access, when in the opinion of the City Council the property configuration is such that the provision of 60 foot public rights-of-way would be overly

restrictive and would make the provision of conforming dwelling unit parcels impractical (Section 34.30.04).

At the request of the Planning Department, the applicant submitted an alternative layout that stubs at the southern property line. In this layout, the road is located within a 60 foot public right-of-way. The paved street is 28 feet wide. This layout also yields 9 units.

City Management prefers the alternative layout, with potential interconnectivity to the south.

Current use of subject property:

A single family home presently sits on the property.

Current use of adjacent parcels:

North: Single family residential.

South: Vacant.

East: Single family residential.

West: Single family residential and Troy School District Nature Area.

Current zoning classification:

R-1D One Family Residential

Zoning classification of adjacent parcels:

North: R-1D One Family Residential

South: R-1D One Family Residential

East: R-1D One Family Residential

West: R-1D One Family Residential

Future Land Use Designation:

The parcel is designated as Low Density Residential on the Future Land Use Plan.

ANALYSIS

Compliance with area and bulk requirements:

Lot Area: The minimum lot area in the R-1D district is 8,500 square feet. The smallest proposed lot is 9,348 square feet.

Lot Width: The minimum required lot width in the R-1D district is 75 feet in width. The applicant is utilizing the Lot Averaging Option which permits a 10% reduction in lot sizes, to 67.5 feet.

Height: The maximum height is 2 stories and 25 feet.

Minimum Yard Setbacks: Front: 25 feet. 25 feet provided.
Rear: 40 feet. 40 feet provided.
Side (at least one): 8 feet. 10 feet provided.
Side (total two): 20 feet. 20 feet provided.

Minimum Floor Area: The minimum floor area per unit is 1,000 square feet.

Maximum Lot Coverage: 30%.

Off-street parking and loading requirements:

The development will be required to provide two (2) off-street parking spaces per unit.

Environmental provisions, including Tree Preservation Plan:

A Tree Preservation Plan was submitted as part of the application.

A Preliminary Wetland Evaluation prepared by King & MacGregor Environmental Inc. on October 3, 2007 indicates that no wetlands were identified on the subject property.

Storm Water detention:

The applicant is proposing to provide storm water detention on the south side of the proposed street, abutting Evanswood Road.

Natural features and floodplains:

The Natural Features Map indicates there are no significant natural features located on the property.

Subdivision Control Ordinance, Article IV Design Standards

Lots: All units meet the minimum area and bulk requirements of the Zoning Ordinance.

Streets: The street is proposed to be 28-foot wide and is located within a 40-foot wide private street easement. A 5-foot wide sidewalk easement will be provided on both sides of the street.

Sidewalks: The applicant is proposing to construct 5-foot wide sidewalks on both sides of the proposed street and on the east side of Evanswood Road. The site plan indicates that they intend to seek a sidewalk waiver from the Traffic Committee.

Utilities: The development will be served by public water and sewer.

CITY MANAGEMENT RECOMMENDATION

City Management recommends approval of the preliminary site plan application, alternative version with 9 units and 60-foot wide right-of-way, terminating at the southern property line.

cc: Applicant
File/Brycewood Site Condominium

G:\SUBDIVISIONS & SITE CONDOS\Brycewood Site Condo Sec 1\Brycewood Site Condo PC Report 01 08 08.doc

SITE CONDOMINIUM SITE PLAN

7. **SITE CONDOMINIUM SITE PLAN REVIEW** – Brycewood Site Condominium, 9 units/lots proposed, East side of Evanswood, North of Square Lake, Section 1, Zoned R-1D (One Family Residential) District

Mr. Miller presented a summary of the Planning Department report on the proposed site condominium revised submittal, and summarized the differences between the two proposed alternative plans. Mr. Miller reported it is the recommendation of City Management to approve the preliminary site plan application version with a 60-foot wide right of way terminating at the southern property line to allow future connectivity. He noted it is the preference of the petitioner to go forward with the cul-de-sac version.

Mr. Strat disclosed a business relationship with the civil engineer for this project, but indicated there is no financial interest in the project.

Mr. Forsyth stated that would not constitute a true conflict of interest.

Mr. Savidant announced that written communication and photographs received from Cathy Carolan of 6322 Evanswood, Troy, were distributed to Planning Commission members prior to the beginning of tonight's meeting.

Mr. Miller indicated that all property owners adjacent to the subject site were notified of the Public Hearing. Mr. Miller also noted that City Council has final authority to permit the private road.

Carol Thurber of Fazal Khan & Associates, 43279 Schoenherr Road, Sterling Heights, was present to represent the petitioner. Ms. Thurber said there was a meeting with residents and specifically the homeowner to the north to discuss the potential to moving the road to the south end of the property. Mr. Carolan, the homeowner to the north, agreed to run the road on the north side of the property because it offers him the opportunity to divide his parcel in the future. Ms. Thurber indicated that is why no alternate plan showing the road to the south was submitted, as requested. She noted the plan indicates their intent to apply for a sidewalk waiver. Ms. Thurber asked for a favorable recommendation on the layout with the cul-de-sac.

There was discussion on:

- Private road rights.
- Communication from Cathy Carolan, homeowner to the north.
- Dialogue/communication between developer and residents.
- Stormwater control / impact.
- Submittal plans showing alternate road layouts.

Ms. Thurber addressed in detail the proposed retention pond. She indicated that the site plans were provided to the developer with the understanding they would be given to the Carolan's.

Chair Schultz opened the floor for public comment.

Mike Carolan of 6322 Evanswood, Troy, was present. Mr. Carolan, the homeowner to the north of the proposed site condominium project, indicated he did not receive the plans from the developer, but visited City Hall to view the recent submittal. He brought attention to the photographs of existing standing water. Mr. Carolan addressed the potential to provide sewer leads, the utilization of the retention pond in the future, a change in the proposed landscaping, his desire to not have a sidewalk and the type of fencing.

Discussion followed on:

- Potential for sewer leads and receptiveness of developer to provide them.
- Retention pond and its accommodation of future water.
- Landscape revisions to replace arborvitae with junipers.
- Creativity and/or enhancement of the retention pond.

Chair Schultz closed the floor for public comment.

Resolution # PC-2008-01- [motion withdrawn]

Moved by: Vleck

Seconded by: Wright

RESOLVED, That the Planning Commission recommends to City Council, that the Preliminary Site Condominium Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Brycewood Site Condominium, including 9 units, including a 28-foot wide road located within a 60-foot wide public right-of-way, terminating into a stub at the southern property line, located on the east side of Evanswood, north of Square Lake Road, Section 1, within the R-1D zoning district, be granted.

FURTHERMORE, the following **design recommendations** are provided to City Management:

1. Sewer leads and retention access shall be given to potential developable lots to the north.
2. A sidewalk waiver be granted abutting the property to the north.
3. Negotiate with the property owner to the north for alternative screening with the possibility of including a screen fence.

Discussion on the motion on the floor.

Mr. Hutson said he is not in favor of the motion because (1) a cul-de-sac provides for a water feature and (2) a stub street would prohibit creativity for future development of the acreage to the south.

Mr. Vleck requested to revise the motion on the floor to recommend the cul-de-sac version.

Mr. Wright withdrew his second.

Mr. Vleck withdrew the resolution on the floor.

Resolution # PC-2008-01-006

Moved by: Vleck
Seconded by: Hutson

RESOLVED, That the Planning Commission recommends to City Council, that the Preliminary Site Condominium Plan (Section 34.30.00 Unplatted One-Family Residential Development), as requested for Brycewood Site Condominium, including 9 units, including a 28-foot wide road within a 40-foot wide private street easement, terminating in a cul-de-sac, located on the east side of Evanswood, north of Square Lake Road, Section 1, within the R-1D zoning district, be granted.

FURTHERMORE, the following **design recommendations** are provided to City Management:

1. Sewer leads and retention access shall be given to potential developable lots to the north.
2. A sidewalk waiver be granted abutting the property to the north.
3. The petitioner shall negotiate with the property owner to the north for alternative screening with the possibility of including a screen fence.

Yes: Hutson, Schultz, Strat, Tagle, Vleck
No: Wright
Absent: Littman, Troshynski

MOTION CARRIED

Yes: All-7

POSTPONED ITEMS:

D-1 No Postponed Items

PUBLIC COMMENT: Limited to Items Not on the Agenda

E-8 Preliminary Site Condominium Review – Brycewood Site Condominium, 9 Units/Lots Proposed, East Side of Evanswood Road, North of Square Lake Road, Section 1 – R-1D

Vote on Resolution to Postpone

Resolution #2008-01-015
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **POSTPONES** agenda item *E-8 Preliminary Site Condominium Review Brycewood Site Condominium, 9 Units/Lots Proposed, East Side of Evanswood Road, North of Square Lake Road, Section 1 – R-1D* until the City Attorney can do her due diligence regarding the platting and the necessity for all of the roads, and until Mrs. Thurber or somebody can meet with the City's Engineering Staff to decide definitively whether we are better positioned for a retention or a detention pond, and verify that there is an easement for the hook-up for the stormwater connection on the southeast corner before approving the preliminary site condominium.

Yes: All-7

REGULAR BUSINESS:

E-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments Made b) City Council Appointments: Board of Zoning Appeals; and Traffic Committee

(a) Mayoral Appointments - No Appointments Made

(b) City Council Appointments

Resolution #2008-01-016
Moved by Howrylak
Seconded by Beltramini

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

Paula P Bratto

From: Carolan Family [carolanfamily@wowway.com]
Sent: Tuesday, January 08, 2008 12:41 PM
To: Paula P Bratto
Subject: Brycewood Condo Proposal
Attachments: Evanswood Flooding Pictures.doc

** Please forward this email to ALL Planning Commission Members **

Dear Planning Commission Members,

I am not able to attend tonight's Planning Commission Meeting, so please consider this email as my comments on the Brycewood Condo Proposal.

My name is Cathy Carolan and I live at 6322 Evanswood Rd. (the property directly to the north of the proposed condos). Since the last meeting, I do not believe anything has changed. My husband (Mike Carolan) contacted the developers and they refused to meet with any of the neighbors to hear our concerns. He was told that we would be provided with the updated proposals, but never were. My husband went to Troy City Hall and looked at the plans on his own - there was very little change.

I am still very concerned about the water issue, as I type this email the ditches are rapidly filling up along Evanswood. Nine homes would greatly impact the problems that already exist and there needs to be further study before this plan is approved.

I understand that you CAN approve this plan as it stands because it may meet the standard requirements under the residential zoning, however, it is definitely NOT in the best interest of the city of Troy. First of all, the developers refusal to meet with the neighbors to even hear their concerns shows that they have no interest in the future of our city, they are obviously only concerned with making their money and getting out.

My family is very concerned over this issue, and it will have an undue economic hardship on us. By turning our property into a corner lot, we will either be forced to put up a privacy fence at the cost of \$20,000 or reserve ourselves to the fact that our beautiful property will now be used as a public park, not to mention a toilet for every dog that moves in with a family in the new development. Of course, if the developers continue with the purchase of the property, they have a right to develop it, however, no one is considering what rights we have. We have lived in Troy for a very long time and paid more than our fair share of property taxes, and to have our property so negatively impacted is a definite infringement of our rights.

Please see the attached document with recent photos of Evanswood's flooding problems. This happens all the time, it is NOT a rare occurrence. With the addition of 9 homes, our basements will definitely be flooding and we will be replacing sump pumps much more often than right now which is averaging once every 2 years at least.

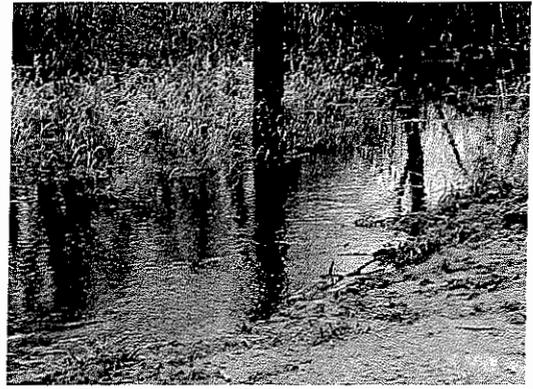
Please give this matter careful consideration before making a decision tonight. Our family and the entire neighborhood will be greatly affected by this development if it is allowed to continue. These developers will continue on and out of our great city and we will be left to deal with the aftermath - where are our rights as current property owners?

Sincerely,

Cathy Carolan
6322 Evanswood Rd.
Troy, MI 48085
(248) 879-8919
carolanfamily@wowway.com



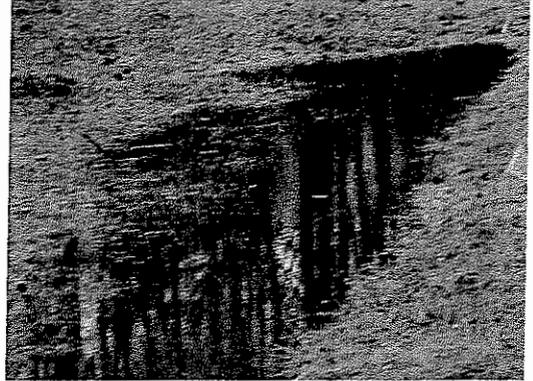
Northwest corner of subject property



6308 Evanswood retaining LARGE amounts of water



6308 Evanswood retaining LARGE amounts of water



Front yard (not ditch) of 6308 Evanswood



6308 Evanswood retaining LARGE amounts of water



Directly across the street from 6308 Evanswood – completely flooded



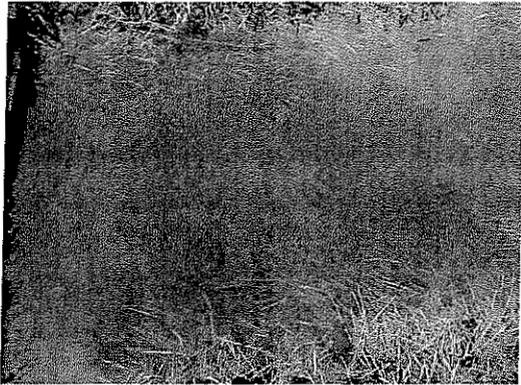
6308 Evanswood retaining LARGE amounts of water



Directly across the street – driveway already under water



Nature Preserve across the street – note sign says “Foot Traffic Only” – would you walk here???

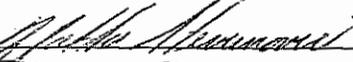


Again, large amounts of standing water everywhere!

1/c

Petition to Reject Brycewood Site Condominium Sec 1 Development

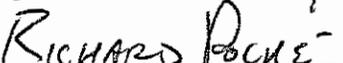
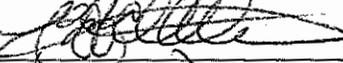
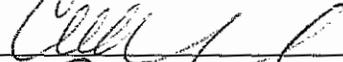
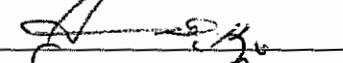
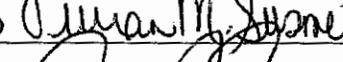
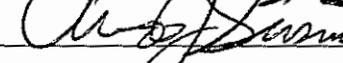
Petition summary and background	Petition to reject development of a condominium residential site: Planning File: Brycewood Site Condominium, Parcel No.: 88-20-01-476-063, Location: East side of Evanswood, North of Square Lake, Property Address: 6308 Evanswood, Size of Property: 3.376 ac., Zoning District: R-1D One Family Residential, Number of Lots/Units Proposed: 9 units/lots
Action petitioned for:	We, the undersigned, are concerned citizens who urge the Planning Commission to reject the proposal of the Brycewood Site Condominium single family residential development as proposed to the planning commission and up for approval on Tuesday, November 13 th .

Printed Name	Signature	Address	Comment	Date
PHILIP HERR		6136 EVANSWOOD		11/13/07
Charles Stumanni		6331 Evanswood		11/13/07
Tom Ngo		6060 EVANSWOOD		11/13/07

Submitted to Planning Commission

Petition to Reject Brycewood Site Condominium Sec 1 Development

<p>Petition summary and background</p>	<p>Petition to reject development of a condominium residential site: Planning File: Brycewood Site Condominium, Parcel No.: 88-20-01-476-063, Location: East side of Evanswood, North of Square Lake, Property Address: 6308 Evanswood, Size of Property: 3.376 ac., Zoning District: R-1D One Family Residential, Number of Lots/Units Proposed: 9 units/lots</p>
<p>Action petitioned for</p>	<p>We, the undersigned, are concerned citizens who urge the Planning Commission to reject the proposal of the Brycewood Site Condominium single family residential development as proposed to the planning commission and up for approval on Tuesday, November 13th.</p>

Printed Name	Signature	Address	Comment	Date
Del Melunja		2905 DINA		
Amelia Stvanovic		6331 Seminole D.		11/10/07
Susan Madej		6285 Seminole Dr.		11/10/07
Richard Pocher		2706 RONALD		11/10/07
Jeff Willenbrock		2653 RONALD		11/11/07
Lisa Willenbrock		2653 RONALD		11/11/07
Carmel Choden		2692 RONALD		11/11/07
CAROL CHODEN		2749 RAVIERI		11/11/07
Hee K.		2665 Robert		11/11/07
Vivian ^M Siismets		2650 Robert		11/11/07
ARVO Siismets		2650 Robert		11/11/07

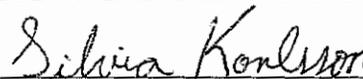
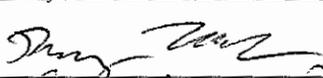
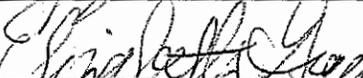
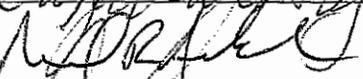
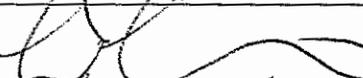
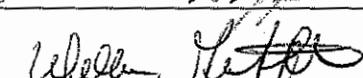
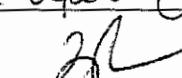
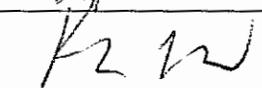
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Printed Name	Signature	Address	Comment	Date
Sue Poche	Sue Poche	2706 Ronald Troy Mich	concerned about consistency Drainage of neighborhood	11/10/07
JEFF GRAY	Jeff Gray	2709 RONALD DR.		11/14/07
JOHN WILLIAMS	John Williams	2735 Robert	individual Homes Please	11/10/07
EVA FLECK	Eva Fleck	2805 RANIERI	Don't want condos!!!	11/10/07
Troy Guiry	Troy Guiry	2777 RANIERI	Don't Do this	11/10/07
Paul Fleck	Paul Fleck	2805 Ranieri Dr	Too many units for amount of land	
Paul Paff	PAUL PAFF	2833 Ranieri Dr		11/10/07
Joseph Mack	Joseph Mack	2842 Ranieri Dr		11/10/07
Melissa Verdugo	Melissa Verdugo	2863 Dina Dr -		11/10/07
David Verdugo	DAVID VERDUGO	"		"
Abe Yerhey	Abe Yerhey	2891 Dina Dr.		11/10/07

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Printed Name	Signature	Address	Comment	Date
Carol Secrest		2681 Ronald Dr.		11/10/07
LARRY SECREST		2681 Ronald Dr		11/10/07
Silvia Karlsson		2695 Ronald Dr.		11/10/07
Ronny Karlsson		2695 Ronald Dr		11/10/07
Elizabeth Garcia		2709 Ronald Dr.		11/10/07
MICHAEL R. SELDEN		2652 RONALD DR.		11/10/07
Linda Cardinale		2652 Ronald Dr.		11/10/07
Ade Griffith		2666 Ronald Dr		11/10/07
Walter Huffer		2666 Ronald Dr		11/10/07
TIM RITCHEY		2678 RONALD DR		11/10/07
Paul P. ...		2692 Ronald		11-10-07

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Printed Name	Signature	Address	Comment	Date
ZERILLI CAROLINE	<i>Caroline Zerilli</i>	2721 ROBERT TROY		11/10/07
THOMAS CAPALDI	<i>Thomas Capaldi</i>	2679 ROBERT DR.		11/10/07
DANICE CAPALDI	<i>Danice Capaldi</i>	2679 ROBERT, TROY		11-10-07
JOHN A. HOYT	<i>John A. Hoyt</i>	2706 Robert, Troy		11-10-07
DEBRA SOUCEK	<i>Debra Soucek</i>	2692 Robert Dr Troy		11-10-07
Susan Galeski	<i>Susan Galeski</i>	2678 Robert Dr Troy		11/10/07
Tom Galeski	<i>Tom Galeski</i>	2678 Robert Dr Troy		11/10/07
George Taha	<i>George Taha</i>	2664 Robert Dr.		11-10-07
Taren Zorn	<i>Taren Zorn</i>	2636 Robert Dr		11/10/07
Ralph Tenney	<i>Ralph Tenney</i>	2637 Ronald Dr		11/10/07
Kathy Tenney	<i>Kathy Tenney</i>	2637 Ronald Dr.		11/10/07

Petition to Reject Brycewood Site Condominium Sec 1 Development

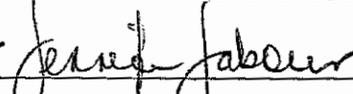
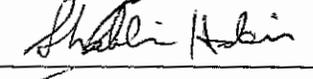
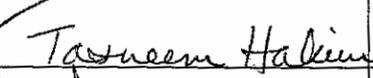
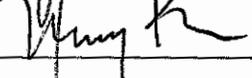
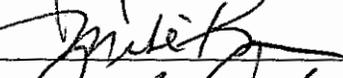
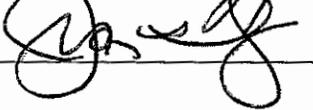
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Printed Name	Signature	Address	Comment	Date
Colinda Chappel	<i>Colinda Chappel</i>	6173 Evanswood		11/12/07
RALPH CHAPPEL	<i>Ralph Chappel</i>	6173 EVANSWOOD RD		11-12-07
DEANNE WILSON	<i>Deanne Wilson</i>	6189 EVANS WOOD RD		11-12-07
Susan Bell	<i>Susan M Bell</i>	6120 EVANSWOOD RD		11-12-07
Diana Dulock	<i>Diana Dulock</i>	6060 EVANSWOOD RD		11-12-07
MICHAEL CAROLAN	<i>Michael Carolan</i>	6322 EVANSWOOD Rd.		11-12-07
SANDRA KARASH	<i>Sandra Karash</i>	6042 Evanswood Rd.		11-12-07
LOLA BEVNETT	<i>Lola Bennett</i>	6113 Evanswood Rd.		11-12-07
JOHN DOCTER	<i>John Docter</i>	6273 EVANSWOOD		11-12-07
Cathy Carolan	<i>Cathy Carolan</i>	6322 EVANSWOOD Rd.		11-12-07
Jackie Hepp	<i>Jackie Hepp</i>	6136 Evanswood		11-11-07
HARRY BROOMFIELD	<i>Harry Broomfield</i>	6301 EVANSWOOD		11-4-07

Printed Name	Signature	Address	Comment	Date
Stacy Wood	[Signature]	2595 Songbird		11-11-07
Ruby French	[Signature]	2571 "		11-11-07
NIGAM TRIPATHI	[Signature]	2559 SCARBIRD		11-11-07
AMANDEEP SINGH	[Signature]	2541 Songbird Dr		11-11-07
Sandra M. Wawrzyniak	[Signature]	6159 Meadowlark		11-11-07
JAMES H. Wawrzyniak	[Signature]	6159 MEADOWLARK		11/11/07
Jimmy J Grose	[Signature]	6195 Meadowlark		11/11/07
Helen Lyon	[Signature]	6195 Meadowlark		11/11/07
Patricia Kaiser	[Signature]	6213 Meadowlark		11/11/07
TIM KAISER	[Signature]	6213 Meadowlark		11/11/07
DALE JEROME	[Signature]	6212 MEADOWLARK		11/11/07
SATYA VALLURUPALLI	[Signature]	6194 MEADOWLARK		11/11/07
ANDREA MCCORMICK	[Signature]	6141 MEADOWLARK DR		11/11/07
RICHARD MCCORMICK	[Signature]	6141 MEADOWLARK DR.		11/11/07
Susan McCormick	[Signature]	6141 Meadowlark Dr.		11/11/07
Kyung Shin	[Signature]	6140 Meadowlark		11/11/07

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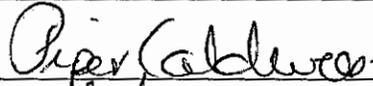
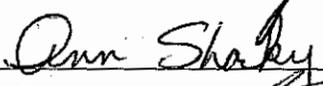
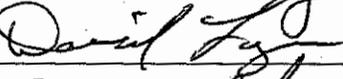
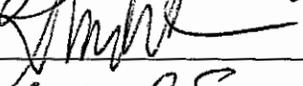
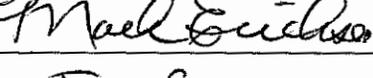
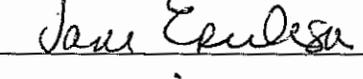
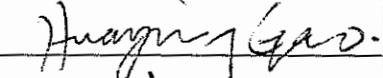
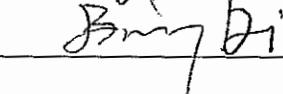
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Printed Name	Signature	Address	Comment	Date
Jennifer Jabour		2786 Manorwood Dr.		11/12/07
Stephen Jabour		2786 Manorwood Dr.		11/12/07
SHABBIR HAKIM		2801 Manorwood Dr.		11/12/07
Tasneem Hakim		2801 Manorwood Dr.		11/12/07
Doug Hunter		6204 Seminole Dr.		12 Nov 2007
MARISSA Hunter		6204 Seminole Dr.		
Nancy Karim		6218 Seminole		11/12/07
Mike Karim		6218 Seminole		11/12/07
David Dylong		2638 Ronald Dr.		11/12/07
Jean Dylong		2638 Ronald Dr.		11/12/07

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Printed Name	Signature	Address	Comment	Date
P. Caldwell		6316 Seminole Dr		11/12/07
Viji Senthilvel		6261 Seminole Dr		11/12/07
Bill Sharkey		6247 Seminole DR		12/12/07
Ann Sharkey		6247 Seminole Dr.		11/12/07
DAVID LOURON		6233 SEMINOLE DR.		11-12-07
Judi Louron		6233 SEMINOLE DR		11-12-07
Linda Hodgdon		6219 Seminole Dr		11/12/07
MARK ERICKSON		6205 Seminole Dr		11/12/07
Jane Erickson		6205 Seminole Dr		11/12/07
Huayin & Gao		2772 Manorwood Pr-		11/12/07
Bing Li		"		11/12/07



CITY COUNCIL ACTION REPORT

February 19, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Mark F. Miller, Planning Director

SUBJECT: Planning Department Proposed Fee Increases

Background:

- The Planning Department established a fee schedule for Planning Department activities.
- The fee schedule has not been updated since 2003.
- Overall, the proposed Planning Department Fees allow the City of Troy to be competitive with adjacent communities.
- The proposed fee schedule better covers the cost of time required to accomplish the related tasks and cost of personnel performing these tasks.
- The Proposed 2008 Planning Department Application Fees list is attached.

Financial Considerations:

- The Development Approval/Permit Process prepared by Zucker Systems recommended that the City consider fee increases as necessary to meet suggested performance standards and technology improvements.
- The Planning Department is projected to bring in \$27,850 more in revenues with the revised fees in 2008/2009.

Legal Considerations:

- City Council has the authority to amend application fees.

Policy Considerations:

- Amending the fees would be consistent with City Council Goal II (Minimize the cost and increase the efficiency and effectiveness of City government).

Options:

- City Council can amend or not amend the fee increases.

Attachments:

1. Planning Department Proposed 2008 Application Fees.
2. Planning Department Revenues.

Prepared by RBS/MFM

G:\Planning Fees\planning dept 2008 fee increases memo.doc

**PLANNING DEPARTMENT
PROPOSED 2008 APPLICATION FEES**

SERVICES:

Item	Current Fee	Proposed Fee
Rezoning Request	\$1500	\$1800
Conditional Rezoning Request	\$2300 (\$1500 rezoning request + \$800 site plan review)	\$2800 (\$1800 rezoning request + \$1000 site plan review)
Final Site Plan Review	\$100	No change
Site Plan Review	\$800	\$1000
Final Site Plan Review	\$100	No change
Site Plan Renewal (before expires)	\$500	No change
Special Use Request	\$1500	\$1800
Special Use Request Renewal (before expires)	\$500	No change
Final Site Plan Review	\$100	No change
Zoning Text Amendment	\$1000	\$1500
Street Vacation Request	\$400	\$500
Zoning Compliance Letter	\$100	No change
P.U.D. - Pre Application Meeting	No Fee	No change
P.U.D. - Concept Development Plan Review	\$1500.00	\$3000.00
P.U.D. - Preliminary Development Plan Review	\$1500.00	No change
P.U.D. – Final Development Plan Review	\$100.00	\$500.00
P.U.D. Consultant Fees	Direct reimbursement of ALL Planning Consultant	No change
P.U.D. Compliance Inspection	No fee	\$100/hour
Subdivision - Tentative Preliminary Plat Review**	\$500 plus \$10 per unit	\$1000 plus \$10 per unit
Subdivision - Final Preliminary Plat Review	\$100 plus \$10 per lot	No change
Subdivision - Final Plat Review	\$100 plus \$10 per lot	No change
Subdivision Approval Renewal (before expires)	\$500 plus \$10 per lot	No change

Item	Current Fee	Proposed Fee
Site Condominium - Preliminary Site Plan Review	\$500 plus \$10 per unit	\$1000 plus \$10 per unit
Site Condominium – Final Site Plan Review	\$100 plus \$10 per unit	No change
Site Condominium Approval Renewal (before expires)	\$500 plus \$10 per unit	No change
Public Hearing Re-Notification	\$300 per public hearing	No change
Site Plan Compliance - Re-Inspection	No Fee	\$100 per hour

** Fee approved by ordinance amendment.

PLANNING DEPT. REVENUES

<u>APPLICATIONS</u>	<u>FEE</u>	<u>REVISED FEES</u>	<u>2004/05</u>	<u>2005/06</u>	<u>2006/07</u>	<u>2007/08 proj</u>	<u>2008/09 proj</u>	<u>2008/09 proj - revised fees</u>
SITE PLAN REVIEWS - PRELIM	\$800.00	\$1,000.00	\$15,200.00	\$16,800.00	\$11,200.00	\$16,000.00	\$16,000.00	\$20,000.00
SITE PLAN REVIEWS - FINAL	\$100.00	\$100.00	\$1,000.00	\$1,900.00	\$2,100.00	\$1,600.00	\$2,200.00	\$2,200.00
SPECIAL USE REQUESTS - PRELIM	\$1,500.00	\$1,800.00	\$9,000.00	\$15,000.00	\$33,000.00	\$15,000.00	\$30,000.00	\$36,000.00
SPECIAL USE REQUESTS - FINAL	\$100.00	\$100.00	\$200.00	\$600.00	\$1,000.00	\$2,200.00	\$1,000.00	\$1,000.00
SITE CONDOMINIUM REVIEWS - PRELIM	\$500.00 *	\$1,000.00 *	\$6,300.00 (D)	\$3,500.00 (D)	\$4,200.00 (D)	\$3,500.00 (D)	\$7,000.00 (D)	\$12,000.00 (D)
SITE CONDOMINIUM REVIEWS - FINAL	\$100.00 *	\$100.00 *	\$1,080.00 (D)	\$2,700.00 (D)	\$1,500.00 (D)	\$1,800.00 (D)	\$1,500.00 (D)	\$1,500.00 (D)
REZONING REQUESTS	\$1,500.00	\$1,800.00	\$24,000.00	\$25,500.00	\$15,000.00	\$15,000.00	\$30,000.00	\$36,000.00
CONDITIONAL REZONING REQUEST	\$2,300.00	\$2,800.00	\$0.00	\$0.00	\$4,600.00	\$4,600.00	\$11,500.00	\$14,000.00
ZONING ORDINANCE TEXT AMENDMENTS	\$1,000.00	\$1,500.00	\$2,000.00 (A)	\$5,000.00 (E)	\$3,500.00 (E)	\$500.00 (F)	\$0.00	\$0.00
PLANNED UNIT DEVELOPMENTS - CDP	\$1,500.00	\$3,000.00	\$3,000.00	\$1,500.00	\$4,500.00	\$7,500.00	\$7,500.00	\$15,000.00
PLANNED UNIT DEVELOPMENTS - PDP	\$1,500.00	\$1,500.00	\$1,500.00	\$3,000.00	\$1,500.00	\$4,500.00	\$7,500.00	\$0.00
PLANNED UNIT DEVELOPMENTS - FDP	\$100.00	\$500.00		\$100.00	\$200.00	\$100.00	\$500.00	\$2,500.00
PUD COMPLIANCE INSPECTIONS	(C)	\$100.00 per hr						\$600.00 (H)
PUD CONSULTANT FEE REIMBURSEMENT	varies	varies	\$9,502.50	\$16,000.00	\$27,455.00	\$50,000.00 (B)	\$50,000.00	\$50,000.00
STREET VACATION REQUESTS	\$400.00	\$500.00	\$400.00	\$1,600.00	\$800.00	\$2,000.00	\$2,000.00	\$2,500.00
ZONING VERIFICATION LETTERS	\$100.00	\$100.00	\$2,600.00	\$4,200.00	\$3,600.00	\$7,000.00	\$5,000.00	\$5,000.00
SITE PLAN COMPLIANCE INSPECTIONS	\$0.00 (C)		\$0.00 (C)	\$0.00 (C)	\$0.00 (C)	\$0.00 (C)	\$0.00 (C)	\$0.00 (C)
SITE PLAN COMPLIANCE RE-INSPECTIONS		\$100.00 per hr						\$1,250.00 (G)
PUBLIC HEARING RE-NOTIFICATION	\$300.00		\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
TOTAL FEES FOR APPLICATIONS			\$75,782.50	\$97,400.00	\$114,155.00	\$131,300.00	\$171,700.00	\$199,550.00
MISC. MAPS & COPIES	varies		\$907.00	\$753.00	\$403.00	\$1,000.00	\$1,000.00	\$1,000.00
TOTAL			\$76,689.50	\$98,153.00	\$114,558.00	\$132,300.00	\$172,700.00	\$200,550.00

* plus \$10 per lot

- (A) Estimated 2 are applicant paid
- (B) \$38,409 through 12-31-07
- (C) No fee at this time
- (D) Estimating 20 lots per project
- (E) Estimated 50% are applicant paid
- (F) Assumed applicant paid
- (G) Assumed 50% require re-inspection
- (H) Assumed 2 hrs. per inspection

Note: Using current fee schedule. Assuming that all items from previous year will proceed to final/next step the following year.



CITY COUNCIL ACTION REPORT

Date: February 11, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Cathleen A. Russ, Library Director
Loraine Campbell, Museum Manager

SUBJECT: Request to Amend Museum Fee Schedule for Education Programs & Facility Rentals

Background:

- The museum's operating costs are continually increasing. In order to offset increased operational costs, the following fee increases are proposed. These fees are very competitive with fees charged by similar institutions for similar services.

Financial Considerations:

- It is expected that the recommended adjustment to the educational program fees will yield an additional \$5,000 in revenue, for a projected total of \$46,000/year.

It is expected that the recommended adjustment to the wedding facility rental fees will yield an additional \$2,000 in revenue, for a projected total of \$10,000/year.

Legal Considerations:

- There are no legal considerations associated with this item.

Policy Considerations:

- This recommendation addresses the following goal:
Goal II: Minimize the cost and increase the efficiency and effectiveness of City government

Options:

- City management recommends that the changes to the fee structure for education programs and wedding facility rentals at the Troy Historical Museum be approved. City management further recommends that these rates can be adjusted by City management in order to stay competitive in the market.

Proposed Museum Fee Increases

<u>MUSEUM / Education Programs</u>			
*Troy School District Programs		CURRENT	PROPOSED
½ Day, per student		\$3.00	\$3.50
Full Day, per student		\$5.00	\$5.50
*Out of District Programs			
½ Day, per student		\$4.00	\$4.50
Full Day, per student		\$6.00	\$6.50
*Day Care/Private School Programs			
½ Day, per child		\$4.00	4.50
Full Day, per child		\$6.00	6.50
*Student residents of Troy will be accorded the Troy School District Fee.			
<u>MUSEUM / Facility Rentals</u>			
	Village Grounds & Buildings (Excludes Church)	Village Grounds & Church	
<u>Wedding Ceremony Fees:</u>			
	CURRENT/PROPOSED	CURRENT/PROPOSED	
Resident	\$250.00/\$350.00	\$350.00/\$450.00	
Non-resident	\$350.00/\$450.00	\$450.00/\$550.00	
Security Deposit	\$200.00/No Change	\$200.00/No Change	
<u>Fee for Wedding Photos on the Green:</u>			
Resident	\$50.00/ No Change	\$100.00/No Change	
Non-resident	\$100.00/No Change	\$150.00/No Change	
Security Deposit	\$50.00/No Change	\$50.00/No Change	
<u>Rental Fees for Meetings and Occasional Events:</u>			
<u>Location</u>	<u>Troy Org.</u>	<u>Non-Profit Org.</u>	<u>Non-Troy Org.</u>
Museum Building	\$50.00 per hr / No Change	\$50.00 per hr / No Change	\$100.00 per hr / No Change
Village Green	\$50.00 per hr / No Change	\$50.00 per hr / No Change	\$100.00 per hr / No Change



CITY COUNCIL ACTION REPORT

February 26, 2008

TO: ^{PLN} Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager Finance and Administration
 Brian P. Murphy, Assistant City Manager Economic Development Services ^{BM}
 William S. Nelson, Fire Chief ^{WLN}
 Mark F. Miller, Planning Department ^{MF}
 Monica S. Irelan, Intern to the City Manager ^{MI}

SUBJECT: Proposed Amendments to Chapter 60, Fees and Bonds Required

Background:

- Fees for the Fire Department and Planning Department have not been updated since 2003.
- All Fire Department proposed fee increases are found in Chapter 60.
- One of the proposed fee increases for the Planning Department is found in Chapter 60.
- An amendment to the ordinance is required in order to increase the service fees found in Chapter 60.
- The proposed fee increases will better cover the cost of time required to accomplish the related tasks as well as the cost associated with personnel performing these tasks.
- Proposed amendments to Chapter 60 and the original Action Report from the Fire Department are attached.

Financial Considerations:

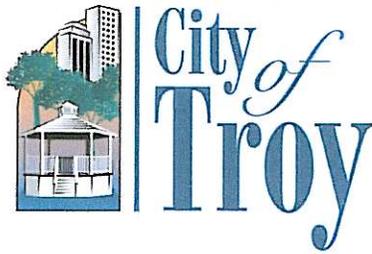
- Wages for fire personnel have increased approximately 20% since 2003.
- Costs for services have increased while the service fees have not changed since 2003.

Policy Considerations:

- The fee increase addresses City Council goal number II: Minimize the cost and increase the efficiency and effectiveness of city government.

Options:

- Amend Chapter 60, Fees and Bonds Required as proposed.



CITY COUNCIL ACTION REPORT

February 11, 2008

TO: Phillip L. Nelson, City Manager

FROM: William S. Nelson, Fire Chief *WSN*

SUBJECT: Fee Increase for Fire Department Permits

Background:

- The fire department established a fee schedule for plan review and inspection of fire protection systems and related components.
- The fee schedule also specifies rates for cost recovery for fire department services rendered under certain conditions.
- The fee schedule was last updated in 2003.
- The fire department has reviewed the fee schedule for fire protection system plan review and inspection, the time required to accomplish the related task(s) and the cost of personnel performing these tasks.
- The attached fee schedule shows the current and proposed fees for fire protection permits.
- No changes are proposed to section 60.04 for cost recovery as the new Oakland County Fire Mutual Aid Association is developing a new methodology to develop a more accurate hourly cost for fire apparatus and personnel.

Financial Considerations:

- Fire service fees have not increased in five years.
- Wages for career fire personnel have increased approximately 20% since 2003.
- Costs for services such as document imaging and storage and postage have also increased.
- The average increase in fees is approximately 25%.
- The median increase is 20% which reflects most permit fees.

Policy Considerations:

- These fee increases address City Council goal number II: Minimize the cost and increase the efficiency and effectiveness of city government.

Options:

- Adopt the fee increases as proposed.

<u>ITEM/SERVICE: FEE: FIRE DEPARTMENT FEES (Chapter 93)</u>	<u>2003</u>	<u>2008</u>
Permit Fee: Exhibit, Craft, Trade Show	\$50.00	\$60.00
Permit Fee: For public display and the retail display & sale of fireworks	\$100.00	\$125.00
Hazardous Material Permit Fees		
Based on Quantity & Form		
0-1,000 LBS.; 0-100 CU. FT; 0-330 GAL	\$150.00	\$175.00
1,001-20,000 LBS; 101-6,000 CU.FT; 331-990 GAL	\$300.00	\$350.00
20,001+ LBS.; 6,001 + CU. FT.; 991 + GAL	\$600.00	\$700.00
Permit Fees cover initial plan review and 2 inspections		
Note: Subsequent plan reviews and inspections of the same system shall apply to each inspector performing the re-inspection	\$50.00	\$60.00
Sprinkler Systems		
Riser(s) & Sprinkler Heads		
1-10 Heads	\$75.00	\$90.00
11-20 Heads	\$100.00	\$125.00
21-50 Heads	\$125.00	\$150.00
51-100 Heads	\$175.00	\$210.00
101-200 Heads	\$250.00	\$300.00
201-300 Heads	\$330.00	\$390.00
301-400 Heads	\$430.00	\$510.00
401-500 Heads	\$500.00	\$600.00
500 - > Heads*	\$550.00	\$660.00
*Plus \$0.60 per head over 500	\$0.50	\$0.60
Standpipes**	\$50.00	\$60.00
**Base Fee plus \$7.00 per hose connection	\$5.00	\$7.00
Fire Pump	\$100.00	\$125.00
Dry or Wet Chemical Fire Suppression Systems – Per System	\$100.00	\$125.00
Each additional system reviewed at the same time	\$50.00	\$60.00
Alterations, additions, or modifications to existing system	\$35.00	\$45.00
Total Flooding Agent Extinguishing System***	\$100.00	\$125.00
***Plus Appropriate Detection System Fee		
Permit Fees: Subsequent Plan Reviews and Inspections of the Same System	\$50.00	\$60.00
Fire Alarm and Detection Systems		
Device		
Control Panel	\$50.00	\$60.00
Central Station Connection	\$25.00	\$30.00
Fire Initiating Device (Smoke Detector, Heat Detector, etc.)	\$15.00	\$20.00
Each Additional Initiating or Auxiliary Control Device	\$5.00	\$7.00
First Auxiliary Control Device (Control Switch, Relay, etc.)	\$15.00	\$20.00
Each Additional Auxiliary Control Device	\$5.00	\$7.00
First Audio/Visual Device (Horn, Speaker, Bell Strobe, etc.)	\$15.00	\$20.00
Each Additional Audio/Visual Device	\$5.00	\$7.00
First Communication Device (Firefighter Phone, etc.)	\$15.00	\$20.00
Each Additional Communication Device	\$5.00	\$7.00
Exception: One and two family residential alarm systems must meet the requirements of the Troy Building Department		
Other System or Device		\$25.00
Additional Fees		
Each Re-inspection: During Normal Working Hours	\$50.00	\$60.00
Each Re-inspection: During Non-working hours with a minimum assessment of three hours	\$75.00	\$90.00
Cost Recovery – Hazardous Materials Cost Recovery – Fires		
See Recovery Charges Fee Schedule in Section 60.04- no changes proposed at this time		

FIRE DEPARTMENT FEES (Chapter 93)		
Permit Fee: Exhibit, Craft, Trade Show		\$50.00 \$60.00
Permit Fee: For public display and the retail display & sale of fireworks		\$100.00 \$125.00
Hazardous Material Permit Fees		
Based on Quantity & Form		
0-1,000 LBS.; 0-100 CU. FT; 0-330 GAL		\$150.00 \$175.00
1,001-20,000 LBS; 101-6,000 CU.FT; 331-990 GAL		\$300.00 \$350.00
20,001+ LBS.; 6,001 + CU. FT.; 991 + GAL		\$600.00 \$700.00
Permit Fees cover initial plan review and 2 inspections		
Note: Subsequent plan reviews and inspections of the same system shall apply to each inspector performing the re- inspection		\$50.00 \$60.00
Sprinkler Systems		
Riser(s) & Sprinkler Heads		
1-10 Heads		\$75.00 \$90.00
11-20 Heads		\$100.00 \$125.00
21-50 Heads		\$125.00 \$150.00
51-100 Heads		\$175.00 \$210.00
101-200 Heads		\$250.00 \$300.00
201-300 Heads		\$330.00 \$390.00
301-400 Heads		\$430.00 \$510.00
401-500 Heads		\$500.00 \$600.00
500 - > Heads		\$550.00* \$660.00
*Plus \$0.50 \$.060 per head over 500		
Standpipes		
		\$50.00** \$60.00
**Base Fee plus \$5.00 \$7.00 per hose connection		
Fire Pump		
		\$100.00 \$125.00
Dry or Wet Chemical Fire Suppression Systems – Per System		\$100.00 \$125.00
Each additional system reviewed at the same time		\$50.00 \$60.00
Alterations, additions, or modifications to existing system		\$35.00 \$45.00
Total Flooding Agent Extinguishing System		
		\$100.00*** \$125.00
***Plus Appropriate Detection System Fee		
Permit Fees: Subsequent Plan Reviews and Inspections of the Same System		
		\$50.00 \$60.00

Fire Alarm and Detection Systems		
Device		
Control Panel		\$50.00 \$60.00
Central Station Connection		\$25.00 \$30.00
Fire Initiating Device (Smoke Detector, Heat Detector, etc.)		\$15.00 \$20.00
Each Additional Initiating or Auxiliary Control Device		\$5.00 \$7.00
First Auxiliary Control Device (Control Switch, Relay, etc.)		\$15.00 \$20.00
Each Additional Auxiliary Control Device		\$5.00 \$7.00
First Audio/Visual Device (Horn, Speaker, Bell Strobe, etc.)		\$15.00 \$20.00
Each Additional Audio/Visual Device		\$5.00 \$7.00

First Communication Device (Firefighter Phone, etc.)	\$15.00 \$20.00
Each Additional Communication Device	\$5.00 \$7.00
Exception: One and two family residential alarm systems must meet the requirements of the Troy Building Department	
Other System or Device	\$25.00
Additional Fees	
Each Re-inspection: During Normal Working Hours	\$50.00 \$60.00each
Each Re-inspection: During Non-working hours with a minimum assessment of three hours	\$75.00 \$90.00 per hour each
Cost Recovery – Hazardous Materials Cost Recovery – Fires	See Recovery Charges Fee Schedule in Section 60.04
Planning Department Fees (Chapter 41)	
Subdivision Tentative Preliminary Plat	\$500 plus \$10.00 per lot \$1,000 plus \$10.00 per lot
Subdivision Final Preliminary Plat	\$100 plus \$10.00 per lot
Subdivision Final Plat	\$100 plus \$10.00 per lot

CITY OF TROY
 AN ORDINANCE TO AMEND
 CHAPTER 60 OF THE CODE OF ORDINANCES
 OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This ordinance shall be known and may be cited as the 30th amendment to Chapter 60 of the Code of the City of Troy.

Section 2. Amendment to Section 60.03 – Fee Schedule of Chapter 60.

Section 60.03 shall be amended as follows:

CHAPTER 60 FEES AND BONDS REQUIRED

ITEM/SERVICE:

FEE:

Fire Department Fees (Chapter 93)

<i>Permit Fee: Exhibit, Craft, Trade Show</i>	\$60.00
<i>Permit Fee: For public display and the retail display & sale of fireworks</i>	\$125.00
<i>Hazardous Material Permit Fees</i>	
<i>Based on Quantity & Form</i>	
<i>0-1,000 LBS.; 0-100 CU. FT; 0-330 GAL</i>	\$175.00
<i>1,001-20,000 LBS; 101-6,000 CU.FT; 331-990 GAL</i>	\$350.00
<i>20,001+ LBS.; 6,001 + CU. FT.; 991 + GAL</i>	\$700.00
<i>Permit Fees cover initial plan review and 2 inspections</i>	
<i>Note: Subsequent plan reviews and inspections of the same system shall apply to each inspector performing the re-inspection</i>	\$60.00
<i>Sprinkler Systems</i>	
<i>Riser(s) & Sprinkler Heads</i>	
<i>1-10 Heads</i>	\$90.00
<i>11-20 Heads</i>	\$125.00
<i>21-50 Heads</i>	\$150.00
<i>51-100 Heads</i>	\$210.00
<i>101-200 Heads</i>	\$300.00
<i>201-300 Heads</i>	\$390.00
<i>301-400 Heads</i>	\$510.00
<i>401-500 Heads</i>	\$600.00
<i>500 - > Heads</i>	\$660.00*
<i>*Plus \$.060 per head over 500</i>	

Standpipes	\$60.00**
**Base Fee plus \$7.00 per hose connection	
Fire Pump	\$125.00
Dry or Wet Chemical Fire Suppression Systems – Per System	\$125.00
Each additional system reviewed at the same time	\$60.00
Alterations, additions, or modifications to existing system	\$45.00
Total Flooding Agent Extinguishing System	\$125.00***
***Plus Appropriate Detection System Fee	
Permit Fees: Subsequent Plan Reviews and Inspections of the Same System	\$60.00
Fire Alarm and Detection Systems	
Device	
Control Panel	\$60.00
Central Station Connection	\$30.00
Fire Initiating Device (Smoke Detector, Heat Detector, etc.)	\$20.00
Each Additional Initiating or Auxiliary Control Device	\$7.00
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First Audio/Visual Device (Horn, Speaker, Bell Strobe, etc.)	\$20.00
Each Additional Audio/Visual Device	\$7.00
First Communication Device (Firefighter Phone, etc.)	\$20.00
Each Additional Communication Device	\$7.00
Exception: One and two family residential alarm systems must meet the requirements of the Troy Building Department	
Other System or Device	\$25.00
Additional Fees	
Each Re-inspection: During Normal Working Hours	\$60.00each
Each Re-inspection: During Non-working hours with a minimum assessment of three hours	\$90.00 per hour each
<u>Cost Recovery – Hazardous Materials</u> <u>Cost Recovery – Fires</u>	See Recovery Charges Fee Schedule in Section 60.04
<u>Planning Department Fees (Chapter 41)</u>	
<u>Subdivision Tentative Preliminary Plat</u>	\$1,000 plus \$10.00 per lot
<u>Subdivision Final Preliminary Plat</u>	\$100 plus \$10.00 per lot
<u>Subdivision Final Plat</u>	\$100 plus \$10.00 per lot

Section 3. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect are hereby saved. Such proceedings may be consummated under and according to the ordinance in force

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

Section 4. Severability Clause

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

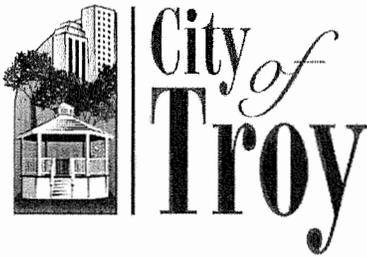
Section 5. Effective Date

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

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver Road, Troy, MI, on the 3 day of March, 2008.

Louise E. Schilling, Mayor

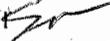
Tonni L. Bartholomew, MMC
City Clerk



CITY COUNCIL ACTION REPORT

February 26, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Asst. City Manager/Economic Development Services
Steven J. Vandette, City Engineer 
John K. Abraham, Deputy City Engineer/Traffic Engineer 

SUBJECT: Traffic Committee Recommendations
February 20, 2008

Background:

The Traffic Committee considered these items at the February 20, 2008 meeting and made the following recommendations (minutes attached):

- Recommend no changes at Candace and Carlson Park (Item 3).
- Recommend no changes at Thistle and Walden (Item 4).
- Recommend that Traffic Control Order #87-4-P be rescinded, and a new Traffic Control Order be approved for 15-minute and 2-hour parking restrictions at the Troy Library, as shown on the attached sketch (Item 5).

Financial Considerations:

There would be no cost involved as the signs are already in place.

Policy Considerations:

- Goal I – Enhance livability and safety of the community.
- Goal V – Maintain relevance of public infrastructure to meet changing public needs.

Options:

- Council can approve or deny the recommendations.

A regular meeting of the Troy Traffic Committee was held Wednesday, February 20, 2008 in the Lower Level Conference Room at Troy City Hall. Pete Ziegenfelder called the meeting to order at 7:30 p.m.

1. Roll Call

PRESENT: Sara Binkowski
Ted Halsey
Jan Hubbell
Gordon Schepke
Pete Ziegenfelder

ABSENT: John Diefenbaker
Richard Kilmer

Also present: Jeff Heichel, 274 Candace Ct.
Julie Heichel, 274 Candace Ct.
Cathy Russ, Troy Library
and John Abraham, Traffic Engineer
Lt. David Livingston, Troy Police Dept.
Lt. Eric Caloia, Troy Fire Dept.

RESOLUTION #2008-02-05

Moved by Halsey
Seconded by Hubbell

To excuse Mr. Diefenbaker and Mr. Kilmer.

YES: All-5
NO: None
ABSENT: 2 (Diefenbaker, Kilmer)
MOTION CARRIED

2. Minutes – January 16, 2008**RESOLUTION ##2008-02-06**

Moved by Halsey
Seconded by Binkowski

To approve the January 16, 2008 minutes as printed.

YES: All-5
NO: None
ABSENT: 2 (Diefenbaker, Kilmer)
MOTION CARRIED

3. Install STOP Signs on Candace at Carlson Park

Jeanne Stine, 1915 Boulan, requests a STOP sign on Candace at Carlson Park. Ms. Stine reports that there may be some confusion in who has the right of way at this intersection and said that she had a near accident at this location.

Carlson Park is the major entrance to the subdivision and runs south from Long Lake Road. This roadway carries around 1300 vehicles in a day. Candace is a cul-de-sac and has around 11 homes. Candace terminates in Carlson Park in a T intersection and carries around 90 vehicles in a day. Traffic crash reports for the past five years show no traffic crashes at this location. Field studies also indicate that there are no significant sight obstructions at this intersection.

Please note that the traffic volumes counts could not be performed this month due to inclement weather. These numbers are based on traffic counts from previous years.

Jeff and Julie Heichel, 274 Candace, think there is no need for a STOP sign at this location as there is very little traffic and no history of crashes. Mr. Heichel believes that Candace would be the least likely street in the subdivision to need a STOP sign. He realizes that any motorist approaching the T intersection should give the right of way to the through traffic, and a STOP sign would be overkill for the intersection. Mrs. Heichel concurred with her husband's comments.

The committee members agreed that no traffic control devices are needed at this location.

RESOLUTION #2008-02-07

Moved by Halsey

Seconded by Hubbell

To recommend no changes at Candace and Carlson Park.

YES: 4 (Binkowski, Halsey, Hubbell, Schepke)

NO: 1 (Ziegenfelder)

ABSENT: 2 (Diefenbaker, Kilmer)

MOTION CARRIED

4. Install a STOP Sign on Thistle at Walden

Jeanne Stine, 1915 Boulan, requests a STOP sign on Thistle at Walden. Ms. Stine reports that there may be some confusion in who has the right of way at this intersection and said that she had a near accident at this location.

Thistle intersects Walden in a T intersection. Traffic volume on Walden ranges between 800 and 1000 in a day and on Thistle from 300-450 in a day. Walden has right angle curves both north and south of Thistle. As such there may be some sight distance challenges due to the layout of the streets. Traffic crash analyses show no reported crashes at this intersection in the past five years.

Please note that the traffic volumes counts could not be performed this month due to inclement weather. These numbers are based on traffic counts from previous years.

Ms. Binkowski indicated that during her visit to the intersection, she found no reason for a STOP sign at that location. The intersection is a “T” intersection and homes are well set back, posing no sight obstructions for motorists. Mr. Halsey agreed that he had observed the same.

RESOLUTION #2008-02-08

Moved by Hubbell

Seconded by Binkowski

To recommend no changes at Thistle and Walden.

YES: 4 (Binkowski, Halsey, Hubbell, Schepke)

NO: 1 (Ziegenfelder)

ABSENT: 2 (Diefenbaker, Kilmer)

MOTION CARRIED

5. Parking at Troy Library

Cathy Russ, Library Director, has been getting some concerns from Library patrons about time limits being violated in the 15-minute parking and 2-hour parking spaces. The Police Department is planning on enforcing the signs to deter patrons from violating the parking restrictions. Our research shows that we do have a Traffic Control Order from 1987 for the parking lot restrictions; however, that was before the parking lot expansion etc., so may not be valid anymore. Attached please find the layout of the Library parking lot showing the 15-minute and 2-hour parking spaces so that a new TCO can be issued to facilitate efficient enforcement of the restrictions.

Ms. Russ reports that there are 228 parking spaces at the library, and about 2500 patron visits per day. Many patrons park in the 15-minute spaces for much longer periods of time. Lt. Livingston said that officers will keep an eye on the 15-minute areas. Ms. Russ will have reminders posted at the library to warn patrons that they may be ticketed if they disregard the parking time limits.

RESOLUTION #2008-02-09

Moved by Hubbell

Seconded by Binkowski

To recommend that Traffic Control Order # 87-4-P be rescinded.

RESOLUTION #2008-02-10

Moved by Hubbell

Seconded by Binkowski

To recommend that a new Traffic Control Order be approved for 15-minute and 2-hour parking restrictions as shown on the attached sketch.

YES: All-5

NO: None

ABSENT: 2 (Diefenbaker, Kilmer)

MOTION CARRIED

6. **Visitors' Time**

No one else wished to address the committee.

7. **Other Business**

At the January meeting, Mr. Diefenbaker mentioned that in his neighborhood the pavement is quite deteriorated. The Traffic Engineer investigated and found that Wright Street is part of the City's Section 9 water main project, which is set to start this spring. Roads will be resurfaced in spring/summer of 2009.

8. **Adjourn**

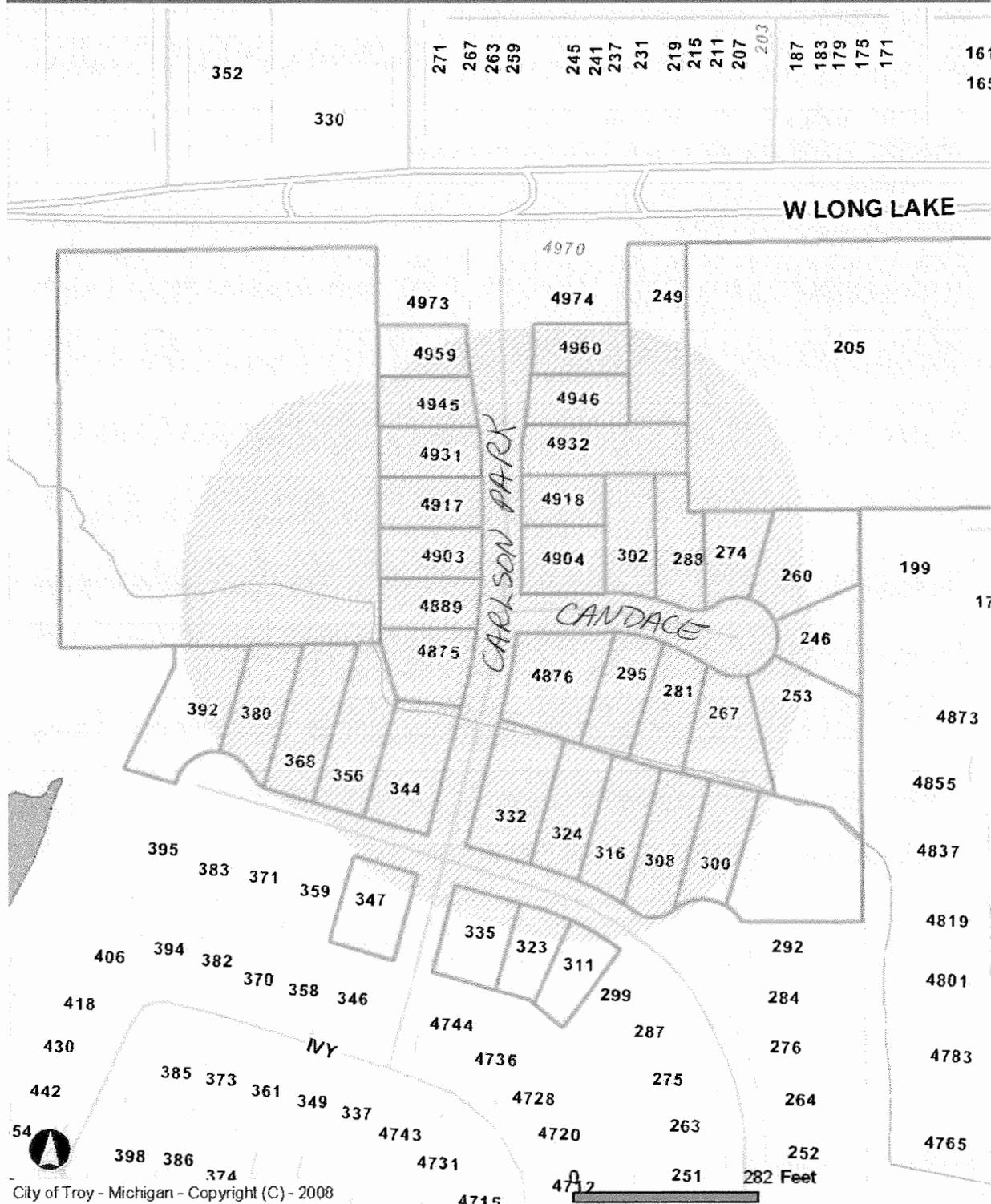
The meeting adjourned at 7:54 p.m.

Pete Ziegenfelder, Chair

Laurel Nottage, Recording Secretary



Geographical Information Systems Online

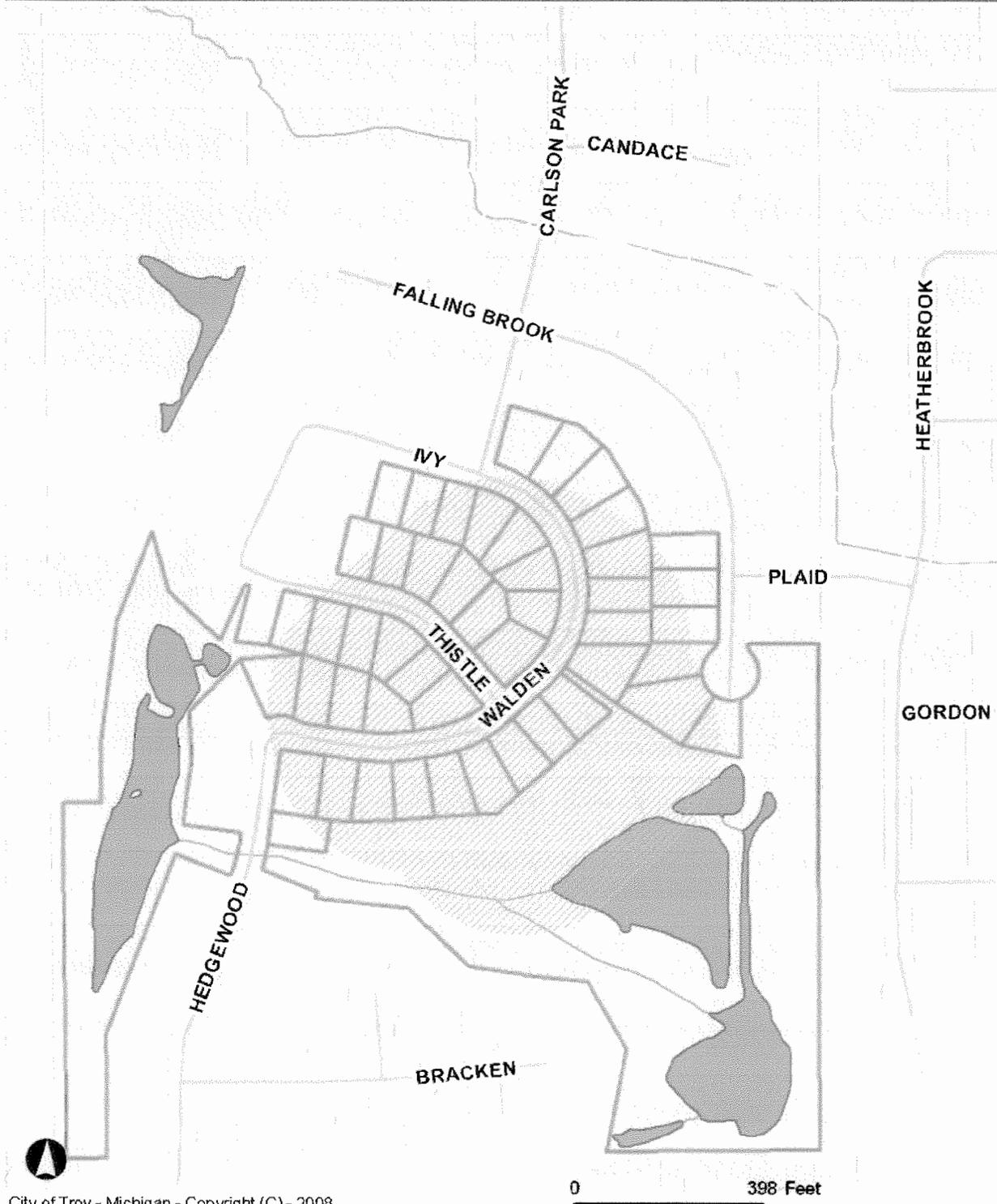


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Note: The information provided by this application has been compiled from recorded deeds, plats, tax maps, surveys, and other public records and data. It is not a legally recorded map survey. Users of this data are hereby notified that the source information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

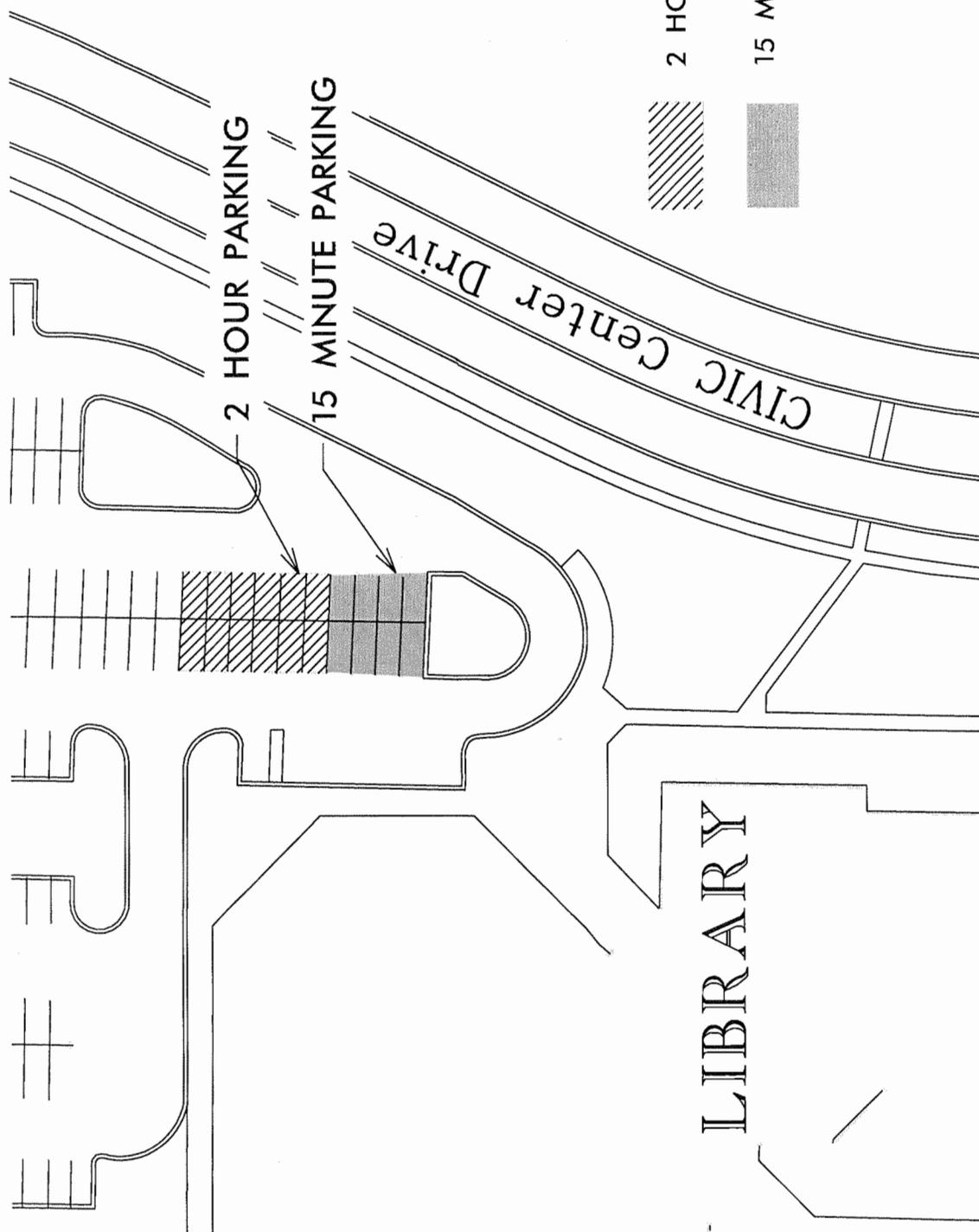


Geographical Information Systems Online



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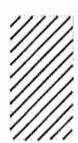


2 HOUR PARKING

15 MINUTE PARKING

2 HOUR PARKING (TOTAL 12 SPACES)

15 MINUTE PARKING (TOTAL 8 SPACES)



A Regular Meeting of the Troy City Council was held Monday, February 18, 2008, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Pastor Tony Boos – Faith Lutheran Church gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL

Mayor Louise E. Schilling
Robin Beltramini
Cristina Broomfield
David Eisenbacher
Wade Fleming
Mayor Pro Tem Martin Howrylak
Mary Kerwin

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) On behalf of the City of Troy, Mayor Schilling presented a proclamation to Dave Taylor in recognition of the first anniversary of the *Senior Home Assistance Repair Program (SHARP)*.
- b) On behalf of the City of Troy Employee's *Casual for a Cause* Program, Carol Anderson, Parks & Recreation Director presented a check in the amount of \$481.67 to Steve Toth, Executive Director of Boys and Girls Club of Troy

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Michigan NextEnergy Exemptions

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving comment no public comment.

Resolution #2008-02-046

Moved by Fleming

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AFFIRMS** the Michigan NextEnergy Exemption of Alternative Energy Personal Property located at 1100 W. Maple, 1414 Combermere, and 1857 Technology Drive, Troy, MI, as certified by the City Assessor, in an amount not to exceed \$1,025,780.00, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to forward a copy of this resolution and attachments to the Michigan NextEnergy Authority at 300 N. Washington Square, Lansing, MI 48913.

Yes: Schilling, Beltramini, Broomfield, Fleming, Kerwin

No: Eisenbacher, Howrylak

MOTION CARRIED

C-2 Establishment of an Industrial Development District (IDD) – IACNA, International Automotive Components Group, North America, 750-800 Chicago

The Mayor opened the Public Hearing for public comment.

Marvin Reinhardt - Opposed

The Mayor closed the Public Hearing after receiving comment from the petitioner and from the public.

Resolution #2008-02-047

Moved by Beltramini

Seconded by Fleming

RESOLVED, That Troy City Council hereby **ESTABLISHES** an Industrial Development District (IDD) for IACNA, for property known as 750–800 Chicago, Troy, MI 48083, Parcels # 88-20-35-276-003 and 88-20-35-276-004, in accordance with City Council Policy Resolution #2006-06-238; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to forward a copy of this resolution to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI 48909-7971.

Yes: Beltramini, Broomfield, Fleming, Kerwin, Schilling

No: Eisenbacher, Howrylak

MOTION CARRIED

C-3 Granting of an Industrial Facilities Exemption Certificate (IFEC) to IACNA, International Automotive Components Group, North America, 750-800 Chicago

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving no public comment.

Resolution #2008-02-048

Moved by Kerwin

Seconded by Beltramini

WHEREAS, After due notice and proper hearing, the Troy City Council on February 18, 2008, established an Industrial Development District (IDD) for property known as 750–800 Chicago, Troy, MI 48083, Parcels # 88-20-35-276-003 and 88-20-35-276-004;

WHEREAS, An Application has been submitted by IACNA (International Automotive Components Group North America), for an Industrial Facilities Exemption Certificate (IFEC) for personal property at 750–800 Chicago, Troy, MI 48083, for five (5) years; and

WHEREAS, After due and proper notice by the City Clerk, the Troy City Council, on February 18, 2008, held a Public Hearing giving opportunity for comment by all taxing units as to the

possibility that the granting of an Industrial Facilities Exemption Certificate (IFEC) for IACNA, at 750–800 Chicago, Troy, MI 48083 may have the effect of substantially impeding the operation of the taxing unit, or impairing the financial soundness of the taxing unit;

THEREFORE, BE IT RESOLVED, That Troy City Council it has **FOUND THAT THE GRANTING** of an Industrial Facilities Exemption Certificate (IFEC) for IACNA, at, 750–800 Chicago, Troy, MI 48083 shall not substantially impede the operation of the City of Troy or the other taxing units, **NOR HAS IT BEEN FOUND THAT THE GRANTING** of the Industrial Facilities Exemption Certificate (IFEC) will impair the financial soundness of the City of Troy, or the other taxing units which levy taxes on said property; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the application for an Industrial Facilities Exemption Certificate (IFEC) for IACNA, at 750–800 Chicago, Troy, MI, 48083, Parcels #88-20-35-276-003 and 88-20-35-276-004, for personal property for a term of five (5) years, **CONTINGENT** upon the execution of a Letter of Agreement between the City of Troy and IACNA, in accordance with Public Act 198 of 1974, as amended; and

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

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Clerk to complete the application and transmit same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI 48909-7971.

Yes: Broomfield, Fleming, Kerwin, Schilling, Beltramini

No: Eisenbacher, Howrylak

MOTION CARRIED

POSTPONED ITEMS:

D-1 Mayoral Appointment to Planning Commission

(a) Mayoral Appointments

Pending Resolution

Moved by Schilling

Seconded by Beltramini

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

Planning Commission

Appointed by Mayor (9-Regular) – 3-Year Terms

Unexpired Term 12/31/08

Mark Maxwell

Term Expires 12/31/10

Vote on Resolution to Amend by Substitution the Pending Resolution for Mayoral Appointments to Planning Commission

Resolution #2008-02-049
Moved by Schilling
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **AMENDS** Pending Resolution *D-1 Mayoral Appointments to Planning Commission* by **STRIKING** in its entirety and **SUBSTITUTING** it with:

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

Planning Commission

Appointed by Mayor (9-Regular) – 3-Year Terms

_____ Unexpired Term 12/31/08

_____ Term Expires 12/31/10

Yes: All-7

Vote on Resolution to Amend Substitute Resolution

Resolution #2008-02-050
Moved by Schilling
Seconded by Kerwin

RESOLVED, That the Mayor of the City of Troy hereby **AMENDS** the Substitute Resolution by **INSERTING**:

Don Edmunds Unexpired Term 12/31/08

Mark Maxwell Term Expires 12/31/10

Yes: All-7

Vote on Resolution to Separate the Vote on the *Mayoral Appointments to the Planning Commission* Resolution as Amended

Resolution #2008-02-051
Moved by Broomfield
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **SEPARATES THE VOTE** for the *Mayoral Appointments to the Planning Commission* resolution as amended.

Yes: All-7

Vote on Resolution for Mayoral Appointment to the Planning Commission for the Unexpired Term of 12/31/08 as Separated

Resolution #2008-02-052
Moved by Schilling
Seconded by Beltramini

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

Planning Commission

Appointed by Mayor (9-Regular) – 3-Year Terms

Don Edmunds

Unexpired Term 12/31/08

Yes: Kerwin, Schilling, Beltramini,
No: Broomfield, Eisenbacher, Fleming, Howrylak

MOTION FAILED

Vote on Resolution for Mayoral Appointment to the Planning Commission for the Unexpired Term of 12/31/10 as Separated

Resolution #2008-02-053
Moved by Schilling
Seconded by Beltramini

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

Planning Commission

Appointed by Mayor (9-Regular) – 3-Year Terms

Mark Maxwell

Term Expires 12/31/10

Yes: All-7

PUBLIC COMMENT: Limited to Items Not on the Agenda**REGULAR BUSINESS:**

E-1 Appointments to Boards and Committees: a) Mayoral Appointments: None b) City Council Appointments: None

(a) Mayoral Appointments - None

(b) City Council Appointments - None

E-2 Bid Waiver – Sole Source Purchase – Traffic Radar Trailer

Resolution #2008-02-054

Moved by Beltramini

Seconded by Fleming

WHEREAS, Decatur Electronics is the manufacturer of the Onsite 450 Radar Trailer;

WHEREAS, It is necessary to replace one trailer due to its inability to record and report traffic counts and speeds for statistical reporting; and

WHEREAS, The Onsite 450 is the only trailer made with a motorized sign lift enabling any employee to set-up the unit without fear of injury;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and hereby **AUTHORIZES** the purchase of a Traffic Radar Trailer directly from the manufacturer, Decatur Electronics at an estimated cost of \$19,995.00.

Yes: All-7

E-3 Contract Ratification – Michigan Association of Police (MAP) Clerical and Non-Sworn Police Personnel and City of Troy (2007-2010)

Resolution #2008-02-055

Moved by Kerwin

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **RATIFIES** a collective bargaining agreement between the City of Troy and Michigan Association of Police (MAP) for the period July 1, 2007 through June 30, 2010, and **AUTHORIZES** the Mayor and City Clerk to execute the final agreement.

Yes: All-7

E-4 Adjustment to Building Permit Fees

Resolution #2008-02-056

Moved by Kerwin

Seconded by Fleming

RESOLVED, That Troy City Council hereby **APPROVES** the revisions to the building permit fees, as indicated in the attached memorandum; and

BE IT FURTHER RESOLVED, That said fee revisions shall **APPLY** to building permit applications submitted after April 1, 2008.

Yes: All-7

E-5 Correction to Resolution #2007-02-053

Resolution #2008-02-057

Moved by Eisenbacher

Seconded by Broomfield

RESOLVED, That Troy City Council hereby **CORRECTS** Resolution #2007-02-053 as approved at the February 26, 2007 Regular City Council meeting, *C-2 Street Vacation Application (File Number: SV 188) – A Section of Alley Located North of Big Beaver Between Louis and Troy, Section 22*, due to an Administrative error by **STRIKING** “with the retention of public and private utility easements” in the third WHEREAS and by **STRIKING** “BE IT FURTHER RESOLVED, That City Council **RETAINS** easements for public and private easements and public turnaround within the vacated alley.” in its entirety.

Yes: All-7

CONSENT AGENDA:

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

Resolution #2008-02-058

Moved by Eisenbacher

Seconded by Beltrami

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Item F-12, which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes: All-7

F-2 Approval of City Council Minutes

Resolution #2008-02-058-F-2

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of February 4, 2008 and the Regular City Council Meeting of February 13, 2008 be **APPROVED** as submitted.

F-3 City of Troy Proclamation:

Resolution #2008-02-058-F-3

RESOLVED, That Troy City Council hereby **APPROVES** the following City of Troy Proclamation:

- a) Senior Home Assistance Repair Program (SHARP) – First Anniversary 2008
-

F-4 Standard Purchasing Resolutions

- a) **Standard Purchasing Resolution 3: Exercise Renewal Option – Printing of City of Troy Newsletter – Troy Today**

Resolution #2008-02-058-F-4a

WHEREAS, On April 16, 2007, a contract to provide printing of the Troy Today quarterly newsletter with two one (1)-year options to renew was awarded to Grand River Printing and Imaging of Belleville, MI, the vendor with the highest weighted final score, as a result of a best value process (Resolution #2007-04-122-E-4a); and

WHEREAS, Grand River Printing and Imaging has agreed to exercise the first option to renew for the 2008-09 Troy Today under the same terms and conditions with a price increase of \$1,100.00 per quarterly issue to recover costs due to fluctuations in paper;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the first option to renew for the 2008-09 printing of the Troy Today quarterly newsletter with Grand River Printing and Imaging to provide printing and distribution of the 2008-2009 Troy Today for an estimated total cost of \$80,342.80, plus \$1,100.00 per quarterly issue for paper cost increases, as well as the actual cost of bulk rate postage and additional charges as needed not to exceed 10% of the original contract amount or \$8,034.28, with all other contract requirements the same to expire March 31, 2009.

- b) **Standard Purchasing Resolution 11: Rejection of Bids – Police Carports**

Resolution #2008-02-058-F-4b

RESOLVED, That Troy City Council hereby **REJECTS** all bid proposals for ITB-COT 07-35, to provide for the installation of carports at the City of Troy Police parking area opened January 22, 2008, and hereby **AUTHORIZES** the project to be immediately re-bid.

c) **Standard Purchasing Resolution 3: Exercise Renewal Option – 2008 Summer/Winter Tax Bill Printing**

Resolution #2008-02-058-F-4c

WHEREAS, On December 6, 2006, a contract to provide printing services for the 2007 summer/winter tax bills with an option to renew for one additional tax year was awarded administratively to the low total bidder, Centron Data Services, Inc. of North Shores, MI; and

WHEREAS, Centron Data Services, Inc. has agreed to exercise the option to renew for one additional tax year under the same prices, terms and conditions as the original contract;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the option to renew for the 2008 printing of the summer/winter tax bills with Centron Data Services, Inc. for an estimated total cost of \$9,239.00, plus the actual cost of first class postage and over-runs not to exceed 5% with all other contract requirements the same to expire December 31, 2008.

d) **Standard Purchasing Resolution 1: Award to Low Bidder – Park Shelters**

Resolution #2008-02-058-F-4d

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all labor, materials and equipment to install new park shelters at both the Civic Center and Boulan Park to the low bidder, Cedroni Associates, Inc. of Utica, MI, for an estimated total cost of \$102,065.00 including bonds, at prices contained in the bid tabulation opened December 20, 2007, 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 insurance certificates, bonds and all other specified requirements.

e) **Standard Purchasing Resolution 4: Award – State of Michigan Cooperative Purchasing Agreement MiDEAL – Toro Mower**

Resolution #2008-02-058-F-4e

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase one (1) Toro Groundsmaster 4500-D rotary riding mower from Spartan Distributors, Inc. of Auburn Hills, MI, through the State of Michigan Cooperative Purchasing Agreement, MiDEAL, at an estimated net total cost of \$36,470.00, which includes the trade-in of a used mower.

f) **Standard Purchasing Resolution 1: Award to Low Bidder – Ball Diamond Fencing**

Resolution #2008-02-058-F-4f

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all labor, materials and equipment to install new backstops and ball diamond fencing at Flynn and Boulan Parks to the low total bidder, American Fence & Supply Co, Inc. of Warren, MI, for an estimated total

cost of \$179,219.00, at prices contained in the bid tabulation opened January 24, 2008, 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 insurance certificates, bonds and all other specified requirements.

F-5 Private Agreement for Starbucks Troy – Project 07.910.3

Resolution #2008-02-058-F-5

RESOLVED, That Troy City Council hereby **APPROVES** the Contract for the Installation of Municipal Improvements (Private Agreement) between the City of Troy and SSS Somerset, LLC, for the installation of water main, underground detention system, concrete approach and curb and gutter on the site and in the adjacent right of way, and **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-6 Approval of Purchase Agreement and Acceptance of Regrading and Temporary Construction Permit for John R Road Improvements, Square Lake Road to South Boulevard – Project No. 02.204.5 – Parcel #28 – Sidwell #88-20-02-427-012 – Marguerite Kokanovich

Resolution #2008-02-058-F-6

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Marguerite Kokanovich, owner of property having Sidwell #88-20-02-427-012, and the City of Troy, for the acquisition of right-of-way for John R Road Improvements, Square Lake Road to South Boulevard in the amount of \$52,800.00, plus closing costs; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to expend the necessary closing costs to complete this purchase according to the agreement; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Regrading and Temporary Construction Permit in the amount of \$1,100.00 from Marguerite Kokanovich, owner of property having Sidwell #88-20-02-427-012; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Warranty Deed and the Regrading and Temporary Construction Permit with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-7 Acceptance of Regrading and Temporary Construction Permit, John R Road Improvements, Long Lake Road to Square Lake Road – Project No. 02.203.5 Parcel #11 – Sidwell #88-20-11-226-007- Wattles Square, Inc.

Resolution #2008-02-058-F-7

RESOLVED, That Troy City Council hereby **ACCEPTS** the Regrading and Temporary Construction Permit in the amount of \$750.00 from Wattles Square, Inc., owners of property having Sidwell #88-20-11-226-007; and

RESOLVED, That Troy City Council hereby **AGREES** to pay Wattles Square, Inc. an amount not to exceed \$750.00 for permission to use land for construction; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Regrading and Temporary Construction Permit with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-8 Acceptance of Regrading and Temporary Construction Permit, John R Road Improvements, Long Lake Road to Square Lake Road – Project No. 02.203.5 Parcel #12 – Sidwell #88-20-11-226-006 – Garrett Family Limited Partnership

Resolution #2008-02-058-F-8

RESOLVED, That Troy City Council hereby **ACCEPTS** the Regrading and Temporary Construction Permit in the amount of \$750.00 from Garrett Family Limited Partnership, owners of property having Sidwell #88-20-11-226-006; and

RESOLVED, That Troy City Council hereby **AGREES** to pay Garrett Family Limited Partnership an amount not to exceed \$750.00 for permission to use land for construction; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Regrading and Temporary Construction Permit with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-9 Approval of Purchase Agreement and Acceptance of Regrading and Temporary Construction Permit, John R Road Improvements, Square Lake Road to South Boulevard – Project No. 02.204.5 – Parcel #53 – Sidwell #88-20-02-228-026 – Elena Minetos

Resolution #2008-02-058-F-9

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Elena Minetos, owner of property having Sidwell #88-20-02-228-026, and the City of Troy, for the acquisition of right-of-way for John R Road Improvements, Square Lake Road to South Boulevard in the amount of \$35,600.00, plus closing costs; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to expend the necessary closing costs to complete this purchase according to the agreement; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Regrading and Temporary Construction Permit in the amount of \$100.00 from Elena Minetos, owner of property having Sidwell #88-20-02-228-026; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Warranty Deed and the Regrading and Temporary Construction Permit with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-10 Approval of Purchase Agreement, John R Road Improvements, Square Lake Road to South Boulevard – Project No. 02.204.5 – Parcel #49 – Sidwell #88-20-02-228-030 – Jack T. Crawford and Marlene L. Crawford

Resolution #2008-02-058-F-10

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Jack T. Crawford, aka John T. Crawford and Marlene L. Crawford, owners of property having Sidwell #88-20-02-228-030, and the City of Troy, for the acquisition of right-of-way for John R Road Improvements, Square Lake Road to South Boulevard in the amount of \$23,700.00, plus closing costs; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to expend the necessary closing costs to complete this purchase according to the agreement; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** the City Clerk to record the Warranty Deed with the Oakland County Register of Deeds, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-11 Transfer of Class C License for Hari Om Restaurants, Inc.

(a) New License

Resolution #2008-02-058-F-11a

RESOLVED, That Troy City Council **CONSIDERS** for **APPROVAL** the request from Hari Om Restaurants, Inc., to transfer ownership of 2007 Class C licensed business from Paragon of Michigan, located at 2360 Rochester Ct, Troy, MI 48084, Oakland County; and

BE IT FURTHER RESOLVED, That it is the consensus of this legislative body that the application **BE RECOMMENDED** for issuance.

(b) Agreement

Resolution #2008-02-058-F-11b

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

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** an agreement with Hari Om Restaurants, Inc. to transfer ownership of 2007 Class C licensed business from Paragon of Michigan, located at 2360 Rochester Ct, Troy, MI 48084, Oakland County, and

AUTHORIZES the Mayor and City Clerk to execute the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-1b Address of "F" Items Removed for Discussion by City Council and/or the Public

F-12 Public Hearing Scheduled for March 17, 2008 for Community Development Block Grant (CDBG) Program Year 2005 Reprogramming of Unexpended Funds

Resolution #2008-02-059
Moved by Eisenbacher
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **SCHEDULES** a Public Hearing on March 17, 2008 at 7:30 PM or as soon thereafter as the agenda will permit for the purpose of hearing public comments on the re-programming of Community Development Block Grant (CDBG) program year 2005 unexpended funds from the Flood Drain Improvements Project and CDBG Program Year 2005 unexpended funds from the Special Assessment Project to the Public Facilities and Improvements, Section 36 Park Improvement Project, and the addition of Public Facilities and Improvements, Section 36 Park Improvement Project, to the list of CDBG projects for 2005.

Yes: All-7

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: None Submitted

G-2 Memorandums: None Submitted

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

Council Member Kerwin commended the *Troy Master Plan* document and encouraged residents to read it. She advised that it is available on the City's website and added that residents are also invited to discuss the document with members of the Planning Commission at a meeting scheduled for February 26 at Michigan State.

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Civil Service Commission (Act 78)/Final – September 24, 2007
- b) Youth Council/Final – November 28, 2007
- c) Building Code Board of Appeals/Final – January 2, 2008
- d) Ethnic Issues Advisory Board Minutes/Final – January 8, 2008

- e) Liquor Advisory Committee/Final – January 14, 2008
 - f) Planning Commission Special/Study/Draft – January 22, 2008
 - g) Youth Council/Draft – January 23, 2008
 - h) Ethnic Issues Advisory Board/Draft – February 5, 2008
 - i) Planning Commission/Special/Study/Draft – February 5, 2008
 - j) Liquor Advisory Committee/Draft – February 11, 2008
 - k) Civil Service Commission (Act 78)/Draft – February 13, 2008
Noted and Filed
-

J-2 Department Reports:

- a) Finance Department – City Council Expense Report – February, 2008
 - b) Building Department – Permits Issued During the Month of January, 2008
 - c) SOCRRA Quarterly Report – January, 2008
Noted and Filed
-

J-3 Letters of Appreciation:

- a) Letter of Appreciation to Mayor Schilling from Raymond Mach, Comfort Craft Construction Company, Regarding the Exceptional Efforts of the Building Department
Noted and Filed
-

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

J-5 Calendar

Noted and Filed

J-6 Oakland County Drain Commissioner's 2007 Annual Report

Noted and Filed

J-7 Communication from Parks and Recreation Director Carol Anderson Regarding Lloyd A. Stage Nature Center Donation

Noted and Filed

J-8 Communication from City Attorney Lori Grigg Bluhm Regarding Blight Article in Public Corporation Law Quarterly

Noted and Filed

J-9 Communication from Information Technology Director Gert Paraskevin Regarding Auction Computers and Computer Replacement

Noted and Filed

J-10 Communication from Library Director Cathleen Russ and Museum Manager Loraine Campbell Regarding Troy Museum Hours of Operation

Noted and Filed

J-11 Communication from City Attorney Lori Grigg Bluhm Regarding *People of the City of Troy v. Megan Nairne*

Noted and Filed

The meeting **RECESSED** at 8:40 PM

The meeting **RECONVENED** at 8:56 PM.

STUDY ITEMS:

K-1 Next Steps in the Library Planning and Development Process

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

L-1 Closed Session: No Closed Session Requested

ADJOURNMENT

The meeting **ADJOURNED** at 10:24 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

A Regular Meeting of the Troy City Council was held Monday, February 20, 2008, at City Hall, 500 W. Big Beaver Road. Mayor Pro Tem Howrylak called the Meeting to order at 7:31 PM.

Mayor Pro Tem Howrylak gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL

Mayor Louise E. Schilling (Absent)
 Robin Beltramini
 Cristina Broomfield (Absent)
 David Eisenbacher
 Wade Fleming
 Mayor Pro Tem Martin Howrylak
 Mary Kerwin

Vote on Resolution to Excuse Mayor Schilling Council Member Broomfield

Resolution #2008-02-060
 Moved by Eisenbacher
 Seconded by Fleming

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Mayor Schilling due to illness and Council Member Broomfield due to being out of the county at the Regular City Council meeting of February 20, 2008.

Yes: All-5
 No: None
 Absent: Schilling, Broomfield

OUTLINE OF PUBLIC HEARING PROCEDURE:

Under the Laws of the State of Michigan, Council is vested with the authority to take adverse action against a liquor licensee that has committed a violation of the Liquor Code or the local or state laws. However, prior to any adverse action, the licensee is entitled to a due process hearing to challenge the charged violation. For those licensees that choose to challenge the charged violation, the following procedure is recommended for the hearing:

1. The Mayor calls the licensee whose case is to be heard.
2. The licensee and/or his attorney should be asked to the front of the Chamber to acknowledge their presence for the record and can be seated.
3. The Assistant City Attorney makes a very short opening statement regarding the violation(s), and presents proofs.
4. When witnesses are called, they should be sworn by the City Clerk to tell the truth.
5. Once the witness is sworn, the Assistant City Attorney will question the witness.
6. The police report and other documents may be offered into evidence as part of the case and should be kept by the City Clerk as part of the records.

7. At the conclusion of the City's case, the licensee or his attorney should be asked to offer an explanation for the violations if they choose, make a statement, offer evidence, or otherwise make their presentation.
8. If the licensee offers evidence from witnesses who have not been previously sworn, the City Clerk should swear those witnesses.
9. Once the licensee has concluded his presentation, the Assistant City Attorney should be given an opportunity for rebuttal, if any is desired.
10. City Council members may ask questions at any time, but it is suggested that this questioning by Council members be conducted after the parties conclude their presentations.
11. When the presentation of evidence is concluded, the matter returns to the City Council for discussion, deliberation, and resolution.

PUBLIC COMMENT:

POSTPONED ITEMS:

0.0 Liquor Violations (SDD/SDM):

- (a) Name: ADI Realty, Inc. (dba: CVS Pharmacy No. 8242)
Address: 4963 John R, 48085
License No.: SDM (73139-2006)
- (b) Name: Arbor Drugs, Inc. (dba: CVS Pharmacy No. 8162)
Address: 2045 W. South Blvd., 48098
License No.: SDM (5815-2007)

PUBLIC HEARINGS:

The following named licensees have been given notice to appear for this series of Public Hearings regarding alleged violations:

1.0 Liquor Violations (SDD/SDM):

- (a) Name: The May Department Stores Company (dba: Macy's)
Address: 2752 W. Big Beaver Rd., 48084
License No.: SDM (133308-2007)

2.0 Liquor Violations (Class C; Class C Resort &Hotel B):

- (a) Name: The May Department Stores Company (dba: Macy's)
Address: 500 W. Fourteen Mile Road, 48083
License No.: Class C (132719-2007)
- (b) Name: Tent Restaurant Operations, Inc. (dba: Bailey's Pub & Grille)
Address: 1965 W. Maple, 48084
License No.: Class C (139298-2007 SS)

- (c) Name: Troy Robin, Inc. (dba: Red Robin Restaurant)
Address: 5460 Corporate, 48098
License No.: Class C & SDM (135273 & 135274-2007)
- (d) Name: California Pizza Kitchen, Inc. (dba: California Pizza Kitchen)
Address: 2800 W. Big Beaver Road, 48084
License No.: Class C (41008-07 SS)
- (e) Name: Troy Hilton Property, LLC (dba: Hilton Homewood Suites)
Address: 1495 Equity Drive, 48084
License No.: B Hotel/SDM (116291-2007/116290-2007 SS)
- (f) Name: LaShish, Inc. (dba: LaShish)
Address: 3720 Rochester Road, 48083
License No.: Class C (100797-2007 SS)
- (g) Name: Priya Enterprise, Inc. (dba: Priya Restaurant)
Address: 72 W. Maple, 48084
License No.: Class C Resort (41130-2007 SS)
- (h) Name: Kan Zaman Corporation (dba: Kan Zaman)
Address: 586 W. Fourteen Mile Road, 48083
License No.: Class C Resort/SDM (70378-2007/70379-2007)

POSTPONED ITEMS:

Resolution to Table 0.0 Liquor Violations – SDD/SDM: (a) ADI Reality, Inc. (dba: CVS Pharmacy No. 8242) and (b) Arbor Drugs, Inc. (dba: CVS Pharmacy No. 8162)

Resolution #2008-02-061
Moved by Beltramini
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **TABLES** Agenda Items *0.0 Liquor Violations – SDD/SDM: (a) ADI Reality, Inc. (dba: CVS Pharmacy No. 8242) and (b) Arbor Drugs, Inc. (dba: CVS Pharmacy No. 8162)* until the end of the meeting at the request of the attorney representing the licensee.

Yes: All-5
No: None
Absent: Schilling, Broomfield

Resolution to Table 1.0 Liquor Violations – SDD/SDM: (a) The May Department Stores Company (dba: Macy’s) and 2.0 Liquor Violations – Class C; Class C Resort & Hotel B) - (a) The May Department Stores Company (dba: Macy’s)

Resolution #2008-02-062
Moved by Kerwin
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **TABLES** Agenda *1.0 Liquor Violations – SDD/SDM: (a) The May Department Stores Company (dba: Macy’s) and 2.0 Liquor Violations – Class C; Class C Resort & Hotel B) - (a) The May Department Stores Company (dba: Macy’s)* until after the last item on the agenda.

Yes: All-5
No: None
Absent: Schilling, Broomfield

PUBLIC HEARINGS:

2.0 Liquor Violations – Class C; Class C Resort & Hotel B**(b) Tent Restaurant Operations, Inc. (dba: Bailey’s Pub & Grille)**

Resolution #2008-02-063
Moved by Beltramini
Seconded by Eisenbacher

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively;

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license be revoked after Public Hearing on Wednesday, February 20, 2008 for the following licensed establishment:

Name: Tent Restaurant Operations, Inc. (dba: Bailey’s Pub & Grille)
Address: 1965 W. Maple, 48084
License No.: Class C (139298-2007 SS)

and having found violation of the following codes and/or regulations: **SALE TO MINOR (DPU)** (Compliance Test), October 18, 2007;

WHEREAS, This licensee had no prior violations; and

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 20, 2008.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is **RECOMMENDED** to the Michigan Liquor Control Commission that Class C License Number 139298-2007 in the name of Tent Restaurant Operations, Inc. in the City of Troy, **BE RENEWED**; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

Yes: All-5
No: None
Absent: Schilling, Broomfield

(c) Troy Robin, Inc. (dba: Red Robin)

Resolution
Moved by Eisenbacher
Seconded by Kerwin

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively;

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license be revoked after Public Hearing on Wednesday, February 20, 2008 for the following licensed establishment:

Name: Troy Robin, Inc. (dba: Red Robin Restaurant)
Address: 5460 Corporate, 48098
License No.: Class C & SDM (135273 & 135274-2007)

and having found violation of the following codes and/or regulations: **SALE TO MINOR** (Compliance Test), August 23, 2007;

WHEREAS, This licensee had no prior violations; and

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 20, 2008.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is **RECOMMENDED** to the Michigan Liquor Control Commission that Class C & SDM License Numbers 135273 & 135274-2007 in the name of Troy Robin, Inc. in the City of Troy, **BE RENEWED** with the **STIPULATION** that all employees be TIPS and TAMS trained and that the Licensee provide proof of training to the Troy Police Department within ninety (90) days; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

Vote on Resolution to Amend

Resolution #2008-02-064
Moved by Beltramini
Seconded by Fleming

RESOLVE, That Troy City Council hereby **AMENDS** the resolution for agenda item (c) *Troy Robin, Inc. (dba: Red Robin Restaurant)* by **STRIKING** "training" and **INSERTING** "all employees being TIPS and TAMS trained since January 1, 2008 " **AFTER** "proof of".

Yes: All-5
No: None
Absent: Schilling, Broomfield

Vote on Resolution as Amended

Resolution #2008-02-065
Moved by Eisenbacher
Seconded by Kerwin

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively;

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license be revoked after Public Hearing on Wednesday, February 20, 2008 for the following licensed establishment:

Name: Troy Robin, Inc. (dba: Red Robin Restaurant)
Address: 5460 Corporate, 48098
License No.: Class C & SDM (135273 & 135274-2007)

and having found violation of the following codes and/or regulations: **SALE TO MINOR** (Compliance Test), August 23, 2007;

WHEREAS, This licensee had no prior violations; and

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 20, 2008.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is **RECOMMENDED** to the Michigan Liquor Control Commission that Class C & SDM License Numbers 135273 & 135274-2007 in the name of Troy Robin, Inc. in the City of Troy, **BE RENEWED** with the **STIPULATION** that all employees be TIPS and TAMS trained and that the Licensee provide proof of all employees being TIPS and TAMS trained since January 1, 2008 to the Troy Police

Department within ninety (90) days; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

Yes: All-5
No: None
Absent: Schilling, Broomfield

(d) California Pizza Kitchen, Inc. (dba: California Pizza Kitchen)

Resolution #2008-02-066
Moved by Eisenbacher
Seconded by Beltramini

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively;

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license be revoked after Public Hearing on Wednesday, February 20, 2008 for the following licensed establishment:

Name: California Pizza Kitchen, Inc. (dba: California Pizza Kitchen)
Address: 2800 W. Big Beaver Road, 48084
License No.: Class C (41008-07 SS)

and having found violation of the following codes and/or regulations: **SALE TO MINOR (DPU)** (Compliance Test), December 6, 2007;

WHEREAS, This licensee had a prior violation on May 13, 1998 – SALE TO MINOR (Compliance Test); and

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 20, 2008.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is **RECOMMENDED** to the Michigan Liquor Control Commission that Class C License Number 41008-07 SS in the name of California Pizza Kitchen, Inc. in the City of Troy, **BE RENEWED**; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

Yes: All-5
No: None
Absent: Schilling, Broomfield

(e) Troy Hilton Property, LLC (dba: Hilton Homewood Suites)

Resolution #2008-02-067
Moved by Beltramini
Seconded by Fleming

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively;

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license be revoked after Public Hearing on Wednesday, February 20, 2008 for the following licensed establishment:

Name: Troy Hilton Property, LLC (dba: Hilton Homewood Suites)
Address: 1495 Equity Drive, 48084
License No.: B Hotel/SDM (116291-2007/116290-2007 SS)

and having found violation of the following codes and/or regulations: **SALE TO MINOR (DPU)** (Compliance Test), December 13, 2007;

WHEREAS, This licensee had no prior violations; and

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 20, 2008.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is **RECOMMENDED** to the Michigan Liquor Control Commission that B Hotel/SDM License Numbers 116291-2007/116290-2007 SS in the name of Troy Hilton Property, LLC in the City of Troy, **BE RENEWED** with the **STIPULATION** that all employees be TIPS and TAMS trained and all employees not TIPS and TAMS trained since January 1, 2008 be TIPS and TAMS trained and that the Licensee provide a certified copy of training for all employees to the Troy Police Department within ninety (90) days; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

Yes: All-5
No: None
Absent: Schilling, Broomfield

(f) LaShish, Inc. (dba: LaShish)

The Mayor Pro Tem opened the Public Hearing. There was no comment from the licensee or the public.

Proposed Resolution to Postpone

Resolution

Moved by Beltramini

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **POSTPONES** agenda item (f) *LaShish, Inc. (dba: LaShish)* until a representative can be present.

Vote on Resolution to Amend Resolution to Postpone

Resolution #2008-02-068

Moved by Beltramini

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **AMENDS** the resolution to postpone by **INSERTING** "and no later than the Regular City Council meeting scheduled for Monday, March 17, 2008" **AFTER** "present".

Yes: All-5

No: None

Absent: Schilling, Broomfield

Vote on Resolution to Postpone as Amended

Resolution #2008-02-069

Moved by Beltramini

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **POSTPONES** agenda item (f) *LaShish, Inc. (dba: LaShish)* until a representative can be present and no later than the Regular City Council meeting scheduled for Monday, March 17, 2008.

Yes: All-5

No: None

Absent: Schilling, Broomfield

(g) Priya Enterprise, Inc. (dba: Priya Restaurant)

Resolution #2008-02-070

Moved by Kerwin

Seconded by Beltramini

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively;

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that

the license be revoked after Public Hearing on Wednesday, February 20, 2008 for the following licensed establishment:

Name: Priya Enterprise, Inc. (dba: Priya Restaurant)
Address: 72 W. Maple, 48084
License No.: Class C Resort (41130-2007 SS)

and having found violation of the following codes and/or regulations: **SALE TO MINOR (DPU)** (Compliance Test), June 21, 2007;

WHEREAS, This licensee had prior violations on November 1, 2001 SALE TO MINOR-TWO COUNTS (Compliance Test); November 23, 1999 SALE TO MINOR-TWO COUNTS (Compliance Test); December 17, 1997 SALE TO MINOR (Compliance Test); and

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 20, 2008.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is **RECOMMENDED** to the Michigan Liquor Control Commission that Class C Resort License Number 41130-2007 SS in the name of Priya Enterprise, Inc. in the City of Troy, **BE RENEWED** with the **STIPULATION** that all employees be TIPS and TAMS trained and all employees not TIPS and TAMS trained since January 1, 2008 be TIPS and TAMS trained and that the Licensee provide a certified copy of training for all employees to the Troy Police Department within ninety (90) days; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

Yes: All-5
No: None
Absent: Schilling, Broomfield

(h) Kan Zaman Corporation (dba: Kan Zaman)

Resolution #2008-02-071
Moved by Eisenbacher
Seconded by Beltramini

WHEREAS, The City Council of the City of Troy has reviewed the following infractions of liquor control codes and regulations and/or ordinances of the State of Michigan and/or the City of Troy respectively;

WHEREAS, The City Council has given public notice that it will deliberate and determine whether to adopt a resolution to recommend to the Michigan Liquor Control Commission that the license be revoked after Public Hearing on Wednesday, February 20, 2008 for the following licensed establishment:

Name: Kan Zaman Corporation (dba: Kan Zaman)
 Address: 586 W. Fourteen Mile Road, 48083
 License No.: Class C Resort/SDM (70378-2007/70379-2007)

and having found violation of the following codes and/or regulations: **SALE TO MINOR (DPU)** (Compliance Test), December 13, 2007;

WHEREAS, This licensee had no prior violations; and

WHEREAS, After due notice the licensee was given opportunity to review these cited infractions, and opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 20, 2008.

NOW, THEREFORE, BE IT RESOLVED, By the City Council of the City of Troy, that after due notice, appropriate hearing and deliberations, and having made findings, it is **RECOMMENDED** to the Michigan Liquor Control Commission that Class C Resort/SDM License Numbers 70378-2007/70379-2007 in the name of Kan Zaman Corporation in the City of Troy, **BE RENEWED** with the **STIPULATION** that all employees be TIPS and TAMS trained and all employees not TIPS and TAMS trained since January 1, 2008 be TIPS and TAMS trained and that the Licensee provide a certified copy of training for all employees to the Troy Police Department within ninety (90) days; and a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission.

Yes: All-5
 No: None
 Absent: Schilling, Broomfield

**1.0 Liquor Violations – SDD: (a) The May Department Stores Company (dba: Macy’s)
 (a) The May Department Stores Company (dba: Macy’s)**

The Mayor Pro Tem opened the Public Hearing. There was representative for the licensee and no comment was given by the public.

Vote on Resolution to Postpone

Resolution #2008-02-072
 Moved by Beltramini
 Seconded by Fleming

RESOLVED, That Troy City Council hereby **POSTPONES** agenda item *1.0 Liquor Violations – SDD (a) The May Department Stores Company (dba: Macy’s)* until a representative can be present and no later than the Regular City Council meeting scheduled for Monday, March 17, 2008.

Yes: All-5
 No: None
 Absent: Schilling, Broomfield

2.0 Liquor Violations – Class C; Class C Resort & Hotel B: (a) The May Department Stores Company (dba: Macy’s)

The Mayor Pro Tem opened the Public Hearing. There was representative for the licensee and no comment was given by the public.

Vote on Resolution to Postpone

Resolution #2008-02-073

Moved by Beltramini

Seconded by Kerwin

RESOLVED, That Troy City Council hereby **POSTPONES** agenda item 2.0 *Liquor Violations – Class C; Class C Resort & Hotel B (a) The May Department Stores Company (dba: Macy’s)* until a representative can be present and no later than the Regular City Council meeting scheduled for Monday, March 17, 2008.

Yes: All-5

No: None

Absent: Schilling, Broomfield

POSTPONED ITEMS:

0.0 Liquor Violations – (SDD/SDM):

(a) ADI Realty, Inc. (dba: CVS Pharmacy No. 8242)

Resolution #2008-02-074

Moved by Beltramini

Seconded by Eisenbacher

WHEREAS, The following liquor licensee operates within the City of Troy:

Name: ADI Realty, Inc. (dba: CVS Pharmacy No. 8242)

Address: 4963 John R, 48085

License No.: SDM (73139-2006)

WHEREAS, The licensee has entered into a contract with the City of Troy, where the licensee authorizes the Troy City Council to review the licensee’s violations of the laws and regulations governing the sale of alcoholic liquor, and determine the appropriate course of action for any such violation that is allowed under Michigan law;

WHEREAS, The City Council has given public notice that the licensee has been charged with the following violation of the laws and regulations governing the sale of alcoholic liquor:

SALE TO MINOR (Compliance Test) on May 3, 2007;

WHEREAS, The City provided notice that the charges against the licensee would be reviewed and Council would determine if any action should be taken against the licensee at a Public Hearing, scheduled for Wednesday, February 13, 2008;

WHEREAS, This licensee has had a prior violation dated: July 25, 2000 – SALE TO MINOR (Compliance Test); and

WHEREAS, Licensee was given the opportunity to review these cited infractions, and the opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 13, 2008;

NOW THEREFORE, BE IT RESOLVED, That the Troy City Council, after the public hearing, has **DETERMINED** that the licensee did commit the above referenced violation of the laws and regulations governing the sale of alcoholic liquor; and

BE IT FURTHER RESOLVED, That the Troy City Council **REQUIRES** the licensee (SDM License Number 73139-2006 in the name of CVS Pharmacy No. 8242 in the City of Troy), to have all its management and employees that are permitted to sell alcoholic liquor TIPS AND/OR TAM trained or RASS trained or receive some other training accepted by the Troy Police Department, and to **PROVIDE PROOF** of this training to the Troy Police Department within 90 days; and

BE IT FURTHER RESOLVED, That notice of the above referenced violation **SHALL BE PUBLISHED** in a local newspaper of general circulation.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission for inclusion in the licensee's file.

Yes: All-5
No: None
Absent: Schilling, Broomfield

(b) Arbor Drugs, Inc. (dba: CVS Pharmacy No. 8162)

Resolution #2008-02-075
Moved by Kerwin
Seconded by Fleming

WHEREAS, The following liquor licensee operates within the City of Troy:

Name: Arbor Drugs, Inc. (dba: CVS Pharmacy No. 8162)
Address: 2045 W. South Blvd., 48098
License No.: SDM (5815-2007)

WHEREAS, The licensee has entered into a contract with the City of Troy, where the licensee authorizes the Troy City Council to review the licensee's violations of the laws and regulations governing the sale of alcoholic liquor, and determine the appropriate course of action for any such violation that is allowed under Michigan law;

WHEREAS, The City Council has given public notice that the licensee has been charged with the following violation of the laws and regulations governing the sale of alcoholic liquor:

SALE TO MINOR (Compliance Test) on August 23, 2007;

WHEREAS, The City provided notice that the charges against the licensee would be reviewed and Council would determine if any action should be taken against the licensee at a Public Hearing, scheduled for Wednesday, February 13, 2008;

WHEREAS, This licensee has had a prior violation dated: May 10, 2001 – MLCC SALE TO MINOR (Compliance Test); and

WHEREAS, Licensee was given the opportunity to review these cited infractions, and the opportunity to confront witnesses and/or statements by accusers while in the presence of this City Council, sitting as a hearing body on Wednesday, February 13, 2008;

NOW THEREFORE, BE IT RESOLVED, That the Troy City Council, after the public hearing, has **DETERMINED** that the licensee did commit the above referenced violation of the laws and regulations governing the sale of alcoholic liquor; and

BE IT FURTHER RESOLVED, That the Troy City Council **REQUIRES** the licensee (SDM License Number 5815-2007 in the name of Arbor Drugs, Inc. in the City of Troy), to have all its management and employees that are permitted to sell alcoholic liquor TIPS AND/OR TAM trained or RASS trained or receive some other training accepted by the Troy Police Department, and to **PROVIDE PROOF** of this training to the Troy Police Department within 90 days; and

BE IT FURTHER RESOLVED, That notice of the above referenced violation **SHALL BE PUBLISHED** in a local newspaper of general circulation.

BE IT FURTHER RESOLVED, That a certified copy of this resolution be **SENT** to the Michigan Liquor Control Commission for inclusion in the licensee's file.

Yes: All-5
No: None
Absent: Schilling, Broomfield

PUBLIC COMMENT:

ADJOURNMENT

The meeting **ADJOURNED** at 9:32 PM.

Martin Howrylak , Mayor Pro Tem

Barbara A. Pallotta, CMC
Deputy City Clerk



CITY COUNCIL ACTION REPORT

February 13, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 3: Exercise Renewal Option – Asphalt Paving Material

Background

- On March 5, 2007, Troy City Council approved one year contracts for Asphalt Paving Material with Barrett Paving Materials and Surface Coatings Co as primary suppliers and Ajax Materials Corporation as a secondary supplier.
- The contract contains an option to renew for one additional year based upon mutual consent. All three vendors have agreed to renew the current contract under the same prices, terms, and conditions.
- Purchasing has analyzed market trends and found the City would not benefit from soliciting new bids for the items specified as operating and material costs continue to rise for petroleum based products.

Financial Consideration

- Funds are available in the Operating Budgets of the Streets Division for major and local drain and road surface maintenance, and the Water Division for mains, service and tap-in maintenance.

Legal Considerations

- ITB-COT 07-03, one year requirements of Asphalt Paving Material with an option to renew for one additional year was competitively bid, in accordance with Chapter 7 of the City Code.

Policy Considerations

- By renewing existing contracts, the City minimizes cost increases, and benefits from efficient strategic planning. (Goal II)

Options

- City management recommends exercising the options to renew for one additional year with Barrett Paving Materials Inc of Troy, MI and Surface Coatings Co of Auburn Hills, MI as primary suppliers; with Ajax Materials Corporation of Troy, MI as secondary supplier under the same prices, terms and conditions expiring March 31, 2009.



January 28, 2008

ATTN: Brian Borich
 Ajax Materials Corporation
 830 Kirts Blvd Ste 107
 Troy, MI 48064
 FAX: (248) 244-0800

Dear Mr. Borich:

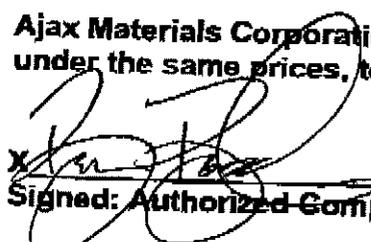
The City of Troy entered into contract #20800896-OB with Ajax Materials Corporation to provide one-year requirements of Asphalt Paving Material-Hot Patch with an option to renew for one additional year, which currently expires March 31, 2008. The City is interested to know whether Ajax Materials Corporation will renew its contract at established prices for the one additional year.

Please fax this letter back to Deanna Theobald at the DPW indicating if Ajax Materials Corporation wishes to renew this contract until March 31, 2009. The fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. 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.

If you have any questions please call me at (248) 524-3501

CHECK ONE:

Ajax Materials Corporation is interested in renewing the contract under the same prices, terms, and conditions: (✓)


 Signed: ~~Authorized Company Representative~~

Ajax Materials Corporation is not interested in renewing the contract: ()

X
 Signed: Authorized Company Representative

Date: Jan. 29, 2008

Thank you,
 Deanna Theobald
 Department of Public Works, City of Troy



January 28, 2008

ATTN: Herman Bobak
Barrett Paving Materials
2040 Barrett St
Troy, MI 48064
FAX: (248) 362.1894

Dear Mr. Bobak:

The City of Troy entered into contract #20600693-OB with Barrett Paving Materials to provide one-year requirements of Asphalt Paving Material-Hot Patch with an option to renew for one additional year, which currently expires March 31, 2008. The City is interested to know whether Barrett Paving Materials will renew its contract at established prices for the one additional year.

Please fax this letter back to Deanna Theobald at the DPW indicating if Barrett Paving Materials wishes to renew this contract until March 31, 2009. The fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. 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.

If you have any questions please call me at (248) 524-3501

CHECK ONE:

Barrett Paving Materials is interested in renewing the contract under the same prices, terms, and conditions:

Herman Bobak
Signed: Authorized Company Representative

Barrett Paving Materials is not interested in renewing the contract: ()

Signed: Authorized Company Representative

Date: 2/5/2008

Thank you,
Deanna Theobald
Department of Public Works, City of Troy



February 4, 2008

ATTN: Lee F. Lewis
Surface Coating Co.
2280 Auburn Road
Auburn Hills, MI 48326
FAX: (248) 338-8443

Dear Mr. Lewis:

The City of Troy entered into contract #20600694-OB with Surface Coating Co to provide one-year requirements of Bulk Tack Coat with an option to renew for one additional year, which currently expires March 31, 2008. The City is interested to know whether Surface Coating Co will renew its contract at established prices for the one additional year.

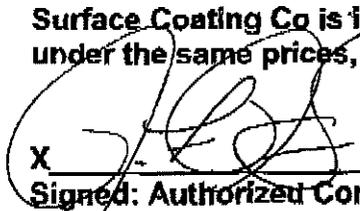
Please fax this letter back to Deanna Theobald at the DPW indicating if Surface Coating Co wishes to renew this contract until March 31, 2009. The fax number is (248) 524-3520. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff 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.

If you have any questions please call me at (248) 524-3501

CHECK ONE:

Surface Coating Co is interested in renewing the contract under the same prices, terms, and conditions:

(✓)

X  Lee F. Lewis
Signed: Authorized Company Representative

Surface Coating Co is not interested in renewing the contract: ()

X _____
Signed: Authorized Company Representative

Date: 2/4/8

Thank you,
Deanna Theobald
Department of Public Works, City of Troy

b) Standard Purchasing Resolution 3: Exercise Renewal Option – Hauling and Disposal of Dirt and Debris

Resolution #2007-03-075-E-4b

WHEREAS, On March 27, 2006, one-year contracts for the Hauling and Disposal of Dirt and Debris with an option to renew for one additional year was awarded to the low bidders, Osburn Industries of Taylor, MI (Resolution #2006-03-153-E-4a) and subsequently to Luke's Trucking and Excavating LLC of Holly, MI, as a result of a rescind/re-award on August 14, 2006 (Resolution #2006-08-335); and

WHEREAS, Both awarded bidders have agreed to exercise the one-year option to renew under the same prices, terms, and conditions;

THEREFORE, BE IT RESOLVED, That the options to renew the contracts are hereby **EXERCISED** with Osburn Industries of Taylor, MI and Luke's Trucking and Excavating LLC of Holly, MI, to provide one-year requirements of Hauling and Disposal of Dirt and Debris under the same contract prices, terms, and conditions expiring March 27, 2008.

c) Standard Purchasing Resolution 1: Bid Award – Low Bidders – Asphalt Paving Material

Resolution #2007-03-075-E-4c

RESOLVED, That contracts to provide for one (1) year requirements of Asphalt Paving Materials are hereby **AWARDED** to the low bidders, Barrett Paving Materials, Inc. of Troy, MI and Surface Coatings Company of Auburn Hills, MI at unit prices contained in the bid tabulation opened February 13, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting expiring March 31, 2008; and

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon contractor submission of properly executed bid and contract documents, including insurance certificates and all other specified requirements; and the City be **AUTHORIZED** to use reciprocity between Barrett Paving and Ajax Materials in the event of a plant closing, inability to meet delivery times or supply material as specified.

d) Standard Purchasing Resolution 1: Award to Low Bidder – Parking Lot Maintenance

Resolution #2007-03-075-E-4d

RESOLVED, That a contract to complete the City of Troy Parking Lot Maintenance Program for 2006/07 is hereby **AWARDED** to the low total bidder, Lacaria Construction, Inc. of Detroit, MI for Fire Station #5 and the Community Center at unit prices contained in the bid tabulation opened January 31, 2007, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract not to exceed budgetary limitations; and



CITY COUNCIL ACTION REPORT

February 26, 2007

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Susan A. Leirstein, Purchasing Director
Timothy L. Richnak, Public Works Director

SUBJECT: Standard Purchasing Resolution 1: Bid Award – Low Bidders – Asphalt Paving Material

Background

- On February 13, 2007, bid proposals were received for one-year requirements of Asphalt Paving Material with an option to renew for one additional year.
- A secondary supplier is awarded in the event that the primary supplier is unable to meet delivery times or supply material as specified.
- 31 Vendors were notified of the bid opportunity via the MITN system. Three bidders responded with one statement of no bid received.

Financial Consideration

- Funds are available in the Operating Budgets of the Streets Division for major and local drain and road surface maintenance, and the Water Division for mains, service and tap-in maintenance.

Legal Considerations

- ITB-COT 07-03, Asphalt Patching Hot Material was competitively bid and opened with three bidders responding.

Policy Considerations

- Hot asphalt is used in the patching and general maintenance of major and local roads and drains, and public infrastructure parking lots and trails. (Goal I & V)

Options

- City management recommends awarding contracts to the low bidders, Barrett Paving Materials Inc of Troy, MI as primary supplier for Items 1-5; and Surface Coatings Co of Auburn Hills for Item 6) 5 gallon pail of Tack Coat. In addition, the City requests authorization to use reciprocity between Barrett Paving Materials and Ajax Materials Corporation in the event of a plant closing, inability to meet delivery times or supply material as specified.

Opening Date -- 2/13/07
 Date Prepared -- 2/14/07

CITY OF TROY
 BID TABULATION
 ASPHALT PATCHING HOT MATERIAL

ITB-COT 07-03

VENDOR NAME:

**	Surface Coatings Co.	Barrett Paving Materials	Ajax Materials Corporation
			Secondary

PROPOSAL - One (1) Year Requirements of Asphalt Paving Material - Hot Patch with an Option to Renew for One Additional Year

ITEM #	EST QTY	DESCRIPTION	Price/Ton	Price/Ton	Price/Ton
1	200 Ton	1100T 36A Wearing	No Bid	\$ 38.00	\$ 40.00
2	300 Ton	1100T 29AA Wearing	No Bid	\$ 36.00	\$ 39.00
3	200 Ton	1100T 20AA Leveling	No Bid	\$ 36.00	\$ 38.50
4	1000 Ton	Commercial Top	No Bid	\$ 36.00	\$ 38.50
5	250 Ton	Commercial Base	No Bid	\$ 35.00	\$ 37.00
6	500 Gal	Bulk Tack Coat	No Bid	\$ 2.50	\$ 4.00
		or 5 Gal Pail	\$ 22.95	\$ 25.00	\$ 50.00
		Commerical Fine Wearing		\$38.00 per Ton	
ESTIMATED GRAND TOTAL:			\$ 2,295.00	\$ 74,100.00	\$ 82,150.00
Items picked up at suppliers' plants by City of Troy staff					
HOURS OF OPERATION:			7:30 to 3:30	7:00 to 4:00	7:00 to 5:00
Notice of Pick Up - M thru F:			.5 Hrs	Pick Up	24 Hrs
For Saturdays:			7:30 to Noon	Call	Call for Availability
PROXIMITY Location--			Auburn Hills, MI	Troy Plant	Rochester Hills, MI
Miles--			8 Miles	4 1/2 Miles	5.42 Miles
TERMS:			Net 30 Days	Net 30 Days	Net 30 Days
WARRANTY:			Blank	Blank	Blank
EXCEPTIONS:			Blank	Blank	Blank
ACKNOWLEDGEMENT: Y or N			Yes	Yes	Yes
			Option to Renew for one add'l year will be a mutual agreement with both parties.		Note: Bulk tack can be picked up at Ajax Plant #2 Bald Mountain, Auburn Hills

NO BIDS:
National Asphalt Products, Inc.

** DENOTES LOW BIDDER(S)

ATTEST:
Debra Printer
Emily Frontera
Thomas Rosewarne
Linda Bockstanz

 Susan Leirstein
 Purchasing Director



CITY COUNCIL ACTION REPORT

February 19, 2008

TO: Phillip L. Nelson, City Manager

FROM: Susan A. Leirstein, Purchasing Director
William S. Nelson, Fire Chief

SUBJECT: Standard Purchasing Resolution 4: MITN Purchasing Cooperative -
Turnout Gear

Background

- On June 26, 2007, the City of Rochester Hills obtained bids for three-year requirements of turnout gear with an option to renew for one additional year commencing July 1, 2007, on behalf of the MITN Cooperative Cities of Sterling Heights, Auburn Hills, and Mount Pleasant, and extended to Michigan Intergovernmental Trade Network members of which the City of Troy is part.
- The City of Rochester Hills accepted the sole bid received from Apollo Fire Equipment Company of Romeo, Michigan for coats, pants and suspenders. Due to their bidding threshold of \$25,000.00, Rochester Hills approved the recommendation administratively.
- The City of Troy Fire department has been purchasing gear for new members and replacing gear of existing members over the last year. This is being done since our last gear purchase was phased in between 1996-1998 and had a life of expectancy of roughly ten years.
- The department has been buying the Janesville Commando gear specified by Rochester Hills under the prices, terms, and condition of bid #ITB-RH-07-026 based on a regional volume of an estimated 500 sets of gear per year.
- The purchase of this gear is essential to the safety of our fire fighters.

Financial Considerations

- Our annual purchases will be between 10-15 sets a year. Annual costs are estimated at \$21,000.00.
- Funds are budgeted annually in the Fire Operations, Fire Equipment account #338.7740.115.

Legal Considerations

- There are no legal considerations associated with this item.

Policy Considerations

Cooperative purchasing minimizes costs and increases the efficiency and effectiveness of City government. (Goal II)

February 19, 2008

To: Phillip L. Nelson, City Manager
Re: MITN Purchasing Cooperative – Turnout Gear

Options

- City management recommends utilizing the cooperative contract hosted by the City of Rochester Hills, to purchase three-year requirements of turnout gear with an option to renew for one additional year with Apollo Fire Equipment of Romeo, MI, under the pricing, terms and conditions established by bid ITB-RH- 07-026, a copy of which shall be attached to the original Minutes of this meeting to expire July 1, 2010.

Bryan K. Barnett, Mayor

City Council Members: Erik Ambrozaitis J. Martin Brennan Greg Hooper Vern A. Pixley James Rosen Michael Webber Ravi Yalamanchi

PURCHASING

February 14, 2008

248.841.2533 Phone
248.608.8178 Fax

Jean Farris, CPPB
Supervisor of Procurement
248.841.2538

Marilyn Paulsen-
Tomaszewski, CPPB
Purchasing Analyst
248.841.2539

Lisa Cummins
Purchasing Analyst
248.841.2537

Judy Hewitt
Administrative Assistant
248.841.2536

Ms. Susan Leirstein
Director of Purchasing
City of Troy
500 W. Big Beaver
Troy, MI 48084

Re: Turnout Gear

Dear Ms. Leirstein:

Bids on behalf of the City of Rochester Hills, City of Sterling Heights, City of Auburn Hills and City of Mount Pleasant were solicited by the City of Rochester Hills. On June 26, 2007, sealed bids from one supplier was opened and read. Apollo Fire Equipment Company was awarded as the lowest responsive and responsible bid meeting the specifications for Janesville gear.

The City of Rochester accepted Apollo Fire Equipment Company's pricing for a three-year period. There is an option to renew at the expiration for an additional one-year period. The turnout gear includes itemized costs for coats, pants and suspenders.

A blanket purchase order to Apollo Fire Equipment Company, 12584 Lakeshore Road, Romeo, Michigan 48065 will be awarded by the City of Rochester Hills. The bid has been extended to the Michigan Intergovernmental Trade Network (MITN).

If you have questions or comments, please contact me.

Sincerely,

City Hall
General Information
248.656.4600

Bryan K. Barnett
Mayor
248.656.4664

Jean A. Farris CPPB
Supervisor of Procurement

TURNOUT GEAR BID TABULATION

Vendor	Apollo Fire Equipment Romeo, Michigan
Janesville Commando Coat Model CMDM2K	
1 - 24 Bunker Coats	\$878.55
25 - 60 Bunker Coats	\$878.55
61 - 96 Bunker Coats	\$848.60
97 - 144 Bunker Coats	\$848.60
Delivery	60-75 days
Janesville Commando Super Lumbar Pant Model PSLM2K	
1-24 Bunker Pant	\$565.55
25 - 60 Bunker Pant	\$565.55
61 - 96 Bunker Pant	\$546.00
97 - 144 Bunker Pat	\$546.00
Delivery	60-75 days
Janesville EZH-H back black quick adjust-SB342 Suspenders	
1 - 24 Suspenders	\$22.00
25 - 60 Suspenders	\$22.00
61 - 96 Suspenders	\$21.00
97 - 144 Suspenders	\$21.00
Delivery	60-75 days
Janesville EZH-H back black quick adjust SB348 Suspenders	
1 - 24 Suspenders	\$22.00
25 - 60 Suspenders	\$22.00
26 - 96 Suspenders	\$21.00
97 - 144 Suspenders	\$21.00
Delivery	Stock - 10 days
Exceptions	Outer Shell can be upgraded to PBI Matrix at no additional charge Due to changes in NFPA 1971 2007 ed, Lion Apparel changed the collar from 4" to 3" When placing hand pockets on coat, take-up straps are removed.
Percent of Increase Per Year:	
Second Year	3%
Third Year	3%
Fourth Year	3%
Number of year company has been providing this type of clothing	38 years
Number of year company has been Janesville distributor	30 years
Company will extend pricing to Sterling Heights, Auburn Hills and Mount Pleasant Fire Departments	Yes
Company will aggregate quantities of participating cities's purchases to achieve discounted unit prices based on quantity	Yes
Company will extend to MITN	Yes



12584 LAKESHORE DRIVE • ROMEO, MI 48065
(810) 752-1800
FAX (810) 752-6907
1-800-626-7783

City of Rochester Hills
Jean A. Farris, CPPB, Supervisor of Procurement
1000 Rochester Hills Drive
Rochester Hills, MI 48309

June 26, 2007

Subject: Turnout Gear – Bid – ITB-RH-07-026

Attached for your consideration is our bid for Lion Apparel turnout gear. The exceptions / variations are listed in the specification pages on the right side of the item paragraph.

If you have any questions please don't hesitate to call.

Regards,

A handwritten signature in cursive script that reads 'Jo Ellen Pavoni'.

Jo Ellen Pavoni
Account Manager
Cell Phone: 616-291-6534

SPECIFICATIONS

Each bidder must use the attached Bid Form and Specifications to submit their bid.

All gear must meet or exceed the requirements listed below. Coats must be Janesville Commando Coats Model CMDM2K. Pants must be Janesville Commando Super Lumbar Pant Model #PSLM2K. Suspenders must be Janesville SB342/SB348 EZH-H back black quick adjust non-stretch suspenders with metal loops. The City holds sole discretion whether a product meets the minimum requirements. Please note that all turn-out gear must not have any leather trim around cuffs, ankles, coat and pants.

Bidders are requested to complete the furnished Bid Form, as well as circle for every specification either "compliant" or "exception." If an exception is indicated, an explanation shall be provided.

The purpose of the clothing is to provide protection during structural fire fighting operations where there is a threat of fire or when certain physical hazards are likely to be encountered, such as during non-fire-related rescue operations, emergency medical operations, and victim extrication. Turnout gear shall provide protection to the fire fighter's body, excluding the head, hands and feet. It should provide protection against temperature extremes; sharp objects, steam, hot water, hot particles and other hazards encountered during fire suppression activities or other fire related emergencies.

COMPLIANT EXCEPTION

GENERAL STANDARDS:

All garments produced shall meet or exceed the criteria set forth in NFPA 1971 – 2007 edition.

COMPLIANT EXCEPTION

All components and composites used in the construction of garments shall be third party tested, certified and listed for compliance to NFPA 1971. Certification shall be denoted by the label of the third party tester.

COMPLIANT EXCEPTION

The manufacturer shall be registered to the ISO Standard 9001 to assure a satisfactory level of quality.

COMPLIANT EXCEPTION

The Rochester Hills trim pattern and style shall be as follows:

- 3-inch lime/yellow scotchlite II (triple) trim with one band around hem
- 1-band around cuff
- 1-band around sleeve above elbow
- 1-band around chest stopping at verticals on back
- 1-strip across back yoke
- 2-vertical strips on back from hem trim to yoke trim
- Two (2) 3 inch strips on pants above cuff

COMPLIANT

EXCEPTION

Other cities departments including in this Bid may have other styles, which can be priced at the time of order.

COMPLIANT

EXCEPTION

Turnout Gear shall have 42 stitch bartacks at all stress points

COMPLIANT

EXCEPTION

Turnout Gear shall have 2-D bar code "asset Trax" system on each garment

COMPLIANT

EXCEPTION

All components shall meet OSHA Blood borne Pathogens Standard, Title 29 CFR, part 1910.1030.

COMPLIANT

EXCEPTION

All turnout gear shall be constructed with thermal liner materials -- 2.3 oz E-89 Dri and 1.5 oz AraFlo Dri quilted to 3.5 oz glide II facecloth

COMPLIANT

EXCEPTION

All turnout gear shall be constructed with moisture barrier material – Crosstech 2c laminated to 3.75 oz Nomex pajama check

COMPLIANT

EXCEPTION

All trim sewn on all turnout gear shall be sewn using four (4) needle lockstitch

COMPLIANT

EXCEPTION

Vendor will supply at no additional charge qualified personnel to measure each recipient and ensure proper fit is accurate. All gear shall be tailored until proper fit is obtained.

COMPLIANT

EXCEPTION

Each garment shall have a limited lifetime warranty against defects in material and workmanship which is detailed on a card attached to each garment.

COMPLIANT

EXCEPTION

Vendor will repair or replace any garment which proves defective due to material or workmanship

COMPLIANT

EXCEPTION

Vendor shall submit appropriate descriptive literature on the equipment. The descriptive literature submitted shall include applicable model numbers of the equipment bid in accordance with this specification.

COMPLIANT

EXCEPTION

Vendor will agree, if requested, to submit at no charge to the City samples of turnout gear.

COMPLIANT

EXCEPTION

BUNKER COATS

Bunker Coats shall be Janesville Commando Coat Model CMDM2K

COMPLIANT EXCEPTION

Bunker Coats shall contain the Isodri protective system

COMPLIANT EXCEPTION

Outer shell shall be 7oz PBI Gold Plus-Natural color

COMPLIANT EXCEPTION

Can up-grade to PBI Matrix
at no additional charge

Bunker Coats shall have an external self fabric hander loop

COMPLIANT EXCEPTION

Bunker Coats shall have 8x8 inch lined hand warmer pockets

COMPLIANT EXCEPTION

Bunker Coats shall have a rescue drag device/rescue harness

COMPLIANT EXCEPTION

Bunker Coats shall have a radio pocket on left chest

COMPLIANT EXCEPTION

Bunker Coats shall have 3 inch storm flap with zipper inside and hook and loop outside closure

COMPLIANT EXCEPTION

Bunker Coats shall have a zipper liner/shell attachment

COMPLIANT EXCEPTION

Bunker Coats shall contain 1/8 inch GIC E88 foam thermal protection in yoke of liner

COMPLIANT

EXCEPTION

Bunker Coats shall have a 4 inch overlapping quilted collar with thermal and moisture protection

COMPLIANT

EXCEPTION

Due to changes in the NFPA1971
2007 edition, Lion Apparel
changed the collar from the 4" to 3"

Bunker Coats shall have two (2) 8.5x8.5 black outer shell liner pockets

COMPLIANT

EXCEPTION

Bunker Coats shall have 8 inch Nomex/Kevlar/Spandex/over the thumb wristlets

COMPLIANT

EXCEPTION

Bunker Coats shall contain Everdry water well system with breathable moisture barrier

COMPLIANT

EXCEPTION

Bunker Coats shall have self fabric cuff reinforcement

COMPLIANT

EXCEPTION

Bunker Coats shall have self fabric elbow reinforcement with 1/8 inch GIC E88 foam padding

COMPLIANT

EXCEPTION

Bunker Coats shall have self fabric shoulder reinforcement with 1/8 inch GIC E88 foam padding

COMPLIANT

EXCEPTION

Bunker Coats shall have breathable moisture barrier in storm flap

COMPLIANT

EXCEPTION

Bunker Coats shall have self fabric take up straps with nickel loop on each side

COMPLIANT

EXCEPTION

When placing hand pockets on coat, take-up straps are removed.

Bunker Coats shall have two (2) 2X5 inch self fabric pass devise with pear leather inside bartacked one to each chest 2 inches from shoulder cap

COMPLIANT

EXCEPTION

Vendor shall provide price quote for 3 inch letters to be determined by ordering department

COMPLIANT

EXCEPTION

Vendor shall provide price quote for hanging letter patch with 3 inch letters to be determined by ordering department.

COMPLIANT

EXCEPTION

Coats shall be made available in even chest sizes with corresponding sleeve lengths available in short, regular, and long. Male and female sizing available.

COMPLIANT

EXCEPTION

TRACKING LABEL SYSTEM: There shall be a PDF417, two dimensional bar code label permanently affixed to each garment for tracking purposes. The bar code shall contain a minimum of the following information:

- a. unique serial number
- b. item description (brand, model, material color)
- c. lot information (date of mfg., size, etc.)
- d. material description
- e. the standard to which the garment is compliant

The bar code shall be able to withstand customary wash and wear cycles. The PDF417 bar code must incorporate a minimum of a 30% "error correction" capability.

COMPLIANT

EXCEPTION

USER INFORMATION GUIDE: Each garment shall include a User Information Guide with information required by NFPA 1971. This guide shall include:

- (a) Pre-use information:
 - Safety considerations.
 - Limitations of use.
 - Garment marking recommendations and restrictions.
 - A statement that most performance properties of the garment cannot be tested by the user in the field.
 - Warranty information.
- (b) Preparation for use:
 - Sizing/adjustment.
 - Recommended storage practices
- (c) Inspection:
 - Inspection frequency and details.
- (d) Don/Doff:
 - Donning and doffing procedures.
 - Sizing and adjustment procedures.
 - Interface issues.
- (e) Use:
 - Proper use consistent with NFPA 1500, Standard on Fire Department, Occupational Safety and Health Program, and 29 CFR 1910, 132.
- (f) Maintenance and Cleaning:
 - Cleaning instructions and precautions with a statement advising users not to use garments that are not thoroughly cleaned and dried.
 - Inspection details.
 - Maintenance criteria and methods of repair where applicable.
 - Decontamination procedures for both chemical and biological contamination.
- (g) Retirement and disposal:
 - Retirement and disposal criteria and considerations.

COMPLIANT

EXCEPTION

Bunker coat shall be designed of a 3-panel construction in all layers to provide a proper fit. When measured at the center of the back from the collar seam to the hem bottom, the coat shall measure 29/32" long. Sleeves shall be of full length and of shoulder insert, 2-panel type design.

COMPLIANT

EXCEPTION

CUSTOMIZED STANDARD OPTIONS:

UNIVERSAL STRAP: One 2" wide x 5" long universal strap constructed of three layers of outer shell material with rivets to accommodate a personal alert device with clip holder, or flashlight equipped with clip holder. Location shall be one on the left side 2" from the shoulder seam in the front.

COMPLIANT

EXCEPTION

UTILITY SNAP: One reverse utility snap shall be riveted to the coat shell. The location shall be on the right side 2" from the shoulder seam in the front.

COMPLIANT

EXCEPTION

BUNKER PANT

Bunker Pant shall be Janesville Commando Super Lumbar Pant Model PSLM2K

COMPLIANT

EXCEPTION

Bunker Pant shall have liner/shell attached using eight (8) snaps

COMPLIANT

EXCEPTION

Bunker Pant shall have one layer of FR Lite-N-Dry Closed cell cushioning between thermal and moisture barrier layers of knee.

COMPLIANT

EXCEPTION

Bunker Pant shall have eight (8) suspender buttons

COMPLIANT

EXCEPTION

Bunker Pant shall have gold leather leg tabs

COMPLIANT

EXCEPTION

Bunker Pant shall have an independent waistband

COMPLIANT

EXCEPTION

Bunker Pant shall have an integrated lumbar support belt

COMPLIANT

EXCEPTION

Bunker Pant shall have gold leather knee reinforcements

COMPLIANT

EXCEPTION

Bunker Pant shall have gold leather cuff reinforcements

COMPLIANT

EXCEPTION

Bunker Pant shall have breathable moisture barrier in fly facing.

COMPLIANT

EXCEPTION

Bunker Pant shall have zipper with hook and loop and snap at waist fly-closure.

COMPLIANT

EXCEPTION

Bunker Pant shall have two (2) 10x10x2 inch full bellows pockets fully lined three (3) sides with Kevlar twill with one (1) piece 1.5x10 inch loop on pocket and two (2) pieces 1.5x2.75 hook on flap, right pocket split 6 inches in front and 4 inches in rear.

COMPLIANT

EXCEPTION

Pant sizes shall be made available in even waist sizes with inseam lengths available in extra short, short, regular and long. Male and female sizing available.

COMPLIANT

EXCEPTION

SUSPENDERS

Suspenders shall be Janesville SB342 – EZH-H back black quick adjust 42 inch non-stretch suspenders with metal loops

COMPLIANT

EXCEPTION

Suspenders shall be Janesville SB348 – EXH-H back black quick adjust 48 inch non-stretch suspenders with metal loops

COMPLIANT

EXCEPTION

TURNOUT GEAR

BID FORM

The undersigned hereby proposes to deliver the described equipment and certifies that this bid is in accordance with the terms and specifications as prepared by the City of Rochester Hills, subject only to exceptions as noted below (or on an attached sheet). Due to funding, quantity is unspecified. Please show pricing with breaks as noted.

Unit prices stated below will be firm for a period of three (3) years from date of award. The City reserves the right to extend the initial contract term for a fourth year under the same terms and conditions.

Please list percent of increase per year for items listed herein. Increase cannot exceed 5% per year.

Second Year 3 %

Third Year 3 %

Fourth Year 3 %

BUNKER COAT

Janesville Commando Coat Model CMDM2K, as specified

Item/Quantity	Unit Price
1 - 24 Bunker Coat	878.55
25 - 60 Bunker Coat	878.55
61 - 96 Bunker Coat	848.60
97 - 144 Bunker Coat	848.60

Promised Delivery 60-75 days from order date

BUNKER PANT

Janesville Commando Super Lumbar Pant Model PSLM2K, as specified

Item/Quantity	Unit Price
1 - 24 Bunker Pant	565.55
25 - 60 Bunker Pant	565.55
61 - 96 Bunker Pant	546.00
97 - 144 Bunker Pant	546.00

Promised Delivery 60-75 days from order date

SUSPENDERS

Janesville EZH-H back black quick adjust - SB342, as specified

Item/Quantity	Unit Price
1 - 24 Suspenders	22.00
25 - 60 Suspenders	22.00
61 - 96 Suspenders	31.00
97 - 144 Suspenders	31.00

Promised Delivery 60-75 days from order date

Janesville EZH-H back black quick adjust - SB348, as specified

Item/Quantity	Unit Price
1 - 24 Suspenders	22.00
25 - 60 Suspenders	22.00
61 - 96 Suspenders	31.00
97 - 144 Suspenders	31.00

Promised Delivery Stock-10 days from order date

Exceptions/Variations to Specifications:

SEE PAGE 18

Exception / Variations to Specifications are:

Page 9 outer shell, page 10 collar,
page 11 take-up straps. See comment
beside each request item

TERMS: (Discounts offered will be taken) N/A = 30 days net

REFERENCES:

Organization _____ Clinton Township Fire Dept. _____
Contract Name _____ Chief Mike Phy _____
586-263-8437 _____
Telephone Number _____

Organization _____ Ferndale Fire Dept. _____
Contract Name _____ Chief Roger Schmidt _____
248-546-2510 _____
Telephone Number _____

Organization _____ Southfield Fire Dept. _____
Contract Name _____ Chief Pete Healy _____
248-796-5602 _____
Telephone Number _____

Indicate the number of years that your company has been providing this type of clothing.

38

Indicate the number of years that your company has been a Janesville distributor.

30

Indicate the warranty coverage and warranty period for the clothing.

SEE ATTACHED Warranty Information

Has your company filed for bankruptcy or reorganized for financial reason in the past 36 months?

NO X

YES _____

Explain

Is your company willing to extend pricing and terms given to the City of Rochester Hills Fire Department to the City of Sterling Heights, City of Auburn Hills and City of Mount Pleasant?

YES X NO _____

Is your company willing to aggregate the quantities of the participating cities' purchases to achieve discounted unit prices based on quantity?

YES X NO _____

Is your company willing to extend pricing and terms given to other local entities, which are part of the MITN purchasing cooperative?

YES X NO _____

If Yes, please complete the extension information below:

EXTENSION OF AWARD TO THE MITN PURCHASING COOPERATIVE

The City of Rochester Hills, the City of Sterling Heights and the City of Auburn Hills are members of the MITN (Michigan Intergovernmental Trade Network) Purchasing Cooperative. If your company is awarded item(s) referenced in this Bid, these cities and other cooperative governmental entities, as well as Oakland Township, Orion Township and City of Mount Pleasant, may wish to use this contract and will issue a purchase order for the item(s) awarded in the bid proposal. Each entity is responsible for their own payments and is to be considered individually for billing and collection purposes. Each entity will provide their own purchase order and delivery location(s) and must be invoiced separately to the address indicated on their purchase order.

 X If an award is made by the City of Rochester Hills, it is agreed that the contract will be extended to the MITN Purchasing Cooperative and associate entities i.e., City of Mount Pleasant, Oakland Township and Orion Township, under the same prices, terms and conditions.

An extension proposal is attached which indicates the manner in which each entity will be added.

 Attached X Not Attached.

 Our company is NOT interested in extending the contract.

To be considered your company must specialize in this type of product and have performed the services listed herein as indicated in the specification. Submit **eight (8) copies** of the bid in one sealed envelope or box. The Fire Department and Purchasing Division will review all bids, check references, test sample gear if deemed necessary by the City and award the purchase to the company whose bid is viewed in the best interest of the City.

The undersigned hereby declares that he/she has carefully examined the general conditions and specifications and will provide Turnout Gear as described herein for the price set forth in this proposal. Any changes to the specifications and its impact on the final cost will be discussed and mutually agreed upon before the delivery of the services.

By submission of a response, the Proposer agrees that at the time of submittal, he/she: (1) has no interest (including financial benefit, commission, finder's fee, or any other remuneration) and shall not acquire any interest, either direct or indirect, that would conflict in any manner or degree with the performance of Proposer's services, or (2) benefit from an award resulting in a "Conflict of Interest." A "Conflict of Interest" shall include holding or retaining membership, or

employment, on a board, elected office, department, division or bureau, or committee sanctioned by and/or governed by the City of Rochester Hills. Proposers shall identify any interests, and the individuals involved, on separate paper with the response and shall understand that the City, at its discretion may reject their proposal.

It is understood that all proposed prices shall remain in effect for at least one hundred twenty (120) days from the date of the proposal opening to allow for the award and that, if chosen the successful vendor, the prices will remain firm through invoice.

This proposal is genuine and not collusive or sham and that the proposer has not in any manner, directly or indirectly, agreed or colluded with any other firm or association to submit a sham proposal or to refrain from proposing or in any way fix this proposal or that of any other proposer or to secure any advantage against the City of Rochester Hills.

COMPANY NAME: Apollo Fire Equipment
COMPANY ADDRESS: 12584 Lakeshore Dr.
Romeo, MI 48065
TELEPHONE NUMBER: 586-752-1800
FAX NUMBER: 586-752-6907
E-MAIL ADDRESS apollo@glis.net
AUTHORIZED REPRESENTATIVE (NAME) Jo Ellen Pavoni
SIGNATURE: Jo Ellen Pavoni DATE 6-25-07
TITLE: Account Manager

WARRANTY INFORMATION

Lion Apparel warrants that its fire fighter's protective products meet or exceed all applicable NFPA standards in effect at the time of their manufacture and further warrants that such products are free from any defect in workmanship or any patent material defect.

Conditions of use are outside the control of Lion Apparel. It is the responsibility of the user to inspect and maintain the products to assure they remain fit for their intended purpose. In order to maximize the useful life of these products, the products are to be used only by appropriately - trained personnel following proper fire fighting procedures and in accordance with the product's warning, use, and care instructions.

EXCEPT AS SET FORTH ABOVE, LION APPAREL MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, INCLUDING, BUT NOT LIMITED TO, ANY WARRANTIES OF MERCHANTABILITY OF FITNESS FOR ANY PARTICULAR USE.

Under the above warranties, Lion Apparel will repair or replace, at its option, any protective product which does not meet the above warranties. Such repair or replacement will be the purchaser's sole remedy and Lion Apparel will not be responsible for any incidental, consequential, or other damages based upon or arising in any way from any breach of the warranties contained herein or the purchaser's use of such product.

6oz. Pbi® outer shell: Experience has shown that six ounce outer shell fabrics exhibit reduced wear life and protective characteristics when compared to slightly heavier fabrics. Please note that Lion Apparel's Limited Lifetime Warranty against defects in materials does not include outer shells made from six ounce textiles.

These warranty obligations apply only to any product, part, or component which is returned to Lion Apparel or a Lion Authorized Clean and Repair Center with prior authorization and proof of purchase, and which Lion Apparel agrees to be defective as covered by this warranty.

The word "product" includes the product itself and any parts of labor furnished by Lion Apparel with the sales, delivery, or servicing of the product.

The term "useful life" means the length of time the garment can safely be worn for structural fire fighting activities, without needing major structural repairs that would be economically infeasible. (A general rule recommended by SAFER is that a garment should be retired when the costs of repair would exceed 50% of the replacement cost.) The useful life will vary from garment to garment, according to type and frequency of use, and the weight and type of materials used in the garment. Lighter weight outer shell fabrics will have a shorter useful life than heavier outer shell fabrics. In practical terms, the average useful life of a fire fighter garment undergoing normal wear in an active fire department is 3-5 years.

"Defects in Workmanship and Materials" means poorly manufactured seams, stitching, or components (for example, loose or broken seams; zippers or snaps that fall off or do not function properly); and fabrics or barriers which have such flaws as holes, uneven spots, weak areas, pilling, or other flaws caused by irregularities in their manufacture.

EXCEPTIONS TO WARRANTY

This lifetime warranty does not cover the following items after receipt of garments by end user:

- A. Claims made after 60 days from the date of shipment for damage to 6 oz. outer shell fabrics;
- B. Damage from exposure of raw materials to ultraviolet light;
- C. Shade variations among textiles used;
- D. Damage caused by improper cleaning or maintenance (for example, use of chlorine or petrochemicals to clean);
- E. Damage caused by repair work not performed to factory specification;
- F. Damage from routine exposure to common fireground hazards which may cause rips, tears, burn damage, or abrasion;
- G. Loss of retroreflectivity of reflective trim due to normal wear or heat exposure;
- H. Detachment of reflective trim due to thread abrasion or heat exposure;
- I. Replacement of zippers worn partially sealed, or damaged by heavy wear and tear.
- J. Damage to outer shell fabrics in knees, elbows, shoulders, and cuff areas not protected by reinforcements.

Lion Apparel, Inc.

6450 Poe Avenue
 Suite 300
 Dayton, OH 45414

with off-site facilities located at:

Lion Apparel, Inc.
 West Liberty Mfg. Plant
 318 Dogwood Lane
 West Liberty, KY 41472

Lion Apparel, Inc.
 2000 Composite Drive
 Kettering, OH 45420

Lion Apparel, Inc.
 1080 Center Street
 Beattyville, KY 41311

Underwriters Laboratories Inc.® (UL) issues this certificate to the Firm named above, after assessing the Firm's quality system and finding it in compliance with

ISO 9001:2000

EN ISO 9001:2000; BS ISO 9001:2000; ANSI/ASQ Q9001:2000

for the following scope of registration

3842 (US): Orthopedic, Prosthetic, and Surgical Appliances and Supplies

The design, manufacture and distribution of custom coats, pants, and coveralls for fire and emergency services personnel. The design, manufacture and distribution of uniforms, fire service helmets and helmet accessories for fire and emergency services personnel.

The West Liberty, KY off-site is responsible for the following functions: manufacturing, receiving, purchasing and training.

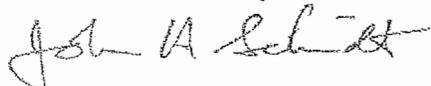
The Beattyville, KY off-site is responsible for the following functions: manufacturing, packaging, shipping, purchasing and training.

The Kettering, OH off-site is responsible for the following functions: manufacturing of helmet shells, receiving, purchasing, packaging, shipping and training.

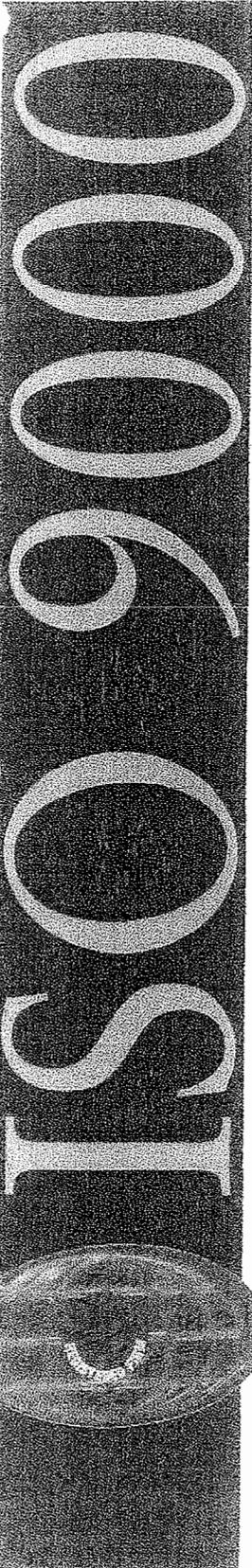
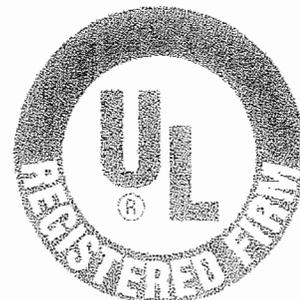
Further clarifications regarding the scope of this certificate and the applicability of ISO 9001:2000 requirements may be obtained by consulting the organization.

This quality system registration is included in UL's Directory of Registered Firms and applies to the provision of goods and/or services as specified in the scope of registration from the address(es) shown above. By issuance of this certificate the firm represents that it will maintain its registration in accordance with the applicable requirements. This certificate is not transferable and remains the property of Underwriters Laboratories Inc. ©.

File Number: A4310
 Volume: 1
 Original Certification Date: July 30, 1998
 ISO 9001:2000 Issue Date: April 21, 2003
 Revision Date: February 20, 2006
 Recertification Date: February 1, 2006
 Renewal Date: January 31, 2009



John H. Schmidt
 Vice President and Chief Development Officer





CITY COUNCIL ACTION REPORT

February 22, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration
Susan A. Leirstein, Purchasing Director

SUBJECT: Standard Purchasing Resolution 4: National Intergovernmental Purchasing Alliance (NIPA)

Background

- The National Intergovernmental Purchasing Alliance (NIPA) was established through a collaborative effort of public agencies across the United States with the specific purpose of reducing procurement costs by leveraging group volume.
- All master agreements are publicly solicited, awarded through a Request for Proposal (RFP) process, and held by a principal procurement agency.
- National IPA serves as a nationwide channel to offer the awarded agreements to public and non-profit agencies. i.e. office products, furniture, refuse containers, emergency medical supplies (coming soon) etc.
- By emphasizing a regional effort, the City enjoys the buying power of many at the local level.
- The City of Troy Purchasing department participates with other agencies in the state, region and nationally to economically procure goods and services for our community.
- Other cooperative programs the City utilizes are – the State of Michigan MiDEAL Program, MiCTA – Michigan Telecommunications Association for Nonprofit Organizations, MITN – Michigan Intergovernmental Trade Network, County contracts, the Regional Educational Media Center (REMC), and US Communities.

Financial Considerations

- Funds are budgeted in the various operating accounts citywide.

Legal Considerations

- All contracts are competitively bid as required by Chapter 7 of the City code.

Policy Considerations

- Cooperative ventures have proven to minimize cost and increase the efficiency and effectiveness of our organization. Goal II
- Emphasize regionalism and incorporate creativity into the annual strategic planning process. Goal VI

Options

- City management recommends Troy City Council authorize participation in the National Intergovernmental Purchasing Alliance Program (NIPA) and for administration to approve purchases over \$10,000 for operating expenditures under this program, while “Capital” purchases over \$10,000 continue to be presented for Troy City Council review and pending approval.

NATIONAL IPA



SUCCESSSTORY:

DuPage County is proud to be a PPA in partnership with National IPA. This cooperative procurement collaboration helps reduce redundancy in government across the nation at a time when taxpayers expect us to conserve in any way we can.

JOAN M. MORANGE, CPPB
PROCUREMENT SERVICES SUPERVISOR,
DUPAGE COUNTY FINANCE DEPARTMENT

★
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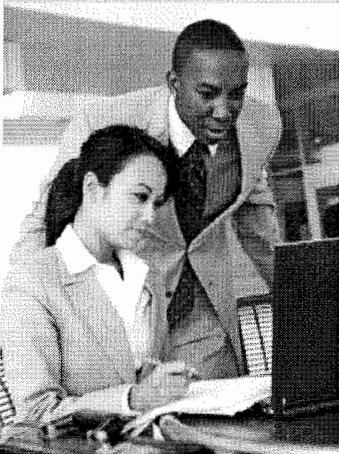
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PARTICIPATE NOW!

Can National IPA Do for My Organization?



National Intergovernmental Purchasing Alliance (National IPA) works with public and non-profit agencies, who as **Principal Procurement Agencies** competitively solicit national master agreements for aggregated use. This cooperative purchasing strategy offers lower costs, plus time and resource savings, to participating agencies.

National IPA meets the needs of our participants through:

- Establishing relationships with public agencies who competitively solicit and award national master agreements through an RFP process
- Aggregating national volume resulting in cost savings and value
- Offering a growing and diverse portfolio of pre-competed, publicly awarded master agreements for products and services
- Bridging the gap between participants and suppliers for unparalleled customer service
- Incorporating participant input into contract strategies
- Marketing agreements to a nationwide audience

Cooperative purchasing laws vary from state to state. If you are unsure of the joint powers language in your jurisdiction, [contact us](#) to find out if your agency can utilize National IPA agreements.

Master agreements available through National IPA are established with the following process:

- The Principal Procurement Agency prepares a Request for Proposal (RFP), incorporating the required language making the agreement accessible nationally to agencies in states that allow intergovernmental (i.e.: "piggyback") contract usage.
- The suppliers respond to the RFP and the Principal Procurement Agency evaluates and awards the master agreement.
- National IPA launches a marketing plan, including posting of all applicable documents to its website.
- All participating agencies are eligible to utilize the master agreements through National IPA.

[Click Here](#) to view the current list of available agreements through National IPA.

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PROUD SPONSOR OF:



National Intergovernmental Purchasing Alliance
1600 Westgate Circle, Suite 275 · Brentwood, TN 37027
Toll Free: (866) 408-3077 · info@nationalipa.org



Click to jump to:

- RFPs in Evaluation
- RFPs in Process

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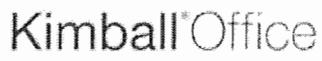
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Master Agreements

Available Master Agreements

<p>Refuse Containers</p>  <p>Principal Procurement Agency: City of Tucson, AZ</p> <p>Agreement Terms: Awarded to Toter December 11, 2007 - December 10, 2008 with four (4) one-year renewals</p>	<p>Panasonic Toughbooks, Tablets & Service</p>  <p>Principal Procurement Agency: City of Tucson, AZ</p> <p>Agreement Terms: Awarded to Panasonic via designated resellers: Insight, CLH, CDW-G, Portable Computer Systems August 1, 2007 - July 31, 2008 with four (4) one-year renewals</p>	<p>Parks and Golf Grounds Maintenance Equipment</p>  <p>Principal Procurement Agency: City of Tucson, AZ</p> <p>Agreement Terms: Awarded to The Toro Company October 10, 2007 - October 9, 2008 with four (4) one-year renewal</p>			
<p>▶PRICING INFO</p>	<p>▶DOCUMENTS</p>	<p>▶PRICING INFO</p>	<p>▶DOCUMENTS</p>	<p>▶PRICING INFO</p>	<p>▶DOCUMENTS</p>
<p>Office Products</p>  <p>Principal Procurement Agency: County of San Diego, CA</p> <p>Agreement Terms: Awarded to Corporate Express July 1, 2007 - June 30, 2008 with four (4) one-year renewals</p>	<p>Furniture and Related Equipment</p>  <p>Principal Procurement Agency: County of DuPage, IL</p> <p>Agreement Terms: Awarded to National Office Furniture April 1, 2007 - March 31, 2010 subject to a one-year renewal</p>	<p>Furniture and Related Equipment</p>  <p>Principal Procurement Agency: County of DuPage, IL</p> <p>Agreement Terms: Awarded to Kimball Office April 1, 2007 - March 31, 2010 subject to a one-year renewal</p>			
<p>▶PRICING INFO</p>	<p>▶DOCUMENTS</p>	<p>▶PRICING INFO</p>	<p>▶DOCUMENTS</p>	<p>▶PRICING INFO</p>	<p>▶DOCUMENTS</p>



CITY COUNCIL ACTION REPORT

Date: February 15, 2008

TO: Phillip L. Nelson, City Manager
FROM: William S. Nelson, Fire Chief
SUBJECT: Donation of Obsolete Self Contained Breathing Apparatus

Background:

- In 2007 the fire department received a United States Fire Administration grant to replace the department self contained breathing apparatus that had been in service for over 12 years.
- The replacement program has resulted in approximately 50 obsolete SCBA, face pieces, and air cylinders that the fire department would to dispose of by donating to the Oakland Fire Training Institute (OFTI).
- The SCBA units do not meet the current standards and would require considerable updating to be acceptable for firefighting use.
- The SCBA are suitable for use in training new firefighters.
- The cylinders have a finite service life of 15 years from date of manufacture and have less than 3 years left per DOT regulations.
- The fire department has changed to a higher capacity air cylinder which provides longer duration for firefighters working in SCBA.
- The fire department has had a cooperative arrangement with the Oakland Fire Training Institute which is the fire training arm of Oakland Community College for the past 12 years.
- Troy firefighters attend the OFTI basic fire academy night program at no cost to the City of Troy since approximately 50% of the classes are held at the Troy Training Center.
- Tuition for the OFTI fire academy is \$2,500 per student and Troy has between 5 and 10 student in each academy session.

Financial Considerations:

- The equipment proposed for donation has little to no value due to being obsolete and near the end of it allowable service life.

Policy Considerations:

- This donation addresses City Council goal number II: Minimize the cost and increase the efficiency and effectiveness of city government.

Options:

- Donate the obsolete equipment to the Oakland Fire Training Institute.



CITY COUNCIL ACTION REPORT

February 20, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Susan A. Leirstein, Purchasing Director
Cathleen A. Russ, Library Director
Steven A. Pallotta, Building Operations Director

SUBJECT: Library HVAC Rooftop Replacement Units

Background

- The Building Operations department has been replacing original 1986 Carrier heating and air conditioning rooftop units at the Troy Public Library for past three years. This process has been ongoing due to Capital Budget planning replacements.
- The Building Operations department is able to buy all three remaining replacement units directly from Lennox, the manufacturer, for \$16,400.00 in keeping with City standards of equipment.
- The Building Operations department is requesting an additional \$75,150.00, for this project to provide in-house labor, crane service to lift and remove the original three 1986 Carrier rooftop units from the Library roof, along with lifting the new units and setting it on the roof curb. Also electrical rework, new duct work, new ceiling diffusers, roof modifications need to take place and will be performed by Lutz Roofing in accordance with the 20-year roof warranty from 2002. This project will require adding the new rooftop units to the already in place Building Automation System that was installed by MCMI. MCMI is the contractor that installed the original systems that are currently used at the Community Center, Police/ Fire addition, and Public Library.

Financial Considerations

- Funds are available in the Library Capital Account for General Repairs #401790.7975.900.
- The new units will be installed using in-house personnel at an estimated \$30,000.00 in cost savings.

Legal Considerations

- There are no legal considerations associated with this item.

Policy Considerations

- Using in-house personnel will help minimize cost and increase efficiency of City government. (Goal II)
- Provides the public with up to date energy savings equipment and a healthier environment, in accordance with the City's high standards. (Goals V).
- Moving this work forward will improve the overall air quality, remove the hazard of carbon monoxide, and reduce liability for the City. (Goal I & V)

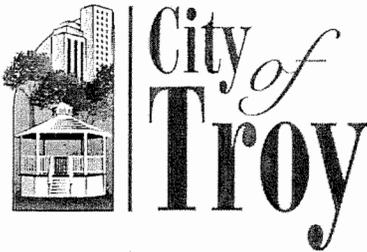
Options

- City management and the Building Operations department recommend moving the project forward to replace the HVAC rooftop units at the Troy Library for an estimated total cost of \$91,550.00, as detailed on Appendix I, utilizing in-house personnel.

Appendix I

Detailed Pricing:

Three new Lennox Rooftop Heating and Air Conditioning Units	\$16,400
Crane Rental Estimated	\$6,000
Electrical modifications	\$1,300
Duct work and diffusers	\$6,000
Roofing by Lutz	\$4,000
Building Automation - MCM	\$57,850
TOTAL PROJECT COST:	\$91,550



CITY COUNCIL ACTION REPORT

February 13, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian Murphy, Assistant City Manager/Economic Development Services
Steve Vandette, City Engineer *SV*

SUBJECT: Agenda Item – Approval of Subcontract No. 07-5734/S1 with Spalding DeDecker Associates, Inc. for Construction Engineering Services for the Reconstruction of Stephenson Highway, 14 Mile to I-75
Project No. 02.201.5

Background:

- The Engineering Department was authorized by the Michigan Department of Transportation (MDOT) to advertise for un-priced technical proposals for Construction Engineering Services for the Stephenson Highway reconstruction project, from 14 Mile to I-75.
- Construction engineering is eligible for reimbursement with federal funds and as such, the consultant selection process must follow the MDOT consultant selection process (Exhibit 1).
- MDOT's selection process is a Qualifications Based Selection (QBS) process based on the Brooks Act in which a consultant is rated on pre-determined criteria with the top ranked consultant moving on to the next phase of the process based on their experience and qualifications only.
- Proposals were received from seven (7) consultants on Tuesday, January 29, 2008.
- A three (3) person review committee, consisting of the City Engineer, Deputy City Engineer and Civil Engineer, reviewed and rated the consultants based on each firm's understanding of the project, past experience with similar projects, proposed team members and other items as listed on the review sheet (Exhibit 2).
- Spalding DeDecker Associates, Inc. (SDA) was rated as the top consultant. Total final scores for all consultants are summarized in Exhibit 3.
- Once the highest rated consultant is determined, that consultant then submits a price proposal for their services based on guidelines prepared by the Engineering Department.
- The subcontract that is included is based on the price proposal as submitted by SDA on February 12, 2008.

Financial Considerations:

- Bids for the construction phase were opened by MDOT on February 1, 2008. The low bidder is Six-S, Inc. in the amount of \$3,684,329.00.
- SDA's cost to perform the Construction Engineering Services is \$441,886.07 or 12% of the as-bid construction cost as detailed in their Priced Proposal. (Exhibit 4)
- MDOT guidelines allow construction engineering to be a maximum of 15% of the physical construction cost.

- Up to eighty (80) percent of the construction engineering services are reimbursable with federal funds.
- Subcontract No. 07-5734/S1, as submitted, is based on estimated costs, as is standard with all MDOT agreements, since these agreements are prepared before actual costs are known. The city's actual cost is based on the actual cost incurred by the consultant's work within the parameters of the agreement.

Legal Considerations:

- The format and content of the agreement has been reviewed by the Legal Department and is consistent with construction engineering subcontracts approved by City Council in the past on Rochester Road, Long Lake Road and Big Beaver.
- MDOT will review and approve the consultant selection process used by the city along with the subcontract.

Policy Considerations:

- Minimize the cost and increase the efficiency and effectiveness of City government (Goal II)
- Maintain relevance of public infrastructure to meet changing public needs (Goal V)

Options:

- Staff recommends that City Council approve the attached Subcontract No. 07-5734/S1 with Spalding DeDecker Associates, Inc. for the purpose of fixing the rights and obligations of each party for construction engineering services for the Stephenson Highway, 14 Mile to I-75 reconstruction project. Furthermore, staff recommends that the Mayor and City Clerk be authorized to execute the agreements.

Consultant Selection Process

If an agency would like to use the services of a consultant, and federal funds will reimburse the costs incurred, a proper consultant selection process is required according to federal regulations. If an agency would like to use the services of a consultant, and state funds will reimburse the costs incurred, a proper consultant selection process is recommended according to MDOT policy. The Brooks Act requires that work performed by an engineering or architectural company will be selected using a qualifications-based procedure. Selecting a consultant based solely on the bid price is not acceptable.

The documentation that the local agency must submit to the Local Agency Programs Section is as follows:

- ▶ Letter stating that the agency does not have the resources to perform the necessary work.
- ▶ Copy of the advertisement of the project for interested consultants.
- ▶ Listing of firms that show interest.
- ▶ Consultant selection criteria for submission of detailed bids (the criteria may not include price as a factor or exclude non-local consultants).
- ▶ Copy of the request for proposal (RFP), which includes pertinent dates, project description, location map, and the MDOT "boiler plate" agreement.
- ▶ Basis for final selection (the justification may not include price as a factor).
- ▶ Copy of the evaluation form that will be used to rate the consultant's performance upon completion of the contract.

Deviation from the outlined procedure is prohibited and may result in non-participatory consultant costs. For questions regarding this information, please contact the staff engineer in your area.

Sample Criteria

Price cannot be a factor

- ▶ Qualifications and experience of personnel, especially key project personnel with similar federally funded work.
- ▶ Familiarity with federal, state and local policies and regulations associated with projects advertised, let and awarded through MDOT.
- ▶ Proximity to the project site or your agency's offices.
- ▶ Understanding of the project.
- ▶ Availability of the firm to provide the services within the established time frame (can include past evidence that the consultant completes engineering service contracts on time and within the financial terms of the agreement).
- ▶ Professional integrity and competence.

SAMPLE EVALUATION

The selection process includes evaluation of the information provided by the prime consultant and sub-consultants, plus existing post-evaluations on the prime and sub-consultants (if available). This sample evaluation is based on the criteria described above and scored using the following relative weights:

CRITERIA	NUMBER OF POINTS
Experience and Qualification:	
Prime Firm	15
Sub-Consultants	5
Project Manager	10
Staff	10
Quality Assurance	15
Capacity	5
Past Performance	15
Understanding	10
Location	15
Maximum Total Points =	100 points

JOSEPH K. KNOLLENBERG

11TH DISTRICT, MICHIGAN

2349 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
202-225-5902

DISTRICT OFFICES:
30833 NORTHWESTERN HIGHWAY
SUITE 100
FARMINGTON HILLS, MI 48334
248-851-1308

15438 MIDDLEBELT
LIVONIA, MI 48154
734-425-7557

COMMITTEE ON APPROPRIATIONS

SUBCOMMITTEES:
DISTRICT OF COLUMBIA, CHAIRMAN
VA, HUD AND INDEPENDENT AGENCIES
FOREIGN OPERATIONS, EXPORT FINANCING
AND RELATED PROGRAMS

PAUL F. WELDAY
CHIEF OF STAFF

Rep.Knollenberg@mail.house.gov
www.house.gov/knollenberg

Congress of the United States
House of Representatives
Washington, DC 20515-2211

November 15, 2001

Mr. Steven Vandette
Troy City Engineer
500 W. Big Beaver Rd.
Troy, MI 48084

Dear Mr. Vandette:

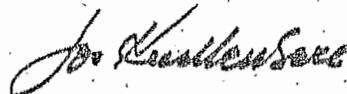
I am writing regarding your request that cost be included as one of the evaluation criteria for consultant selection on federally funded road projects. I apologize for the delay in responding to your request. As a result of the September 11th attacks many requests that my office was investigating were either put on hold or were unable to be completed as a result of the shut down in many government agencies, as well as Congressional Offices, due to the anthrax related letters.

However, after recently conferring with the Department of Transportation and the Federal Highway Administration I was informed that in order to add cost as an evaluation criterion to the consultant selection process, there would need to be a change in the Brooks Act. As you may be aware, there are no waiver or exemption provisions currently in the Brooks Act as amended. But as you know, a qualification based selection process where cost is not a factor only applies to the selection of consultants and not contracting companies who actually do the road projects.

Rest assured that I will continue work to find an appropriate legislative vehicle to make the appropriate changes in the Brooks Act so that cities and municipalities are able to consider the financial costs associated with selecting consultants for impending road projects.

If you have any further questions or concerns regarding this or any other issue, please do not hesitate to contact my staff or I at the addresses listed above.

Sincerely,



Joe Knollenberg
Member of Congress

Cc: Mayor Matt Pryor

RECEIVED BY
NOV 19 2001
ENGINEERING

CONSTRUCTION ENGINEERING SERVICES REVIEW
STEPHENSON HIGHWAY, 14 MILE TO I-75

Firm: **CONSULTANT**

Item No.	Task	Grade	Weight	Total	Comments
1.	Understanding of Services / Project Requirements		2		
2.	Experience with Similar Types of Road Projects		3		
3.	Qualifications & Experience of "Key Personnel"				
	a. Project Engineer		4		
	b. Lead Inspector		4		
	c. Lead Surveyor		2		
	d. Traffic Engineer		1		
	e. Other Staff		1		
4.	Past Performance of Firm		3		
	Firm Total				

Grade on a scale of 1-5 with 1 representing the lowest and 5 representing the highest.

General Comments:

Reviewer _____

Date _____

EXHIBIT 3

Construction Engineering Services Review Stephenson Highway, 14 Mile to I-75		
Consultant	Total Score	Overall Rank
Spalding DeDecker Assoc., Inc.	259	1
Hubbell, Roth & Clark, Inc.	240.75	2
Rowe Inc.	233.15	3
Fishbeck, Thompson, Carr & Huber, Inc.	228.75	4
URS	226.25	5
Wade Trim	219.5	6
Nowak & Fraus	199.75	7

Exhibit A - SDA

DERIVATION OF COST PROPOSAL (PRE-CONSTRUCTION DESIGN SERVICES)					
CONTROL SECT. - JOB NUMBER CS STU 63459 JN 102287A	PROJECT DESCRIPTION Stephenson Highway, 14 Mile Road northerly to I-75 City of Troy, Michigan				
PRIME CONSULTANT NAME SPALDING DEDECKER ASSOCIATES, INC.					
DIRECT LABOR:					
<u>Classification</u>	<u>Person Hours</u>	x	<u>Hourly Rate</u>	=	<u>Labor Costs</u>
SDA QA/QC	16		\$ 54.97		\$ 879.52
SDA Project Manager	425		\$ 53.91		\$ 22,911.75
SDA Technical Design Advisor	32		\$ 46.82		\$ 1,498.24
SDA Traffic Engineer	32		\$ 24.70		\$ 790.40
SDA Lead Construction Inspector	1582		\$ 26.65		\$ 42,160.30
SDA Construction Inspector	1028		\$ 29.01		\$ 29,822.28
SDA Office Technician	500		\$ 21.06		\$ 10,530.00
SDA Lead Surveyor	30		\$ 40.72		\$ 1,221.60
SDA Surveyor Crew Chief	110		\$ 25.37		\$ 2,790.70
SDA Surveyor Assistant	110		\$ 15.89		\$ 1,747.90
Total Hours:	3865	=	Total Labor		\$ 114,352.69
OVERHEAD:					
Total Labor	x	198.00%	=	Total Overhead	\$ 226,418.33
FACILITIES COST OF CAPITAL:					
Total Labor	x	7.08%	=	Total F.C.C.	\$8,096.17
DIRECT EXPENSES:					
Mileage (0 x 0.505)					\$ -
				Total Direct Costs	\$ -
SUBCONSULTANT FEES					
Professional Services Industries, Inc.					\$ 55,534.07
				Total Subconsultant Cost	\$ 55,534.07
FIXED FEE:					
Labor + Overhead	x	11.0%	=		
				Total Fixed Fee	\$ 37,484.81
				TOTAL COSTS	\$ 441,886.07

Exhibit A - PSI

DERIVATION OF COST PROPOSAL (PRE-CONSTRUCTION DESIGN SERVICES)					
CONTROL SECT. - JOB NUMBER CS STU 63459 JN 102287A			PROJECT DESCRIPTION Stephenson Highway, 14 Mile Road northerly to I-75 City of Troy, Michigan		
SUB - CONSULTANT NAME PROFESSIONAL SERVICES INDUSTRIES, INC.					
DIRECT LABOR:					
Classification	Person Hours	x	Hourly Rate	=	Labor Costs
Reg'l Engineer/Team Leader	5		\$41.70		\$ 208.50
Project Engineer	50		\$30.45		\$ 1,522.50
Technician/Inspector	630		\$18.00		\$ 11,340.00
Technician/Inspector	100		\$13.86		\$ 1,386.00
Technician/Inspector	10		\$22.46		\$ 224.60
Technician/Inspector	90		\$15.00		\$ 1,350.00
Technician/Inspector	50		\$18.21		\$ 910.50
Technical Support	50		\$16.33		\$ 816.50
Total Hours:	<u>985</u>	=	Total Labor		<u>\$ 17,758.60</u>
OVERHEAD:					
Total Labor	x	<u>169.97%</u>	=	Total Overhead	<u>\$ 30,184.29</u>
FACILITIES COST OF CAPITAL:					
Total Labor	x	<u>1.675%</u>	=	Total F.C.C.	<u>\$297.46</u>
DIRECT EXPENSES:					
Mileage (4000 x 0.505)					\$ 2,020.00
				Total Direct Costs	<u>\$ 2,020.00</u>
FIXED FEE:					
Labor + Overhead	x	<u>11.0%</u>	=	Total Fixed Fee	\$ 5,273.72
TOTAL COSTS					<u>\$ 55,534.07</u>

DERIVATION OF COST

JN 102287A
CS STU 63459

SUMMARY BY CONSULTANT

Stephenson Highway, 14 Mile Road northerly to I-75 □ City of Troy, Michigan

	CE Hours	CE Cost	Fixed Fee	DBE Y/N	% of Cost
PRIME CONSULTANT Spalding DeDecker Associates, Inc.	3865	\$ 114,352.69	\$ 37,484.81	N	87.43%
SUB-CONSULTANT(S) Professional Services Industries, Inc.	985	\$ 17,758.60	\$ 5,273.72	N	12.57%
Total		\$132,111.29	\$42,758.53		100%

Proposed Person Hours by Task

Exhibit C

NAME OF PRIME CONSULTANT Spalding DeDecker Associates, Inc.	DATE February 11, 2008
--	---------------------------

CONTROL SECTION - JOB NUMBER CS STU 63459 JN 102287A	PROJECT DESCRIPTION Stephenson Highway, 14 Mile Road northerly to I-75 City of Troy, Michigan
--	---

Task Number	PPMS Task Description	Firm	DESCRIPTION OF JOB CLASSIFICATIONS													Total by Task	
			Project Manager	Project Engineer	Geotechnical Engineer Team Leader	Geotechnical Project Engineer	Geotech. Constr. Tech.	Geotech. Tech. Support	Lead Surveyor	Surv. Crew Chief	Office Tech.	Sr. Constr. Tech.	Constr. Tech.	QA/QC			
810 A	SDA QA/QC	SDA	0	0	0	0	0	0	0	0	0	0	0	0	0	16	16
810 B	SDA Project Manager	SDA	425	0	0	0	0	0	0	0	0	0	0	0	0	0	425
405 A	SDA Technical Design Advisor	SDA	32	0	0	0	0	0	0	0	0	0	0	0	0	0	32
405 B	SDA Traffic Engineer	SDA	0	32	0	0	0	0	0	0	0	0	0	0	0	0	32
810 C	SDA Lead Construction Inspector	SDA	0	0	0	0	0	0	0	0	0	1582	0	0	0	1582	1582
810 D	SDA Construction Inspector	SDA	0	0	0	0	0	0	0	0	0	0	1028	0	0	1028	1028
810 E	SDA Office Technician	SDA	0	0	0	0	0	0	0	500	0	0	0	0	0	500	500
100 A	SDA Lead Surveyor	SDA	0	0	0	0	0	0	30	0	0	0	0	0	0	30	30
100 B	SDA Surveyor Crew Chief	SDA	0	0	0	0	0	0	0	110	0	0	0	0	0	110	110
100 C	SDA Surveyor Assistant	SDA	0	0	0	0	0	0	0	110	0	0	0	0	0	110	110
900 A	PSI Reg'l Engineer Team Leader	PSI	0	0	5	0	0	0	0	0	0	0	0	0	0	5	5
900 B	PSI Project Engineer	PSI	0	0	0	50	0	0	0	0	0	0	0	0	0	50	50
900 C	PSI Technician/Inspector	PSI	0	0	0	0	630	0	0	0	0	0	0	0	0	630	630
900 D	PSI Technician/Inspector	PSI	0	0	0	0	100	0	0	0	0	0	0	0	0	100	100
900 E	PSI Technician/Inspector	PSI	0	0	0	0	10	0	0	0	0	0	0	0	0	10	10
900 F	PSI Technician/Inspector	PSI	0	0	0	0	90	0	0	0	0	0	0	0	0	90	90
900 G	PSI Technician/Inspector	PSI	0	0	0	0	50	0	0	0	0	0	0	0	0	50	50
900 H	PSI Technical Support	PSI	0	0	0	0	0	50	0	0	0	0	0	0	0	50	50
Total Hours by Classification			457	32	5	50	880	50	30	220	500	1582	1028	16	4850		
SDA			457	32					30	220	500	1582	1028	16	3865		
PSI					5	50	880	50							985	4850	



CITY COUNCIL ACTION REPORT

February 25, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian Murphy, Assistant City Manager
John Lamerato, Assistant City Manager
Steve Vandette, City Engineer
John Abraham, Traffic Engineer
Charles T. Craft, Chief of Police

SUBJECT: Renewal of Membership in the Traffic Improvement Association (TIA) of Oakland County

Background:

- The TIA membership fee for participation for 2008, \$25,200, is due. This is a \$100 increase over the 2007 fee
- The City has been a member of the TIA since 1975
- The TIA is a private non-profit organization that is responsive to the problems and needs of local traffic officials
- Former City Council Member Jeanne Stine and Chief Craft are members of the TIA Board of Directors
- TIA is a source of traffic facts, including traffic crashes and traffic operations data
- The City of Troy obtains citywide traffic crash statistics (including the intersection and road segment crash reports and ranking), county traffic crash trends, location-specific crash details, and alcohol-related statistics from TIA; as a TIA member, these reports are provided without charge
- TIA also works with our adjacent communities to improve traffic in the general area that can be a secondary benefit to the City
- In 2007, TIA is worked with the Troy Police Department and other I-75 communities in the development of a standardized protocol for the quick and safe clearing of crashes from the expressway
- TIA works with the Troy Police Department on several enforcement-related projects and grants. They facilitated the Police Department in obtaining approximately \$31,000 last year in federal funds for alcohol and seat belt endorsement
- TIA also keeps the enforcement and traffic engineering community updated on new Traffic Improvement issues through their quarterly "Early Birds Meeting"

Financial Considerations:

- Funds are available in the 2007-2008 Traffic Engineering budget, account # 446.7958.

Legal Considerations:

- N/A

Policy Considerations:

- Enhance the livability and safety of the community (Goal 1)
- Maintain relevance of public infrastructure to meet changing needs (Goal 5)
- Emphasize regionalism and incorporate creativity into the annual strategic planning process (Goal 6)

Options:

- Approve the request as requested.
- Deny the request.

TRAFFIC IMPROVEMENT ASSOCIATION

2187 ORCHARD LAKE ROAD, STE. 140
SYLVAN LAKE, MICHIGAN 48320-1778
(248) 334-4971 (248) 334-2060 FAX

INVOICE

CLIENT NAME:

CITY OF TROY
PHIL NELSON, CITY MANAGER
500 WEST BIG BEAVER
TROY, MI 48084

INVOICE DATE: 1/22/08**TERMS:** DUE UPON RECEIPT**INVOICE TOTAL:** \$25,200.00

DATE**DESCRIPTION****AMOUNT DUE:** \$25,200.00

1/22/08

INVOICING FOR TIA ANNUAL SUPPORT BASED ON
0.5% OF ACT 51 GAS-WEIGHT TAX REVENUES FOR
FY2005-06, PER ATTACHED LETTER.

COPY

DON'T FORGET TO BUCKLE UP...EVERYTIME!



TRAFFIC IMPROVEMENT ASSOCIATION

2187 Orchard Lake Rd., Suite 140, Sylvan Lake, MI 48320-1778
(248) 334-4971 • FAX (248) 334-2060

BOARD OF DIRECTORS

EXECUTIVE COMMITTEE

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SUSAN M. CISCHEKE
Vice President
Environmental & Safety Engineering
Ford Motor Company

Vice Chairman
DEBORAH MORRISSETT
Vice President-Regulatory Affairs
DaimlerChrysler Corporation

Secretary
MICHAEL PALCHESKO
Director, Community Affairs
Detroit Edison

Treasurer
BRUCE BEREND, CPA
Partner, Plante & Moran

Members-at-Large
BRENT O. BAIR
Managing Director
Road Commission for
Oakland County

GUY D. BRIGGS
Group Vice President & Labor Relations
General Motors

ROBERT KITTLE
Vice President - Sales
TAKATA

NEIL MUNRO
Editor
The Oakland Press

RICHARD G. SKARRITT
Commissioner
Road Commission For Oakland County

JOSEPH SUTSCHEK
Vice President
Ramco-Gershenson, Inc.

J. DAVID VANDERVEEN
Director, Central Services
County of Oakland

President
FRANK P. CARDIMEN, JR.

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County of Oakland

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Traffic Improvement Association

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County Executive
County of Oakland

GARY RUSSI, PhD
President
Oakland University

WILLIAM C. SAMS
Vice President-Claims
AAA Michigan

JOHN L. SIMON
Senior Vice President
The Taubman Company, Inc.

January 15, 2008

Charles T. Craft
Chief of Police
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Dear Chief Craft:

Enclosed is the 2008 request for Traffic Improvement Association's (TIA) membership support from our local communities. As in the previous years, this membership fee is based on one-half of one percent of the FY06-07 ACT 51 gas-weight tax revenues. This year the amount requested from the City of Troy is \$25,200.

TIA will celebrate its 41st anniversary in March. We are proud of our efforts with our 70 community members, 45 law enforcement agencies, 12 district courts, schools, businesses and citizens.

During the past year TIA has focused on providing more current, accurate traffic crash data so that we can provide our communities, the Road Commission for Oakland County and MDOT with important information to help solve some of our traffic problems. In August, 2007 TIA launched TCAT, its new Traffic Crash Analysis Tool that provides TIA members with a web-based traffic crash system allowing for crash analysis at your site, engineering diagrams and mapping of crashes. This program offers more local analytical tools to help you reduce crashes in your community. Feedback has been excellent!

Oakland County reported its traffic fatalities in 2006 at 63, a rate of 0.47 fatalities/100 million vehicle miles traveled. (Figures are not yet available for 2007.) This fatality rate is the lowest in Michigan and the US. While alcohol-related crashes were down and the number of fatalities were down, the percent remains at 33%.... the same as Michigan and the US.

There were 37,400 traffic crashes recorded in Oakland County in 2006. This is a reduction of 4,600 over 2005. Even though Oakland County has better traffic safety rates than other counties in Michigan and the US, we still have much to do to help save lives and reduce serious injuries caused by traffic crashes.

On behalf of TIA, our Board of Directors and the citizens of Oakland County, I thank you for your continued support of our efforts and the trust you show in TIA. We strive to be worthy of this trust. I encourage you to call me if you have any questions or comments at 248-334-4971.

Sincerely,

Frank P. Cardimen, Jr.
President

FPC/dmm
Enclosure (Invoice)

**CELEBRATING TRAFFIC SAFETY SERVICES
SINCE 1967**

1-25-08
Chief Craft
- Original sent to Phil Nelson
- This copy for you.
Thanks
Frank



To: Members of the Troy City Council
From: Lori Grigg Bluhm, City Attorney
Susan M. Lancaster, Assistant City Attorney
Date: February 27, 2008
Subject: Amber Creek East Apartments v. City of Troy

F-09

As required by state law, the City conducts inspections of all apartment rental units in the City of Troy. The City of Troy has also codified this state mandated requirement in Chapter 82-A of the City of Troy ordinances. These inspections are to occur every two to three years, and are extremely limited in scope to verify that the apartments meet the minimum health, safety, and welfare standards. Many apartment complex owners acknowledge this statutory inspection requirement, and reserve in each tenant's lease a provision allowing for this inspection to occur. This lease provides the landlord with the ability to give the housing and zoning inspector access to the apartment for the inspection.

In June 2007, City Administration sent notice of the proposed apartment inspections for the Amber Creek East Apartments. In response to this notification, the landlord sent a letter to each tenant, since Amber's lease did not contain a landlord's right of entry for the state mandated inspections.

Under state statute, if there is no right of entry for the landlord, and if the tenant has not otherwise given consent to the inspection, the City is empowered to request an Administrative Search Warrant from the Court to gain access to each dwelling for the mandated inspection. The City exhausts all avenues to obtain these inspections, since the City has an interest in making sure that the minimum code requirements are satisfied for each apartment unit, and that the risk of fire, etc. is minimized in the City.

After providing several notifications to the landlord and the tenants, the City was still required to seek an Administrative Search Warrant for 5 of the 24 Amber Creek East Apartments. After reviewing the City's request and the state law, 52-4 District Court Judge Michael A. Martone issued the requested search warrants for the inspections. The City notified the tenants and the landlord of the planned date for the inspection, and again asked for consent. Prior to the date of the inspections, the attorney representing five tenants filed a Motion To Quash the Administrative Search Warrant. This Motion was assigned to Judge William E. Bolle of the 52-4 District Court, who reviewed both the oral and the written legal arguments of the City and the tenants, and denied the request. Since this is a unique legal maneuver that is not covered by the Michigan Court Rules, the tenants could not appeal Judge Bolle's decision without filing a formal complaint in the case. The attached Complaint to Quash Administrative Search Warrant therefore has been filed and served on the City.

Absent objections from City Council, our office will continue to represent the City's interests in this case and/or any appeal.

STATE OF MICHIGAN 52-4 JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS AND COMPLAINT	CASE NO. 2008 COO 415 GZ 01
--	------------------------------	---------------------------------------

Court address 520 West Big Beaver Road, Troy, MI 48084	Court telephone no. (248) 528-0404
--	--

Plaintiff name(s), address(es), and telephone no(s).
 AMBER CREEK EAST APARTMENTS, a Michigan limited liability company, NICOLE HIGH, MICHAEL JONES, CAROLINE JONES, JACQULYNN FLACK, ROBERT ABROGAST, CHARLES BARTZ and ROBERT PLATER,

Plaintiff attorney, bar no., address, and telephone no.
 Michael W. Hutson (P15310)
 292 Town Center Dr., Troy, MI 48084 (248) 689-5700
 Bruce T. Leitman (P16541)
 32710 Franklin Rd., Franklin, MI 48025 (248) 855-5200

v

Defendant name(s), address(es), and telephone no(s).
 THE CITY OF TROY, a municipal corporation,
 500 West Big Beaver Road
 Troy, MI 48084
 (248) 524-3300

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

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons to **file a written answer with the court** and serve a copy on the other party **or take other lawful action with the court** (28 days if you were served by mail or you were served outside this state). MCR 2.111(C)
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.

Issued 2-8-08	This summons expires 5-9-08	Court clerk
------------------	--------------------------------	-----------------

*This summons is invalid unless served on or before its expiration date.
 This document must be sealed by the seal of the court.

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

Family Division Cases

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

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

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

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

General Civil Cases

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

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

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

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

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

02/08/2008
 Date

Signature of attorney/plaintiff

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

STATE OF MICHIGAN
IN THE 52-4 JUDICIAL DISTRICT COURT FOR THE
COUNTY OF OAKLAND

AMBER CREEK EAST APARTMENTS, a
Michigan limited liability company, NICOLE HIGH,
MICHAEL JONES, CAROLINE JONES,
JACQULYNN FLACK, ROBERT ABROGAST,
CHARLES BARTZ and ROBERT PLATER,

Plaintiffs,

-vs-

Case No. CO04-15 GZ 01

THE CITY OF TROY, a
municipal corporation,

Defendant.

Michael W. Hutson (P15310)
Attorney for Plaintiffs
292 Town Center Drive
Troy, MI 48084
(248) 689-5700

Bruce T. Leitman (P16541)
Attorney for Plaintiffs
32710 Franklin Road
Franklin, MI 48025
(248) 855-5200

COMPLAINT TO QUASH ADMINISTRATIVE SEARCH WARRANTS

NOW COME the Plaintiffs, AMBER CREEK EAST APARTMENTS, a Michigan limited liability company, NICOLE HIGH, MICHAEL JONES, CAROLINE JONES, JACQULYNN FLACK, ROBERT ABROGAST, CHARLES BARTZ and ROBERT PLATER, by and through their attorneys, MICHAEL W. HUTSON and BRUCE T. LEITMAN, and for their complaint say as follows:

1. AMBER CREEK EAST APARTMENTS is a Michigan limited liability company doing business in the City of Troy, County of Oakland and State of Michigan.

HUTSON, SAWYER,
REILLY, RUPP
& SCHROEDER
ATTORNEYS AT LAW
92 TOWN CENTER DRIVE
TROY, MI 48084-1774
(248) 689-5700
FAX (248) 689-5741

2. NICOLE HIGH, MICHAEL JONES, CAROLINE JONES, JACQULYNN FLACK, ROBERT ABROGAST, CHARLES BARTZ and ROBERT PLATER, are individuals residing in the City of Troy, County of Oakland and State of Michigan and tenants of AMBER CREEK EAST APARTMENTS.

3. Pursuant to MCL 125.401 et seq. and MCL 125.523 et seq. and The City of Troy's Ordinance, Chapter 82A, entitled "Rental and Dwelling Inspection Enforcement", the City of Troy is about to conduct an inspection of the housing complex owned by AMBER CREEK EAST APARTMENTS and the individuals units of the individual Plaintiffs in this matter.

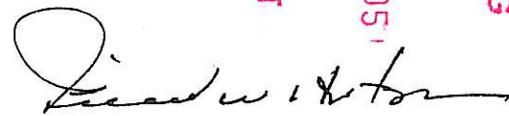
4. All the Plaintiffs have, pursuant to the statute, properly refused permission of the Defendant, THE CITY OF TROY, to inspect their units.

5. The Plaintiffs have refused consent to inspect for the reason that they believe the statutes and ordinance are unconstitutional.

6. THE CITY OF TROY has informed all the Plaintiffs that they will seek the issuance of administrative search warrants by a judicial officer of the 52nd Judicial District Court to inspect these units.

WHEREFORE, the Plaintiffs request this Court to quash any such search warrants that may be issued and declare the statutes and ordinance unconstitutional.

Dated: February _____, 2008



MICHAEL W. HUTSON (P15310)
Attorney for Plaintiffs



BRUCE T. LEITMAN (P16541)
Attorney for Plaintiffs

524 DISTRICT COURT
TROY, MI
2008 FEB - 8 2:05 PM
RECEIVED FOR FILING

HUTSON, SAWYER,
REILLY, RUPP
& SCHROEDER
ATTORNEYS AT LAW
92 TOWN CENTER DRIVE
TROY, MI 48064-1774
(248) 689-5700
FAX (248) 689-5741

Council Member Broomfield Recommendation for City Council Rules of Procedures Rule Number 15, Appointments, to provide for nominations to Boards and Committees to be made one meeting in advance of the appointments

Suggested Resolution

Resolution #2008-03-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AMENDS** City Council Rules and Procedures Rule Number 15 as follows:

15. APPOINTMENTS

A. Appointments to Boards, Commissions and Committees:

The Mayor shall, with City Council concurrence, appoint members of Boards or Committees as governed by State Statute or local ordinances.

The Mayor Pro Tem will contact incumbents to determine their interest in being nominated for reappointment.

The Mayor or any Council Member desiring to nominate a person for appointment to a Board, Commission, or Committee shall, at the meeting prior to the appointment, submit such name, into nomination, ~~along with a~~ A brief summary of background and personal data as to nominee's qualifications should be presented at the time of nomination, except that such a resume shall not be required for the re-nomination of a current member, or if the Council unanimously agrees that a resume is not necessary. Resumes will be submitted on or before the time of voting.

Nominations will occur during any regular meeting of the Council. A resolution to nominate will be considered during the "Regular Business" of the agenda. All nominations are subject to Section "B" which appears below.

B. Method of Voting on Nominees.

1. Where the number of nominees does not exceed the number of positions to be filled, a roll call vote shall be used.
2. Where the number of nominations exceeds the number of positions to be filled, voting shall take place by the City Clerk calling the roll of the Council and each Council Member is to indicate the names of the individuals he/she wishes to fill the vacancies
3. When no candidate receives a majority vote, the candidate(s) with the least number of votes shall be eliminated from the ensuing ballot.

4. No member of the City Council shall serve on any committee, commission or board of the City of Troy, except the Retirement System Board of Trustees, unless membership is required by Statute or the City Charter.
5. Persons nominated, but not appointed during this process will be sent a letter thanking them for their willingness to serve the community.
6. Recognition will be given to persons who have concluded their service to the community on Boards and Commissions.

Yes:
No:

Should City Council amend Rule number 15 the Regular Meeting Agenda will be modified as follows:

E-1 NOMINATIONS for Appointment to Boards and Committees: (a) Mayoral Appointments: (b) City Council Appointments:

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

The nomination of applicants to the following listed board and committee vacancies will be moved forward to the next Regular City Council Meeting for consideration of appointment.

(a) Mayoral Appointments

Suggested Resolution

Resolution #2008-03-

Moved by

Seconded by

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

Yes:

No:

(b) City Council Appointments

Suggested Resolution

Resolution #2008-03-

Moved by

Seconded by

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

Yes:

No:

E-2 APPOINTMENTS to Boards and Committees: (a) Mayoral Appointments: (b) City Council Appointments:

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

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 nominations for appointment at the meeting prior to consideration. Whenever the number of submitted names exceeds the number of vacancies, a separate motion and roll call vote will be required to confirm the nominee receiving the greatest number of votes in the Council polling process (current process of appointing). Remaining vacancies will automatically be carried over to the next Regular City Council Meeting Agenda for consideration.

(a) Mayoral Appointments

Suggested Resolution

Resolution #2008-03-

Moved by

Seconded by

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

Yes:

No:

(b) City Council Appointments

Suggested Resolution

Resolution #2008-03-

Moved by

Seconded by

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

Yes:

No:

Resolution for Responsible Support of the New Troy Library

WHEREAS, The State of Michigan and the County of Oakland and City of Troy are facing tremendous economic challenges due to a significant downturn in the Michigan economy.

WHEREAS, The Troy City Council recognizes the economic distress facing many families, individuals, businesses, organizations, and charities, many of whom are affected within the City of Troy, by the devastating and negative impact brought about by the adjusting economy in the State of Michigan.

WHEREAS, Businesses and families are making cutbacks in their budgets and cost of living and the Troy City Council recognizes that government on all levels should and will have to reduce expenditures to do its part in the present day atmosphere.

WHEREAS, Oakland County and City of Troy in the last 24 months have had the highest foreclosure rates on homes not seen in the last 50 years. Individuals and families are leaving the state of Michigan at a very high rate due to the economic condition and loss of jobs and businesses.

WHEREAS, It is important to maintain the City of Troy's low tax rate to provide a stable economic environment and recognizing that low tax rates are important for attracting and retaining businesses and homeowners within Troy in these competitive times.

WHEREAS, A new or an expanded public library seems to be one of the public priorities at this time and recently the Troy Public Library has been ranked second in Michigan for public libraries of all sizes based on nationally gathered statistics.

NOW THEREFORE BE IT RESOLVED, That the City Council of the City of Troy directs the City Manager and City Staff to prioritize existing revenues toward a new or expanded library facilities from the existing budgets over the next 5 to 15 years to accommodate funding for a new library.

BE IT FURTHER RESOLVED, That the City Council of the City of Troy directs the City Manager and City Staff to also work to seek revenue sources outside of a City of Troy tax increase such as public or private grants, public-private partnership, donations, and other creative revenue sources.

BE IT FURTHER RESOLVED, That the City Council of the City of Troy will not ask its Taxpayers for a new tax increase to fund a new Troy Public Library.

Resolution #HDSC-2007-12-002
Moved by Miller
Seconded by Harris Freeman

RESOLVED, That the preliminary report to amend the boundaries of the historic district known as the Troy Museum & Historic Village be approved as submitted and forwarded to the appropriate state and local agencies for review as required by Chapter 13 of the City Ordinance.

Yes: 5— Lindsey, Hupman, Lin, Miller and Harris-Freeman
No: 0

MOTION CARRIED

The Troy Historic Study Committee Meeting was adjourned at 8:15 PM. The next meeting will be held Tuesday, February 5, 2008 at 7:30 PM at the Troy Museum & Historic Village.

Kevin Lindsey
Chairman

Loraine Campbell
Recording Secretary

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, January 9, 2008, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 1:30 p.m.

TRUSTEES PRESENT: Nancy Bowren
Mark Calice
Michael Geise
Thomas J. Gordon II
Martin Howrylak
John M. Lamerato
William R. Need (Ex-Officio)
Phillip L. Nelson

MINUTES

Resolution # ER – 2008-1- 01

Moved by Calice
Seconded by Geise

RESOLVED, That the minutes of the December 12, 2007 meeting be approved.

Yeas: All 7

OTHER BUSINESS – RETIREMENT REQUESTS

Resolution # ER – 2008-1- 02

Moved by Bowren
Seconded by Howrylak

RESOLVED, That the deferred retirement request of Edward S. Siladke, DB, 12/18/07, 12 years 11 months be approved.

Yeas: All 7

OTHER BUSINESS – ELECTION OF CHAIR AND VICE-CHAIR

Resolution # ER – 2008-1- 03

Moved by Howrylak
Seconded by Lamerato

RESOLVED, That Mark Calice be elected Chairman and Michael Geise be elected Vice-Chairman.

Yeas: All 7

OTHER BUSINESS – ELECTION RESULTS

Employee election results were received and filed.

OTHER BUSINESS- SEPTEMBER 30, 2007 INVESTMENT PERFORMANCE

Rebecca Sorensen, UBS reviewed the September 30, 2007 investment performance.

INVESTMENTS

Resolution # ER – 2008 – 1- 04

Moved by Bowren

Seconded by Lamerato

RESOLVED, That the Board sell the following investments:

Sell: 5,000 shares Flag Star Bank; CBS; 4,000 shares Scana; Skywest; Tractor Supply; Valspar; Discover and Bright Horizons.

Yeas: All 7

PUBLIC COMMENT

There was no public comment.

The next meeting is February 13, 2008 at 12:00 p.m. at City Hall, Conference Room C, 500 W. Big Beaver, Troy, MI.

The meeting adjourned at 3:09 p.m.

Mark Calice, Chairman

John M. Lamerato, Secretary

The Chairman, Mark Maxwell, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, January 15, 2008 in Council Chambers of the Troy City Hall.

PRESENT: Michael W. Bartnik
Kenneth Courtney
Marcia Gies
Matthew Kovacs
Mark Maxwell
Wayne Wright

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Allan Motzny, Assistant City Attorney
Pamela Pasternak, Recording Secretary

ABSENT: Glenn Clark

Motion by Wright
Supported by Bartnik

MOVED, to excuse Mr. Clark from tonight’s meeting as he is out of the county.

Yeas: All – 6

MOTION TO EXCUSE MR CLARK CARRIED

ITEM #1 – APPROVAL OF MINUTES - MEETING OF NOVEMBER 20, 2007

Motion by Courtney
Supported by Gies

MOVED, to approve the minutes of the meeting of November 20, 2007 as written.

Yeas: All - 6

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – APPROVAL OF ITEM #3 AND ITEM #4

Motion by Courtney
Supported by Wright

MOVED, to approve Item #3 and Item #4 as in accordance with the suggested resolutions printed in the Agenda Explanation.

Yeas: All - 6

ITEM #2 – con't.

MOTION TO APPROVE RENEWAL REQUESTS CARRIED

ITEM #3 – RENEWAL REQUESTED. HARRY & SUNNIE KWON, 38921

DEQUINDRE, for relief to maintain a 6' high wood fence in lieu of a 6' high masonry screen wall required by Section 39.10.01 for a 35' long portion of the west property line where the property borders residential property.

Mr. Stimac explained that the petitioners are requesting renewal of a variance granted by this Board to maintain a 6' high wood fence in lieu of a 6' high masonry screen wall for a 35' long portion of the west property line where the property borders residential zoned property. This item last appeared before this Board at the meeting of January 2005 and was granted a three-year renewal. Conditions remain the same and we have no complaints or objections on file.

MOVED, to grant Harry & Sunnie Kwon, 38921 Dequindre, a three-year renewal of relief to maintain a 6' high wood fence in lieu of a 6' high masonry screen wall as required by Section 39.10.01 for a 35' long portion of the west property line where the property borders residential property.

- Conditions remain the same.
- There are no complaints or objections on file.

ITEM #4 – RENEWAL REQUESTED. FRANCO MANCINI, 6693 ROCHESTER ROAD (PROPOSED ADDRESS), for relief of the Ordinance to construct a new one-story office building adjacent to Residential Zoned property without a screen wall as required by Section 39.10.01.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new one-story building adjacent to Residential Zoned property without a screen wall as required by Section 39.10.01. This item last appeared before this Board at the meeting of January 16, 2007 and was granted approval for one year. This building has not been constructed at this time therefore an approval for one additional year is suggested.

MOVED, to grant Franco Mancini, 6693 Rochester Road a one-year renewal of relief to construct a new one-story office building adjacent to Residential Zoned property without a screen wall as required by Section 39.10.01.

- One-year time frame will give the Board the opportunity to determine if a screen wall would be more effective.
- One-year time frame will give the Board the opportunity to see the final construction of the building.
- One-year time frame will give residents in the area the chance to determine if the natural vegetation will provide enough screening.

ITEM #5 – APPROVAL REQUESTED. JOHN SCISLOWICZ, 2002 ATLAS, for approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property.

Mr. Stimac explained that the petitioner is seeking approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property. The GMC “Top kick” truck described in the application does not meet the exceptions found in Section 40.66.00 of Chapter 39 of the Troy City Ordinance. A similar request was approved by City Council under the previous criteria for two years in 2005. That approval has now expired and the petitioner has submitted a new application to this board for approval.

Mr. Scislowicz was present and stated that he had tried to park his vehicle in other places however, he is on call 24 hours a day and he needs to have the truck at his disposal. Mr. Scislowicz stated that he has not had any problems or complaints from his neighbors. Mr. Scislowicz further stated that he has had a similar vehicle parked in this location for the last twenty-one years and has not had any problems.

Mr. Courtney asked what this vehicle was used for.

Mr. Scislowicz stated that he has a mobile truck repair business.

Mr. Courtney asked where the office for this business was located.

Mr. Scislowicz explained that the office is in his home. He gets calls and goes out on the road or to another place of business to work on the vehicles that require repair. At one time he also had two trailers that he used to haul his tools, but downsized this business in the 90’s and now only has the one vehicle. Mr. Scislowicz indicated that this vehicle is actually smaller than the last vehicle he had.

Mr. Bartnik asked how close this vehicle was parked to the lot line.

Mr. Scislowicz said that it is parked right next to the fence and his neighbor indicated that he did not have a problem with that.

Mr. Bartnik asked if the vehicle was taller than the fence and Mr. Scislowicz said that it was.

Mr. Maxwell asked what the dimensions of the vehicle were. The height of the shrub appears to be below the eve of the garage and the vehicle appears to be very wide.

Mr. Scislowicz stated that he was not sure but he thought it was approximately 7’.

Mr. Maxwell asked if it would fit into the garage.

Mr. Scislowicz stated that this vehicle will not fit into his garage.

ITEM #5 – con't.

Mr. Kovacs asked what type of vehicle this was.

Mr. Scislowicz said it was a 4500 series GMC and was perfect for his purposes.

Mr. Wright stated that one of the restrictions put on a home based business was that there could not be any outward appearance of a business operating out of a house. In his opinion, this truck indicates that a business is being run out of this house.

Mr. Maxwell asked for a clarification of this point.

Mr. Stimac stated that the definition of a home occupation indicates that there cannot be any outside storage or display of the materials that are part of the business, there can't be any signs on the property advertising a business and there cannot be any parking outside, other than what is typically found in the immediate adjacent neighborhoods. Nothing can be visible to the neighbors indicating that a business is being run out of the home. This does not preclude the parking of a commercial vehicle of the size permitted by the Ordinance. The only reason he is before this Board is because of the size and type of this vehicle.

Mr. Maxwell confirmed that this vehicle did not necessarily indicate that a business was being run out of this home.

Mr. Stimac said that as long as there was not an outdoor display, a commercial vehicle would be allowed as long as it complied with the exceptions regarding commercial vehicles in the Ordinance.

Mr. Courtney asked if Mr. Scislowicz had entertained the thought of raising the height of the garage.

Mr. Scislowicz said that he had but said that he believes he is already at the limit for accessory buildings allowed on his property and did not feel he would be able to raise the height of the garage due to power lines directly above the garage.

Mr. Maxwell said that this may be an option that Mr. Scislowicz may want to explore at a further date.

Mr. Maxwell opened the Public Hearing.

Mr. Gary Toivonen, 2015 Atlas was present and stated that he has been a resident of Troy for over forty years and Mr. Scislowicz has lived in this home for more than twenty years. Mr. Toivonen stated that Mr. and Mrs. Scislowicz are model neighbors and citizens of Troy. This house is the sign of a good neighbor as the property is kept up and this commercial vehicle is not bothersome at all. Mr. Toivonen stated that the only time he hears or sees this truck, is when Mr. Scislowicz is either going to or coming

ITEM #5 – con't.

from work. Mr. Toivonen strongly supports this request, as this is Mr. Scislowicz's only source of income, and a hardship would be created for Mr. Scislowicz if the vehicle needed to be stored at another location.

Mr. Kovacs asked Mr. Toivonen if he had ever seen this vehicle parked in front of the house or any other location.

Mr. Toivonen said that the vehicle is always parked in the driveway and unless you are looking for it as you drive by, it is very difficult to see.

Mr. Doug Snooks, 1990 Atlas, was present and stated that he lives on the other side of this home. Mr. Snooks stated that he supports this request and said that you won't see the truck unless you stop and look down the driveway.

Mr. Curtis Childs, 1931 Atlas, was present and stated that he supports this request.

No one else wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are no written objections on file.

Mr. Maxwell pointed out that this was a temporary parking approval and if approved the maximum amount of time for approval was two years.

Mr. Bartnik stated that the vehicle is parked in a good location, but this area is zoned residential and is concerned because it is parked right along the property line. Further, Mr. Bartnik said that if this Board keeps granting renewals, eventually they become a permanent variance and are contrary to the Ordinance.

Mr. Courtney stated that he would like to see some exploration in enlarging the garage in order to accommodate this vehicle.

Mr. Kovacs stated that he has a Dodge Ram 1500 and this truck is not much larger than his. Recreational vehicles are allowed to park outside on residential property and in his opinion it is ludicrous that this truck would not be allowed to park here. As far as parking at the lot line, the driveway extends that far. Mr. Kovacs said that his concerns were that he was moving it forward and the neighbors have stated this is not the case. Mr. Kovacs said that in his opinion this vehicle was not much larger than a pick up truck.

Mr. Maxwell stated that the Board has to look at all the requirements and determine what is allowable. It is important that the petitioner provide evidence to this Board to support this request. The Board does not know if it is possible to enlarge the garage, but the Board would like to see some evidence from the petitioner that he cannot accomplish this. Mr. Maxwell said this in his opinion he can see approving this for no

ITEM #5 – con't.

more than one year, and have the petitioner come back to the Board and provide support for his request and show how he cannot comply with the criteria provided on the application.

Mr. Bartnik stated that in his opinion it was up to the petitioner to provide the necessary information the first time they come before the Board for an approval as opposed to coming in for a renewal.

Mr. Maxwell stated that was correct, however, people being people did not always understand what was required.

Mr. Courtney said that this petitioner is on call 24 hours a day and does believe that Item A does pertain to this request. Mr. Courtney also said that he would like to see the garage enlarged.

Mr. Maxwell said that he would like more information provided.

Motion by Courtney
Supported by Gies

MOVED, to approve the request of John Scislowicz, 2002 Atlas, under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property for a period of one year.

- Allow the petitioner to bring evidence that a larger garage is not feasible.
- Allow the petitioner to show that he has explored other possibilities for storing this vehicle.

Mr. Bartnik asked how many votes were required to approve this request.

Mr. Stimac explained that a variance requires four (4) affirmative votes. An approval requires a majority of affirmative votes. If there were only five members present, only three (3) votes would be required to approve this request.

Mr. Bartnik asked what the requirement was regarding parking recreational vehicles next to the lot line.

Mr. Stimac explained that recreational vehicles are required to park behind the front line of the house and parked no closer than 3' to the side or rear property line.

Vote on the motion to approve for one year.

Yeas: 4 – Kovacs, Maxwell, Courtney, Gies
Nays: 2 – Wright, Bartnik

ITEM #5 – con't.**MOTION TO GRANT APPROVAL FOR ONE YEAR CARRIED**

Mr. Courtney pointed out that if the garage is expanded, the petitioner would not be required to come back before this Board.

ITEM #6 – APPROVAL REQUESTED. KEVIN FERGUSON, 2127 ATLAS, for approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property.

Mr. Stimac explained that the petitioner is seeking approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property. The Chevrolet cube van described in the application does not meet the exceptions found in Section 40.66.00 of Chapter 39 of the Troy City Ordinance. A similar request was approved by City Council under the previous criteria for one year in July of 2006. That approval has now expired and the petitioner has submitted a new application to this board for approval.

Mr. Kevin Ferguson was present and stated that he has not received any complaints from his neighbors, except for one, and has had this vehicle for four (4) years. He is a window installer and he can guarantee that this vehicle would be broken into within three weeks of parking it outside at another location. Before he had moved here, he had parked his vehicle at a bar parking lot and it was broken into. Mr. Ferguson travels all over Michigan and Ohio.

Mr. Maxwell asked if Mr. Ferguson had attempted to find another location for this vehicle.

Mr. Ferguson said that the way the economy is now; he cannot afford to park the vehicle in another location. He needs the vehicle at his home and it is not feasible to park it elsewhere. Too much time would be involved getting to the jobs he is needed at if the truck was parked some where else. Mr. Ferguson also said that the vehicle would be broken into.

Mr. Maxwell said that he understands Mr. Ferguson is renting this home. Mr. Maxwell also said that the petitioner is required to present some information that he has contacted other locations to store this vehicle.

Mr. Ferguson said that one of the reasons he chose this home to live in was that he could park this vehicle at the back of the property and he is the longest tenant that has leased this property.

Mr. Bartnik asked if Mr. Ferguson had taken the photographs included in his presentation.

ITEM #6 – con't.

Mr. Ferguson stated that Mr. Phillips, Housing and Zoning Inspector, had taken this photo in 2007 and there is approximately 2' of clearance against the fence.

Mr. Bartnik stated that when he went by this location it appeared that the truck was right up to the fence post.

Mr. Ferguson said that it was at least 2' from the south property line. There is room to walk by the truck.

Mr. Bartnik said that after reading the minutes from the Council meeting, they indicate that City Council required a wooden fence across the driveway in front of this truck.

Mr. Ferguson said that he has a wooden fence post with one gate. He could not put up a second gate because the mirrors extend too far from the side of the truck. Mr. Ferguson also indicated that the appearance of the truck is worse with the gate across the front of it.

Mr. Maxwell asked what the dimension of the truck was.

Mr. Ferguson said that it was 11'4" high.

Mr. Courtney asked if this was a home business.

Mr. Ferguson said that he is a sub contractor for Sears and only does work for Sears. It is impossible to find somewhere to park a cube van. It is a big truck and won't fit at inside storage facilities. He has spoken to bar owners to park this vehicle on their property, but he can guarantee that the truck would be broken into.

Mr. Courtney asked if he had ever found anywhere to park this vehicle.

Mr. Ferguson said that he needs his truck at his disposal, and it just would not work for him to store this vehicle forty-five minutes from his home. Mr. Ferguson said that he believes "blue-collar" workers are being run out of Troy.

Mr. Maxwell stated that this was absolutely not true. A majority of people got together and decided that they do not want to live with commercial vehicles. This issue is not just about any petitioner with a commercial vehicle; it pertains to the area where people live. Sometimes these things impact other people in the neighborhood. It is up to this Board to make a decision that is fair to all citizens and not just one. Many years ago all kinds of businesses went through neighborhoods, but these commercial vehicles were not parked in residential areas. The Board has to look at everybody and determine what is fair for everyone. Mr. Maxwell said that the petitioner did not present any evidence that he was unable to find a storage facility that would accept this vehicle.

ITEM #6 – con't.

Mr. Maxwell also stated that this is a very large vehicle and it fills up the entire driveway. It is very large compared to the size of the home and the lot. Mr. Maxwell said that in his opinion a vehicle that is as large as this one, should be parked on a lot that is larger than the present property.

Mr. Courtney stated that he did not feel this vehicle needed to be on call twenty-four hours a day and did not see a hardship with it parked off-site. Mr. Courtney then asked how many employees Mr. Ferguson had.

Mr. Ferguson said that it is just himself and his partner. His partner usually goes directly to the job. Mr. Ferguson also said that he may have a helper if there is a large job, and he either will meet him on the job or at his home.

The Chairman opened the Public Hearing.

Mr. Steve Johnson, 2105 Castleton was present and stated that he lives behind the petitioner. Mr. Johnson said that he can see this vehicle from his back door. Mr. Ferguson is just making a living. Mr. Johnson approves this request. Mr. Johnson said that it is easy for someone to say “buy a bigger lot” but not everyone can afford to do that. Business is very bad and if he had a choice he would move out of Troy. Mr. Johnson stated that he plans to buy a cargo van next month and is curious as to whether or not he will be able to park it at his home. Mr. Johnson said that he has a truck with a ladder on the top and cannot fit into his garage. He will appeal any decision that would not allow him to park his vehicle on his property, 24 hours a day if he has to. Mr. Ferguson is a good neighbor and Mr. Johnson said that there are too many restrictions on the parking of commercial vehicles. We are in a one-state recession and some people cannot afford a huge home on a large lot.

Mr. Maxwell disagreed with Mr. Johnson’s statement and stated that it does not have anything to do with this request. The Board cannot make a fair decision without proper evidence from the petitioner indicating that there are no other alternatives available.

Mr. Johnson said that this goes on every year and asked if any type of solution had been found yet.

Mr. Maxwell said that it had not and it has put this Board in a very tough position. Mr. Maxwell said that they are trying to come up with a fair solution for everyone with the rules that they have to go by. Large commercial vehicles do have an impact on residential areas.

A discussion began regarding recreational vehicles and commercial vehicles. Mr. Maxwell stated that if the petitioners are not happy with the rules created, they need to

ITEM #6 – con't.

go before City Council and tell them. If this Board did not like something, they would have to do the same thing. Solutions are needed for commercial vehicles and the criteria provided are very confusing.

Mr. Johnson stated that people are having a hard time as it is, and these rules are making it harder for them. In his opinion certain people are targeted and he does not feel it is fair.

Mr. Maxwell said that he can assure Mr. Johnson that each petitioner gets a fair hearing and a decision is based on the information provided. Mr. Maxwell also said that the good of the community as a whole has to be taken into consideration.

Mr. Johnson also stated that it costs approximately \$300 per month to store a vehicle and the way business is, it is very difficult to come up that amount of money.

Mr. William Buban, 2126 Atlas, was present and stated that he lives directly across the street. This was supposed to be a temporary variance and the petitioner did not meet the requirements of Council in putting up a fence. Once again, this petitioner is seeking approval. This truck is too large for this area. There are five or six cars in the household and they cannot fit into the drive and therefore are parked in the street. Mr. Buban is against this request.

Mr. Curtis Childs, 1931 Atlas stated that he lives down the street and does not see a problem with this truck. Mr. Childs said that he never sees it parked on the street and even when he and his children go for a walk, this truck is difficult to see.

Mr. Buban, 2126 Atlas came back to the podium and stated that his neighbor had a difficult time selling his home and he believes it was in part due to this truck.

No one else wished to be heard and the Public Hearing was closed.

There are two (2) written approvals on file. There are four (4) written objections on file.

Motion by Bartnik
Supported by Wright

MOVED, to deny the request of Kevin Ferguson, 2127 Atlas, for approval under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property.

- This approval would be contrary to public interest.
- Petitioner has not met the criteria of Item C.
- Petitioner has not submitted any evidence that he has met the criteria in either Item A or B.

ITEM #6 – con't.

- Approval would permit the establishment of a prohibited use in a residential area.

Mr. Kovacs stated that the criteria has been changed very recently and he believes that the Board is expecting too much of the petitioners. The petitioners have had these vehicles parked at their homes for years and now he thinks that the Board needs to give the petitioners some leeway on these commercial vehicle requests. Mr. Kovacs also stated that he feels the petitioner did comply with the criteria listed in Item C.

Mr. Maxwell said that this petitioner would not be able to build a larger garage as this is not his home. Mr. Maxwell also said that he does believe this vehicle is too large for this area, but is concerned because he believes the petitioner needs to have a time frame to look for other parking.

Mr. Wright stated that the petitioner has had more than a year to look for another location.

Mr. Maxwell said that he believes the petitioner needs to have some time to look into other arrangements.

Mr. Courtney said that he is highly opposed to this request, but would be willing to give him some time to look into alternative locations for this vehicle.

Mr. Maxwell said that he does believe this vehicle has a negative effect to surrounding property because it is extremely large.

Vote on motion to deny

Yeas: 2 – Wright, Bartnik
Nays: 4 – Maxwell, Courtney, Gies, Kovacs

MOTION TO DENY FAILS

Motion by Courtney
Supported by Gies

MOVED, to grant approval to Kevin Ferguson, 2127 Atlas, under Section 43.74.01 of the Troy Zoning Ordinance to store a commercial vehicle outside on residential property for a period of six (6) months.

- To permit Mr. Ferguson the opportunity to explore all criteria required in the application.
- Outdoor storage of this vehicle is the only solution for this request.

ITEM #6 – con't.

Mr. Wright said that he wished to amend the motion for the petitioner to comply with the requirements made by City Council to put a fence across the driveway.

Mr. Courtney said that Mr. Ferguson said he could only use one side, because the other gate would bang into the mirrors on the vehicle. Mr. Courtney did not believe it would apply since this approval was only for a period of six (6) months.

Motion to amend fails due to lack of support.

Vote on motion to approve for six months.

Yeas: 4 – Courtney, Gies, Kovacs, Maxwell

Nays: 2 – Wright, Bartnik

MOTION TO GRANT APPROVAL FOR SIX (6) MONTHS APPROVED

Mr. Maxwell explained to the petitioner that he does have the opportunity to present a case in the next six (6) months that would justify this Board granting approval for a longer period of time. Mr. Maxwell also stated that the criteria presented is very poorly written, and makes it very difficult for the Board to make a decision and encouraged Mr. Ferguson to appear before City Council and make his concerns known. Mr. Maxwell further stated that in his opinion this vehicle is too large for this location. Commercial vehicles do have an impact on residential areas and do have an impact on the quality of life in a residential area. Mr. Maxwell suggested that perhaps the solution would be to zone a section of the City to allow the parking of these trucks.

Mr. Ferguson stated that the main reason he leased this home was because he thought it would be ideal as a location for this vehicle. Mr. Ferguson also said that he would never park this truck in front of this home or at the front of his driveway.

ITEM #7 – VARIANCE REQUESTED. TONY V'S SUNROOMS, 2024 LAKESIDE, for relief of the Zoning Ordinance to construct a patio enclosure that will result in a 28.18' rear yard setback and a 24' front setback to the east property line along Southpointe Drive. Section 30.10.05 requires a 40' minimum rear yard setback and a 25' minimum front yard setback in R-1D Zoning Districts.

Mr. Stimac explained that the petitioner is seeking relief of the Ordinance to construct a rear patio enclosure. This property is located at the southwest corner of the intersection of Lakeside and Southpointe. Because of the orientation of the adjacent houses it is a double front corner lot and has front yard setbacks along both streets. Because of the orientation of this house the south property line is considered to be the rear property line. The site plan submitted indicates a proposed 28.18' rear yard setback and a 24' front setback to the east property line along Southpointe Drive.

ITEM #7 – con't.

Section 30.10.05 requires a 40' minimum rear yard setback and a 25' minimum front yard setback in R-1D Zoning Districts.

Mr. Terry Cocetto, of Tony V's Sunrooms was present and stated that the hardship with this property is the way the house is situated on the lot. This is a corner lot and the house was constructed to the maximum of where it could be placed on the lot. The sunroom cannot be moved farther west as there is a pedestrian door there, and the sunroom would be in the middle of the door, which is the only access to the sunroom.

Mr. Maxwell asked if the deck was going to remain.

Mr. Cocetto stated that the sunroom was going to be constructed on top of the deck.

Mr. Kovacs said that he did not have a problem with the setback on the side; however, was concerned about the large request for the reduction of the rear setback. The whole house was constructed to the 40' rear property line and Mr. Kovacs feels this variance request is just too large.

Mr. Stimac said that the house was between 12' or 15' from the west property line.

Mr. Cocetto said that in most communities the rear yard setback is considered to be the sight line. The house to the west has a number of trees at the rear and this sunroom would not be visible.

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

Mr. Cocetto asked if notices had been sent to the neighbors.

Mr. Stimac said that they had.

Mr. Courtney indicated that there was an approval letter from the Homeowners Association.

Mr. Stimac stated that at the time this sub was platted they did not use the lot averaging concept but did allow for an adjustment of lot sizes. The 10% reduction in size does not apply to corner lots. This lot is an unusual shape to maximize the measured width.

Mr. Courtney said that he did not think the lot configuration was a hardship.

Mr. Wright said that in his opinion, this petitioner was being penalized because there were two (2) front yards; however, it could also be looked at as two (2) rear yards.

ITEM #7 – con't.

Mr. Kovacs said that he would have a problem with this request as he feels this 28' rear yard setback is too large.

Motion by Kovacs.
Supported by Maxwell

MOVED, to deny the request of Tony V's Sunrooms, 2024 Lakeside, for relief of the Ordinance to construct a patio enclosure that will result in a 28.18' rear yard setback and a 24' front setback to the east property line along Southpointe Drive. Section 30.10.05 requires a 40' minimum rear yard setback and a 25' minimum front yard setback in R-1D Zoning Districts.

- Variance request is too large.
- 28' rear yard setback is excessive.

Yeas: Gies, Kovacs, Maxwell
Nays: Bartnik, Courtney, Wright

MOTION TO DENY FAILS

Motion by Courtney
Supported by Kovacs

MOVED, to postpone the request of Tony V's Sunrooms, 2024 Lakeside, for relief of the Ordinance to construct a patio enclosure that will result in a 28.18' rear yard setback and a 24' front setback to the east property line along Southpointe Drive. Section 30.10.05 requires a 40' minimum rear yard setback and a 25' minimum front yard setback in R-1D Zoning Districts until the meeting of February 19, 2008.

- To allow the petitioner the opportunity of a full board.

Yeas: All - 6

MOTION TO POSTPONE THIS REQUEST UNTIL FEBRUARY 19, 2008 CARRIED

Mr. Maxwell began a discussion regarding the commercial vehicle requests. Mr. Maxwell said that both City Council and the Planning Commission need to look at the criteria for these vehicles as he believes the rules are very vague and right now the criteria is meaningless.

Mr. Wright indicated that the Planning Commission is working on changing the Ordinance that will also include recreational vehicles.

Mr. Courtney stated that they are not allowed to be parked in his subdivision. Recreational vehicles are only allowed to come into the area to load and unload and are stored at another location.

Mr. Maxwell said that he believes it is difficult for people that have had these vehicles at home for a long time to meet the criteria as presented.

Mr. Bartnik said that he thought there were locations zoned light industrial in the City, where these vehicles could be stored.

Mr. Maxwell said that he had understood there was a list of storage facilities available that could be given to these petitioners.

Mr. Stimac said that there is information regarding storage for commercial vehicles. There are also a number of storage yards that don't outwardly advertise that they have storage available, and this information would not be available. Mr. Stimac said that the information regarding storage yards could certainly be made available. One additional storage yard was approved at the last meeting of the Planning Commission and Mr. Stimac believes another one is coming before the Planning Commission for approval.

Mr. Stimac went on to explain the criteria established for these commercial vehicles. Specifically they have to comply with Item A or Item B and Item C. For example, in looking at the cases tonight: the vehicle parked in Mr. Ferguson's driveway does not allow for any access to the garage or the driveway. All other activity has to take place in front of the residence or in the front of the drive. When it is parked at the back of the driveway it prohibits all other use of the garage. You need to look at what impact a commercial vehicle has on the property itself.

Mr. Bartnik asked what is required to store vehicles in the M-1 (Light Industrial Zoning District).

Mr. Stimac said that outdoor storage of commercial vehicles in the M-1 Zoning District requires Special Use Approval from the Planning Commission and there are a number of facilities that have been approved for special use approval in the City that do allow for outdoor storage.

Mr. Bartnik said that as business owners, the cost of storing a commercial vehicle is part of the cost of running the business. There are a number of commercial buildings available and perhaps these business owners could look into these as another solution.

Mr. Courtney said that the vehicles needed to be protected and it may not be feasible to park them outside. The solution may need for the petitioner to rent space on a lot that has 24-hour protection.

Mrs. Gies said that it would make sense for them to park them in gas stations, if the locations are approved, because someone is always there.

Mr. Courtney said that the first petitioner needed his vehicle day or night, but the larger vehicle would need to be stored on a larger lot.

Mr. Kovacs said that he can understand how these petitioners feel discriminated against, as much larger vehicles, such as recreational vehicles, can be parked at property owners' homes. Mr. Kovacs said that he feels recreational vehicles should be treated the same as commercial vehicles and criteria should be established monitoring these vehicles also.

Mr. Maxwell said that he thinks the commercial vehicles can be detrimental to the area around them.

Mr. Kovacs said that he does not feel these recreational vehicles should be allowed to park outside either.

Mr. Stimac said that the Planning Commission is having a difficult time drafting language for the commercial vehicles and he knows they are still working on them.

Mr. Bartnik stated that he would like the Board to look at the by-laws as he feels that changes are required. Mr. Bartnik said he was not sure if this was a job for the Board but would like to see the discrepancies he found corrected.

Mr. Stimac said that there is another Planning and Zoning consolidation law that is coming to the Senate and there may be more changes made to the Board of Zoning Appeals by-laws and Zoning regulations. Mr. Stimac suggested that Mr. Bartnik e-mail or sends his concerns to him and he would be happy to look at them and bring any changes to the Board.

The Board of Zoning Appeals meeting adjourned at 9:02 P.M.

Mark Maxwell, Chairman

Pamela Pasternak, Recording Secretary

A meeting of the Downtown Development Authority was held on Wednesday, January 16, 2008 in Conference Room 195 of Columbia Center, 101 W. Big Beaver Troy, Michigan. Alan Kiriluk called the meeting to order at 7:50 a.m.

PRESENT: Al Aceves
 David Hay
 Michele Hodges
 William Kennis
 Alan Kiriluk
 Daniel MacLeish
 Ernest Reschke
 G. Thomas York

ABSENT: Michael Culpepper
 Stuart Frankel
 Louise Schilling
 Douglas Schroeder
 Harvey Weiss

ALSO PRESENT: Phil Nelson
 John M. Lamerato
 Brian Murphy
 Lori Bluhm
 Mark Miller
 Dick Carlisle

APPROVAL OF MINUTES

Resolution: DD-08-01
Moved by: MacLeish
Seconded by: Aceves

RESOLVED, That the minutes of the December 19, 2007 regular meeting be approved.

Yeas: All (8)
Absent: Culpepper, Frankel, Schilling, Schroeder, Weiss

OLD BUSINESS

None

NEW BUSINESS

A. Study Session

Dick Carlisle of Carlisle Wortman Associates, Inc. facilitated the Investment & Strategy Workshop.

The workshop agenda contained the following topics:

- Role of DDA
- Recap of the Big Beaver Corridor Study
- Investment strategy exercise

A summary and results of the investment strategy exercise will be compiled by Carlisle Wortman Associates, Inc. and presented at the next DDA meeting.

B. November 30, 2007 Monthly Financial Report was received and filed

PUBLIC COMMENT

Council member Wade Fleming made a few brief favorable comments on the Study Session.

MEMBER COMMENT

None

EXCUSE ABSENT MEMBERS

Resolution: DD-08-02
Moved by: York
Seconded by: Reschke

RESOLVED, That Culpepper, Frankel, Schilling, Schroeder and Weiss be excused.

Yeas: All (8)
Absent: Culpepper, Frankel, Schilling, Schroeder, Weiss

The meeting was adjourned at 12:49 p.m.

Next Meeting: February 20, 2008 @ 7:30 a.m. in the Lower Level Conference Room, City Hall.

Alan Kiriluk, Chair

John M. Lamerato, Secretary/Treasurer

JL/ph

A regular meeting of the Troy Traffic Committee was held Wednesday, January 16, 2008 in the Lower Level Conference Room at Troy City Hall. Pete Ziegenfelder called the meeting to order at 7:30 p.m.

1. Roll Call

PRESENT: Sara Binkowski
John Diefenbaker
Ted Halsey
Richard Kilmer
Gordon Schepke
Pete Ziegenfelder

ABSENT: Jan Hubbell

Also present: Rick Howard, 507 Misty Brook Lane, Roch. Hills, 48307
Stacy Pilut, 3652 Millay, 48083
and Lori Bluhm, City Attorney
Mark Stimac, Director of Building and Zoning
Marina Farouk Basta, Project Manager, DPW
John Abraham, Traffic Engineer
Lt. David Livingston, Troy Police Dept.
Lt. Eric Caloia, Fire Dept.
Lt. Robert Matlick, Fire Dept.

2. Minutes – November 28, 2007

RESOLUTION ##2008-01-01

Moved by Kilmer
Seconded by Binkowski

To approve the November 28, 2007 minutes as printed.

YES: All-6
NO: None
ABSENT: 1 (Hubbell)
MOTION CARRIED

RESOLUTION #2008-01-02

Moved by Kilmer
Seconded by Diefenbaker

To excuse Ms. Hubbell's absence.

YES: All-6
NO: None
ABSENT: 1 (Hubbell)
MOTION CARRIED

PUBLIC HEARINGS

3. Request for Sidewalk Waiver – 2051 E. Big Beaver

Rick Howard requests a waiver for an 8-foot sidewalk at 2051 E. Big Beaver, on the John R side of the property. The sidewalk ordinance requires that sidewalk be installed in conjunction with the construction on this parcel. There is an existing 6-foot sidewalk at this location. The Public Works Department recommends denial of this waiver request. Petitioner has signed an "Agreement for Irrevocable Petition for Sidewalks."

The traffic engineer received an e-mail (copy attached) from David Goodman, InPro Insurance Group, 2095 East Big Beaver. He believes that the sidewalks should meet code requirements to maintain City standards.

Several years ago when the day care facility was added to the property, the 6-foot sidewalk was approved by the City. Mr. Schepke doesn't think the petitioner should be burdened with the expense of tearing out the existing sidewalk and installing an 8-foot sidewalk.

Mr. Howard pointed out that he did install 8-foot sidewalks on the Big Beaver side of the property. However, the rest of the sidewalk on John R is only 6 feet wide, except for in front of the Boys and Girls Club, and in front of a doctor's office which had the extra two-foot strip installed to make the sidewalk 8 feet. Even the Police and Fire Training Center has a 5-foot wide sidewalk. He feels enforcement of the sidewalk ordinance is inconsistent at best.

Mr. Diefenbaker feels it is justified to leave the 6-foot sidewalk, or allow an extra 2-foot wide strip of concrete to be installed. The committee agrees that requiring the existing 6-foot sidewalk to be ripped out and replaced with an 8-foot walk would cause unnecessary hardship.

RESOLUTION ##2008-01-03

Moved by Halsey

Seconded by Diefenbaker

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, Rick Howard has requested a temporary waiver of the requirement to construct an 8-foot sidewalk on the property, because there is already a 6-foot sidewalk in that location, and

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

NOW THEREFORE, BE IT RESOLVED that the Traffic Committee grants a two-year waiver of the sidewalk requirement for the property at 2051 E. Big Beaver, on the John R side of the property, which is owned by Rick Howard.

YES: All-6
 NO: None
 ABSENT: 1 (Hubbell)
 MOTION CARRIED

REGULAR BUSINESS

4. Install DO NOT BLOCK INTERSECTION Sign on Rochester Road at Bishop

Sgt. Daniel of the Troy Police Department requests a DO NOT BLOCK INTERSECTION sign on northbound Rochester road south of Bishop/Troywood. Sgt. Daniel reports that due to Rochester Road traffic congestion, particularly in the afternoons, traffic is often backed up from Wattles Road, and at times backs up as far as the intersection of Rochester and Bishop/Troywood. When vehicles get stalled inside this intersection, motorists on Bishop/Troywood cannot proceed even on green, thus creating a gridlock and long wait times for traffic on Bishop and Troywood. We also have reports that this situation has resulted in many altercations between motorists stalled in the intersection and those on Bishop/Troywood. Sgt. Daniel and the Traffic Safety Unit have tried enforcement, to discourage motorists from entering the intersection if they cannot make through the intersection, and feels that a DO NOT BLOCK INTERSECTION sign may help warn motorists better and make enforcement more effective.

Stacey Pilut addressed the committee with the above-mentioned concerns. She has been in contact with the Police Department about the continuing problems at this intersection. She lives at the corner of Bishop and Millay, and her house faces the intersection. She said the altercations, horn blowing, and cursing at the corner are so loud that her family is disturbed. She is upset about the effect on her children.

Southbound Rochester drivers are unable to turn left into Bishop, and when cars get a chance to exit Bishop onto Rochester Road, many of them run the red light to avoid getting stuck there indefinitely.

Ms. Pilut has talked to the Road Commission for Oakland County about retiming the signal at Rochester and Wattles to allow traffic to move more freely. They informed her that would cause timing problems at every other intersection up and down Rochester Road.

Mr. Ziegenfelder feels that the No Right Turn on Red signs at Rochester and Wattles contribute to the traffic backups. The Traffic Engineer responded that these signs were put up because of the crash history due to motorists turning on red when green arrows were allowing left turns.

RESOLUTION #2008-01-04

Moved by Diefenbaker
Seconded by Kilmer

To recommend installing a DO NOT BLOCK INTERSECTION sign with flags on northbound Rochester Road south of Bishop/Troywood.

YES: All-6
NO: None
ABSENT: 1 (Hubbell)
MOTION CARRIED

5. Visitors' Time

No one wished to address the committee.

6. Other Business

Mr. Diefenbaker mentioned that in his neighborhood, Wright Street and the surrounding area, the pavement is so badly cracked that it creates a very jarring ride. The Traffic Engineer will check with the Engineering Department to see if there are plans to resurface the area streets.

7. Study Item -Discussion of Sidewalk Waivers and Procedures

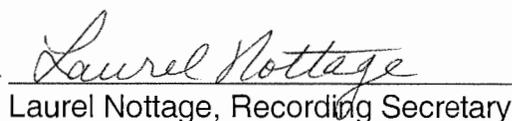
There was extended discussion among the committee members, the City Attorney, the DPW Project Manager, and the Director of Building and Zoning about the policies and procedures in dealing with sidewalk waivers. The City Attorney will draft new agreements and policies and bring them back to the committee at a future meeting.

8. Adjourn

The meeting adjourned at 9:18 p.m.



Pete Ziegenfelder, Chair



Laurel Nottage, Recording Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on January 22, 2008 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson
Lawrence Littman
Robert M. Schultz
Thomas Strat
John J. Tagle
Kathleen Troshynski

Absent:

Mark J. Vleck (arrived at 7:35 p.m.)
Wayne Wright

Also Present:

Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Christopher Forsyth, Assistant City Attorney
Richard Carlisle, Carlisle/Wortman Associates, Inc.
Zak Branigan, Carlisle/Wortman Associates, Inc.

Resolution # PC-2008-01-010

Moved by: Troshynski
Seconded by: Littman

RESOLVED, That Members Vleck and Wright are excused from attendance at this meeting for personal reasons.

Yes: All (6)
Absent: Vleck (arrived at 7:35 p.m.), Wright

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2008-01-011

Moved by: Littman
Seconded by: Tagle

RESOLVED, To approve the Agenda as printed.

Yes: All (6)
Absent: Vleck (arrived at 7:35 p.m.), Wright

MOTION CARRIED

3. MINUTES

Resolution # PC-2008-01-012

Moved by: Tagle
Seconded by: Hutson

RESOLVED, To approve the minutes of the January 8, 2008 Regular meeting as distributed.

Yes: All (6)
Absent: Vleck (arrived at 7:35 p.m.), Wright

MOTION CARRIED

4. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

5. BOARD OF ZONING APPEALS (BZA) REPORT

Mr. Miller gave a brief BZA report in Mr. Wright's absence. Mr. Miller indicated there appears to be a trend toward more applications for commercial vehicle appeals coming before the BZA.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Miller asked Richard Carlisle to summarize the January 16, 2008 Downtown Development Authority Investment Strategy Workshop meeting. Mr. Carlisle summarized the meeting, and indicated that the results of the workshop would be provided to the Planning Commission.

7. PLANNING AND ZONING REPORT

Mr. Miller provided a brief report.

8. APA NATIONAL CONFERENCE

Chair Schultz indicated there was enough money in the Planning Commission budget for three members to attend the upcoming American Planning Association (APA) National Conference on April 27, 2008 through May 1, 2008 in Las Vegas, Nevada.

Commissioners Schultz, Strat and Vleck indicated their desire to attend the conference. Commissioners Hutson, Tagle and Troshynski indicated they would check their schedules for availability to attend the conference.

Resolution # PC-2008-01-013

Moved by: Littman
Seconded by: Hutson

RESOLVED, That Planning Commissioners Schultz, Vleck and Hutson attend the APA National Conference in Las Vegas from April 27, 2008 through May 1, 2008.

FURTHER RESOLVED, That Planning Commissioners Tagle, Troshynski and Strat are considered alternates in the event any of the other three are unable to attend the conference.

Yes: All (7)
Absent: Wright

MOTION CARRIED

STUDY ITEM

9. **CITY OF TROY MASTER PLAN – DRAFT** – Discussion with representatives of Carlisle/Wortman Associates, Inc.

Chair Schultz introduced the item.

Mr. Miller indicated the intent of the meeting was for the Planning Commission to accept the draft Master Plan as the working draft for a Public Input Workshop, tentatively scheduled for February 26, 2008.

Mr. Miller explained the difficulties involved in holding an official Planning Commission meeting, given the requirement that all meetings be videotaped. The venue and format of the meeting would not lend itself to being recorded.

Chair Schultz suggested the Planning Commission cancel the Special/Study meeting.

Mr. Strat asked if a quorum of Planning Commissioners attending the Public Input Workshop would violate the Open Meetings Act.

Mr. Forsyth replied that they would not violate the Open Meetings Act as long as they were not deliberating or moving toward a decision. Additionally, the meeting would be open to the public.

The Planning Commission discussed the format of the Public Input Workshop.

Zak Branigan stated the intent was to have each chapter represented at an individual station, with a Planning Commissioner at each station to answer questions and engage participants. He asked if any Planning Commissioners had a preference of stations.

Ms. Troshynski requested that she would prefer to work at the Housing station. No other Planning Commissioners indicated a preference.

The Planning Commission discussed the draft Master Plan.

It was a general consensus that the draft Master Plan was the working draft for the Public Input Workshop, scheduled for February 26, 2008.

Richard Carlisle thanked the Planning Commission for their hard work, openness to ingenuity and sticking to an aggressive schedule.

Resolution # PC-2008-01-014

Moved by: Littman
Seconded by: Troshynski

RESOLVED, That the February 26, 2008 Planning Commissioners Special/Study meeting be cancelled.

Yes: All (7)
Absent: Wright

MOTION CARRIED

OTHER ITEMS

9. **PUBLIC COMMENTS** – Items on Current Agenda

There was no one present who wished to speak.

10. **PLANNING COMMISSION COMMENTS**

Mr. Littman suggested that in the future the Planning Commission should rotate officers.

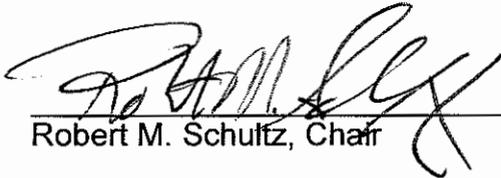
Mr. Strat informed the Planning Commission of legislative updates to the Michigan Building Code and the potential impact on Group Day Care Homes.

Chair Schultz discussed the January 21, 2008 Troy - Birmingham Transit Center charrette presentation.

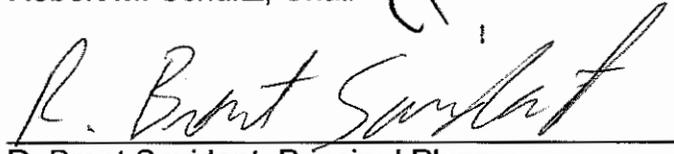
ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 9:07 p.m.

Respectfully submitted,



Robert M. Schultz, Chair



R. Brent Savidant, Principal Planner

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The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on February 5, 2008 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson
Robert M. Schultz
Thomas Strat
John J. Tagle
Mark J. Vleck
Wayne Wright

Absent:

Lawrence Littman
Kathleen Troshynski

Also Present:

R. Brent Savidant, Principal Planner
Christopher Forsyth, Assistant City Attorney

Resolution # PC-2008-02-015

Moved by: Wright
Seconded by: Tagle

RESOLVED, That Members Littman and Troshynski are excused from attendance at this meeting for personal reasons.

Yes: All (6)
Absent: Littman, Troshynski

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2008-02-016

Moved by: Wright
Seconded by: Hutson

RESOLVED, To approve the Agenda as printed.

Yes: All (6)
Absent: Littman, Troshynski

MOTION CARRIED

3. MINUTES

Resolution # PC-2008-02-017

Moved by: Strat
Seconded by: Tagle

RESOLVED, To approve the minutes of the January 22, 2008 Special/Study meeting as printed.

Yes: All (6)
Absent: Littman, Troshynski

MOTION CARRIED

4. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

5. PLANNING AND ZONING REPORT

Mr. Savidant reported on the following items:

- Master Plan Workshop scheduled for February 26, 2008 from 6:00 p.m. to 9:00 p.m. at the Management Education Center, Eli Broad Graduate School of Management, 811 W. Square Lake Road.
- Brycewood Site Condominium Preliminary Site Condominium Approval – Postponed by City Council on January 28, 2008.
- Rezoning on the east side of John R, north of Big Beaver, from R-1E and P-1 to B-1 (File # Z 677 B) – Approved by City Council on January 28, 2008.

STUDY ITEMS

6. MOBILE WINDSHIELD REPAIR – Discussion with Representatives of Fix-N-Chips (K4 Enterprises)

Mr. Savidant summarized the item.

Tony Kapas, a Troy resident and representative of Fix-N-Chips, 6030 Chase, Dearborn, was present. Mr. Kapas summarized the business as follows:

- They currently operate in five communities in Oakland County: Southfield, Waterford, White Lake, Rochester Hills and Lake Orion.
- They consider themselves to be a civic-minded business, providing an important, convenient service.
- They target underutilized parking lots and set up far from the front door of the business, in highly visible areas but out of the flow of traffic.

- They have professional signage and uniforms.
- They pay rent to the property owner to use space in parking lots.

Chair Schultz opened the floor for questions and comments from the members.

Mr. Strat asked if the business operates during inclement weather.

Mr. Kapas replied the business generally operates from April 1 through October 1. He indicated the quality of work is substandard if performed during rainy or cloudy weather.

Mr. Hutson shared a concern that a precedent might be set and a demand created for other types of businesses should this use be permitted.

Mr. Kapas said they pay \$1,000 per month to set up their business in a parking lot in Southfield. They were required to notify all businesses in the area and no objections were voiced.

Mr. Vleck suggested the uses might be appropriate if there were enough permit requirements.

Mr. Strat suggested an evaluation of the uses after one year.

Chair Schultz said he might consider the use if the City Attorney determined there was a way to permit this use and only this use.

Chair Schultz suggested the Planning Commission get feedback from the City Attorney's office on the matter, and further, find out how other communities permit the use and the impact of the use.

Chair Schultz suggested that the City Attorney's office review the matter and provide its findings to the members. He further suggested to do research on how other communities permit the use and the impact of the use.

7. DEVELOPMENT APPROVAL/PERMIT PROCESS REPORT

Mr. Savidant introduced the item, and general discussion on the report followed.

Mr. Hutson stated that the section relating to the Planning Department would be a great primer for new Planning Commissioners.

Mr. Vleck addressed the report recommendation relating to electronic site plan submissions. He stated that would be an important first step toward accomplishing a "paperless" Planning Commission agenda.

The Planning Department was asked to prepare a draft text amendment requiring electronic site plan submissions.

Mr. Strat stated he would like to see photos and examples of "good" projects available at the counter for developers to review.

8. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-B) – Article 04.20.00 and Article 40.66.00, Pertaining to Commercial Vehicle Definitions and Outdoor Parking of Commercial Vehicles in Residential Districts

Mr. Savidant provided a brief overview of the item.

It was determined that the Planning Department, with assistance from the City Attorney's office, would update the most recent Planning Commission version of the text amendment and update it based on comments provided by Tom Krent at the September 11, 2007 Public Hearing.

OTHER ITEMS

9. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

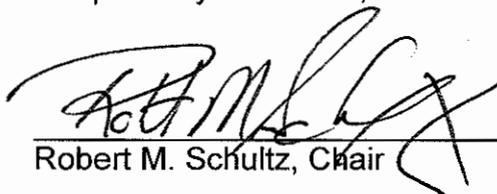
10. PLANNING COMMISSION COMMENTS

Chair Schultz informed the Planning Commission that he attended the State of the City Address earlier in the day, and was impressed with all of the ongoing projects in the City.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 8:50 p.m.

Respectfully submitted,



Robert M. Schultz, Chair



R. Brent Savidant, Principal Planner

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:30 A.M. on Wednesday, February 6, 2008 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman
Rick Kessler
Bill Nelson
Tim Richnak
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Pamela Pasternak, Recording Secretary

ITEM #1 – APPROVAL OF MINUTES – MEETING OF JANUARY 2, 2008

Motion by Kessler
Supported by Richnak

MOVED, to approve the minutes of the meeting of January 2, 2008 as written.

Yeas: All - 5

MOTION TO APPROVE MINUTES AS WRITTEN CARRIED

ITEM #2 – VARIANCE REQUEST. GREAT LAKES ELECTRIC SIGN COMPANY, 1790 MAPLELAWN, for relief of Chapter 85 to erect three (3) additional wall signs on an existing building.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 85 to erect three (3) additional wall signs. The petitioners are planning to keep an existing 24 square foot wall sign. The plans submitted indicate the three new wall signs will measure 90.25 square feet, 32.5 square feet and 31.875 square feet in area. Section 85.02.05 (C) (5) allows a maximum of three wall signs. One wall sign can measure up to 100 square feet in area, and the other two can measure up to 20 square feet each in area.

Additionally, Section 85.01.05 (C) does not allow a wall sign to project more than 12” out from the building wall or above the roof or parapet line. One of the signs (the largest) will project 4’-6” out from the building and extend 3’-1” above the parapet line.

This item first appeared before this Board at the meeting of January 2, 2008 and was postponed to this meeting to allow the petitioner to present the Board with more detailed information regarding this request; and, also to allow representatives from both the dealership and the Sign Company that is constructing the sign, to appear before the Board.

ITEM #2 – con't.

Mr. Tom Novak of Great Lakes Electric Sign Company, David Fischer, Jr. and Mr. Robert Salenik of Saturn Corporation and Mr. Richard Burke of L & A Architects were present.

Mr. Fischer stated that these signs are a new, updated look for GM and they want to keep their advertising on the cutting edge. The signs will also increase customer convenience. Customers were having a difficult time finding the entranceway to this dealership and the new sign will be a focal point for this entranceway.

Mr. Kessler asked if they had looked into any other sign packages that would be in compliance with the requirements of the Ordinance. All of the buildings in this area are attractive and easily recognizable by the existing signage. Mr. Kessler did not see a hardship that would justify this variance request.

Mr. Novak stated that they were expecting someone from Cummins Sign Company to be present in order to address the concerns of the Board. Mr. Novak stated that he did not believe there was a hardship. Mr. Novak stated that he had been a tool designer and did all of his work in Troy. The Troy Motor Mall has become a showcase for the automotive industry. Mr. Novak said that he believed other signs in the area required variances and the signs that they are proposing would add to the beauty of the area.

Mr. Fischer asked if changing the roof line of the building was considered a hardship.

Mr. Kessler gave examples of a hardship the Board would consider, such as the location of the building, type of landscaping or something else that would run with the land. Each building is different and he does not believe there is anything unique about this building that would justify a variance.

Mr. Richard Burke of L & A Architects stated that the “sky box” sign is an architectural feature to the building. Saturn Corporation has made their product more upscale. Customers coming to this location could not find the front door and this “sky box” sign will enable them easier access and will be in conformance with other dealers across the country. Saturn has tried to keep costs down and that is the reason they are using this design across the country.

Mr. Fischer stated that the cost of the signs and the problem for customer finding the entrance to the building could be considered hardships.

Mr. Kessler informed Mr. Fischer that a hardship cannot be monetary.

Mr. Robert Salenik the architect for Saturn stated that the building was designed in 1990 and signage usually averages 7 to 10 years. The hardship is that this facility is out dated and these signs would be in line with what is happening across the country. As the buildings age, cosmetic improvements are required.

ITEM #2 – con't.

Mr. Dziurman asked if these were replacement signs.

Mr. Novak stated they were just new signs.

Mr. Stimac explained that the “sky box” is a new sign and part of the problem is that the drawings indicate that the sign will extend out 4 ½’ from the building, and will extend 3’-1” above the roof line of the building. This sign would be 90.25 square feet. The sign, “Saturn of Troy” is a new sign; and the “Service Center” sign is a replacement sign.

Mr. Fischer suggested that they could leave off the wording “A member of the Suburban Collection” from the Saturn of Troy Sign and also eliminate the word “Center” from the Service sign.

Mr. Stimac stated that the Saturn of Troy sign is 32 square feet. Mr. Stimac asked if that sign could be reduced to 20 square feet. If this was possible and the service sign taken down the only variance required would be the projection of the “sky box” sign from the building.

Mr. Burke stated that he believed they could make this sign 20 square feet. Mr. Burke then asked if this sign could be 15 square feet and one of the other signs 25 square feet to equal the 20 square feet.

Mr. Stimac explained that 20 square feet would be the maximum allowable square footage per sign.

Mr. Stimac stated that the petitioner would have two signs that were each 20 square feet. The projection of the “sky box” is 3’-1” above the parapet line, and 4’-6” from the building.

Mr. Novak asked what the purpose of not having a sign project too far from a building was.

Mr. Stimac stated that this rule applies to what are permitted as wall signs and has to do with how far the setbacks are for the building.

Mr. Novak stated that there is a canopy that extends much farther than the sign would.

Mr. Nelson asked about the Horizon logo proposed on the sign.

Mr. Novak stated that the Horizon logo is part of the over all look of the sign design.

Mr. Nelson asked if that was part of the calculation used in figuring the size of the sign.

Mr. Stimac said that the entire gray box was used.

ITEM #2 – con't.

Mr. Richnak said that he was concerned about the part of the sign that extends out from the roof line.

Mr. Stimac stated that the sign box extends 4 ½' out from the building.

Mr. Burke stated that the reason they want the line to project from the building is because it would not be visible to someone that is between 5' and 5'-1" tall from the ground.

Mr. Kessler said that if the sign were mounted on the awning it would become part of the building as an architectural feature.

Mr. Stimac said that they could raise the arch to the top of the sign and that would eliminate the height of the sign.

Mr. Kessler said that if they made the sign out of the material used for the building it would become part of the building.

Mr. Stimac suggested that they could re-design the wall to make it extend further out.

Mr. Richnak asked what the reason was that the sign is not allowed to extend above the wall.

Mr. Stimac said that the intent of the Ordinance was to limit wall signs to be located on the walls of the building. They would still have to comply with wind load requirements.

Mr. Salenik stated that the Horizon with the logo is one of three or four changes that are being made to the building.

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

There are no written approvals or objections on file.

Motion by Nelson
Supported by Kessler

MOVED, to **approve** the request of Great Lakes Electric Sign Company, 1790 Maplelawn, to install a primary wall sign 3'-1" above the parapet line of the roof and 4'-6" out from the building wall, and to **deny** the request for additional square footage for the other wall signs.

- Other signs can be reduced to 20 square feet in order to comply with the Ordinance.

ITEM #2 – con't.

Yeas: All – 5

MOTION TO APPROVE PRIMARY SIGN AND TO DENY ADDITIONAL SQUARE FOOTAGE FOR ADDITIONAL SIGNS CARRIED

ITEM #3 – KEVIN DETERS, METRO DETROIT SIGNS, 2915 COOLIDGE, for relief of Chapter 85 to erect four (4) wall signs, totaling 302.3 square feet, where a maximum of 200 square feet is allowed by Chapter 85.02.05 (C) (3).

In addition, the petitioner is proposing that one of the wall signs will project 2'-3 ½" from the wall and a second sign projecting 19' from the wall. Chapter 85.01.05 (C) does not allow wall signs to project more than 12" from the wall.

Mr. Stimac explained that the petitioner is proposing to erect four (4) wall signs. The site plan submitted proposes four (4) wall signs with an aggregate total of 302.3 square feet. Chapter 85.02.05 (C) (3) allows one wall sign for each building not to exceed 10% of the area of the front of the structure to a maximum size of 200 square feet in area.

Additionally, the petitioner is proposing one of the wall signs to project 2'-3 ½" from the wall, and another sign projecting 19' from the wall. Chapter 85.01.05 (C) does not allow wall signs to project more than 12" from the wall.

Mr. Paul Deters of Metro Detroit Signs, and Mr. David Miller and Mr. Don Waller of Cameron Mitchell Restaurants were present.

Mr. Miller stated that this is the first restaurant of this type in the country and is considered a prototype. This is a new brand, with no previous recognition and they want clients to be able to locate this restaurant. Existing landscaping does create some challenges for this building. This is a free-standing building with three (3) visible sides. Mr. Miller also stated that they are not able to make use of the monument sign.

Mr. Deters explained that the signs projecting 2'-3 ½" from the wall are actually on ledges, which is part of the architectural feature. The owners wish to accent these signs with lighting behind the letters on the facades and if these signs were required to be flush with the wall, they would not be able to put these lights in.

Mr. Dziurman said that the petitioner is proposing to put one sign on Big Beaver and one on Coolidge and asked where the other two signs were going to be.

Mr. Miller stated that the largest sign is along the curvature of the building. It will be internally illuminated and will be very sophisticated. One sign will be placed on the west side of the building and the other on the south side. The sign on the west side of the building will be to show where to come into the parking lot from Big Beaver. The sign

ITEM #3 – con't.

on the south side of the building will show the entrance approaching from the south on Coolidge. The front canopy is an architectural feature and is to look at the brand.

Mr. Richnak asked if a variance would still be required if the sign on the south side of the building were reduced to 20 square feet.

Mr. Stimac said that because of the zoning on this building they are limited to one wall sign. A variance is required for the number of signs they wish to erect and for the projection of the signs from the building.

Mr. Richnak asked how the sign on the curved face of the building is calculated.

Mr. Stimac said that it cannot be more than 10% of the face of the building, and the formula is width along the curve by the height of the letters.

Mr. Dziurman asked what the difference was between the sign that is 54 square feet and the sign that is 78 square feet.

Mr. Stimac said that the height of the letters for the sign on the south side of the building is 2'-6" in height, and the letters for the sign on the west side of the building is 3'-9".

Mr. Dziurman asked if the signs could both be 54 square feet.

Mr. Miller said that they could.

Mr. Kessler asked what the hardship was to allow four (4) signs in lieu of one (1) sign.

Mr. Miller said that he feels the location of the building creates a hardship.

Mr. Kessler asked why they would not utilize the monument sign.

Mr. Miller explained that the landlord wants his building to be on the primary ground sign and they do not believe they would get the visibility they want.

Mr. Kessler asked how many seats would be in this restaurant.

Mr. Waller said that with the patio there are approximately 370 seats.

Mr. Kessler stated that he does not think the signage is critical for this type of restaurant. This building is a corner location and will be very visible. There is a lot of new building that is being proposed for Troy and Mr. Kessler does not wish to set a precedent by allowing this many signs on a building. Mr. Kessler also stated that he did not see a hardship that would allow a variance for this many signs and in his opinion this building has the best exposure and would have a good draw.

ITEM #3 – con't.

Mr. Miller disagreed with Mr. Kessler and stated that in his opinion signage is critical to the success of a restaurant. He gave an example of a restaurant that they have in Livonia. Their restaurant has a good deal of signage and is located next to a restaurant that does not have as many signs. Their restaurant has been very successful, while the other restaurant is not doing as well. In this marketplace they are very concerned that it is necessary that the building and signage both stand out. This is the largest project their company has undertaken and they are trying to insure the success of this restaurant.

The Chairman opened the Public Hearing.

Mr. Rob Peters, Architectural Coordinator of Somerset Mall was present. Mr. Peters objected to this request as he stated that they have opened six restaurants in this area and all of the signage for these restaurants complies with the Ordinance. Mr. Peters believe that granting this variance will set a precedent and the restaurants that have complied with the requirements of the Ordinance would be at a disadvantage.

No one else wished to be heard and the Public Hearing was closed.

There are no written approvals or objections on file.

Mr. Miller stated that these restaurants were covered under a different zoning district and therefore would have different requirements.

Mr. Stimac stated that part of this area is covered by a Consent Judgment and the south side of Big Beaver is zoned B-2 and does have different provisions. A free standing restaurant would be permitted to have any number of signs up to 10% of the front area of the building. If this site was in a B-zoned district they would be allowed to have four (4) signs but they could not be more than 200 square feet and they could not project from the wall.

Mr. Richnak asked what the purpose of the sign was that indicates “fish, steaks, cocktails”.

Mr. Miller stated that was the “branding” sign which lets people know what is available at the restaurant. It denotes the offerings of the restaurant.

Mr. Dziurman asked for clarification on the projection on the building.

Mr. Miller stated that the signs will be on the ledges, which are architectural features of the building.

ITEM #3 – con't.

Mr. Stimac stated the east elevation has an over-hang that circles around the front of the building and a sign on this overhang can't be more than 12" from the wall.

Mr. Zuazo asked if the signs would present an obstacle to other restaurants in the area.

Mr. Miller said that he did not believe they would offer an obstruction and also stated that McCormick and Schick have two (2) wall signs.

Mr. Zuazo asked if the projection of the sign would be an obstacle to McCormick & Schmick.

Mr. Waller stated that their building is behind the tree line and he did not see how this would affect McCormick and Schmick at all.

Mr. Peters stated that the signs on the existing restaurants do not advertise the "brand".

Mr. Kessler stated that many people have come before this Board for relief of the Ordinance to put signs on all sides of a building. The Board has to determine what the hardship is to allow a variance. This corner is not unique. There are a lot of elements which will make to a very successful business, not just signage. Landscaping and lighting can achieve what the petitioner is looking for. There is no hardship with this site that will allow more than what the Ordinance allows.

Mr. Richnak asked if the words "fish, steak, cocktails" were incorporated into the main sign, if the sign would then comply.

Mr. Stimac stated that the maximum size for this sign is 200 square feet.

Mr. Richnak asked if they could add 42 square feet of additional signage.

Mr. Stimac stated that if the main sign was 200 square feet or less and less than 12" from the building wall, it would be allowed.

Mr. Deters stated that because of the location of the building and the drives entering into this site, anyone driving north bound on Coolidge or east bound on Big Beaver would pass the site before they were able to turn in. It will become a challenge for them to turn around and go back to the location.

Mr. Peters stated that in his opinion this was a self-created hardship.

Mr. Kessler asked if they had explored the possibility of mounting "Ocean Club" on the wall of the building.

ITEM #3 – con't.

Mr. Miller stated that they wished to add lighting behind the sign and this is why they wished to attached it to the canopy.

Mr. Kessler stated that he understands that they wish to illuminate the sign. Mr. Kessler also stated that he does not believe it would be a hardship for people to turn around and go back to this location as there are boulevards along Big Beaver which facilitate these turns. Mr. Kessler said that there is a lot of exposure to people making the turns on the corner.

Mr. Miller asked if they could have the number of signs they are requesting if they were reduced to meet the 200 square foot requirement. The signs on the west and south sides of the building will allow people to find the entrances to this building. If they reduce the height of the letters they would be able to comply with the 200 square foot requirement.

Mr. Kessler stated that he was concerned about the number of signs and would like the petitioner to look at other options to reduce the number of signs.

Mr. Nelson asked the petitioner if the signs could be put up within 12” of the wall and still be illuminated.

Mr. Miller stated that they need the space behind the signs in order to clean the building.

Mr. Kessler stated that this is strictly a design element in putting lighting behind the letters.

Mr. Miller proposed the following to the Board: the letters in the sign on the south side of the building would go from 30” high to 24” high; the letters in the sign on the west side of the building could go down to 2’; the large sign on the curvature of the building would go from a letter height of 44” to 36” and would be shortened in length.

Mr. Kessler stated that he thinks four (4) signs are too many and asked if one sign could be eliminated.

Mr. Deters stated that no matter where you are standing by this building, you will only be able to see one sign at any given time. You will never see more than one sign. This is due to the unique configuration of the building.

Mr. Nelson asked if the petitioner was planning to reduce the sign that reads “fish, steak, cocktails”?

Mr. Miller stated that if the Board wished them to eliminate a sign this would be the sign that they would eliminate.

ITEM #3 – con't.

Mr. Kessler asked if they could incorporate this sign into the larger sign.

Mr. Miller said that if that sign was on a straight wall they could do that, but not on the curvature of the building.

Mr. Kessler asked if they had any similar signage at other locations. Mr. Miller said that they have a similar sign in Columbus, OH and gave the Board pictures of this sign.

Motion by Nelson

Supported by Richnak

MOVED, to grant Kevin Deters, Metro Detroit Signs, 2915 Coolidge, relief of Chapter 85 to erect three (3) wall signs, totaling 200 square feet in area and to allow one of those signs to project 2'-3 1/2" in front of the wall.

- Hardship is that this building has three-sided exposure.
- Sign that reads "fish, steak, cocktails" will be eliminated.
- Total signage will meet the 200 square foot requirement.
- Signs will not project beyond the ledge of the building.

Yeas: All – 5

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 - INTERPRETATION REQUESTED. BRIAN J. TOGNETTI, REPRESENTING TRAVELER'S INSURANCE, 100 E. BIG BEAVER & 888 W. BIG BEAVER, for relief of the 2003 Michigan Building Code to repair damaged roofing on these buildings, rather than replace both roofs.

Mr. Stimac explained that the roofs of the two above referenced buildings were damaged by a wind storm in 2007. The extent of the damage and the background conditions of the roofs is outlined in the report prepared by Christopher Campbell of the consulting firm NTH and dated October 25, 2007. Based upon the extent of damage to the roof he, in a letter dated December 21, 2007, determined that the provisions of the Michigan Building Code required that the roof systems be removed down to the roof decking as part of the scope of work of this project. The petitioner, representing the insurance carrier for these buildings, is asking for an interpretation that the scope of work on these buildings is a roof repair and therefore not subject to the requirements to remove the existing roofing systems. The petitioner is citing Section 3403.3 of the Michigan Building Code as the basis for his appeal. The Board has been provided with copies of the pertinent sections of the codes and a copy of the report from NTH Consultants dated October 25, 2007 that was referenced in the letter of December 21, 2007.

ITEM #4 – con't.

Mr. Dziurman stated that he had worked for NTH Consultants in the past and knew Mr. Campbell and did not believe he would vote on this request.

Mr. Dziurman asked for a history on this request.

Mr. Stimac explained that the building owner has contacted him as to what was required for a roof repair of these buildings. The Building Department has not inspected these roofs at this time and we do not typically issue permits for new roofs. A decision was formed based on the information provided in the reports based on the requirements of the Building Code. The Insurance Carrier for the building asked that a determination be undertaken as to whether these roofs could be repaired or if they needed to be replaced.

Mr. James Jonas, of Redico Management Company and Mr. Chris Campbell of NTH Consultants, and Mr. Brian Tognetti, Project Manager of WJE were present. Mr. Tognetti was representing the Travelers Insurance Company.

Mr. Campbell stated that he was hired as a consultant to look at this issue. Mr. Campbell stated that he supports Mr. Stimac decision and agrees that these roofs need to be replaced. Based on their observations of the damage on both roofs it is clear that the Building Code warranted removal of two (2) roofs. There are two (2) layers of roof and the minimum requirement is that these layers be removed and a new roof put on the buildings. The existing two (2) roofs are clearly covered in the 2003 Michigan Building Code. If the roof is damaged by more than 50% you are required to remove the two layers and put on a new roof. The roof deck that is in place may well have been compromised when the first roof failed and also when the second roof failed. Mr. Campbell stated that the lowest building is approximately 175' in height and the taller building is approximately 180' in height. At these heights, the wind is much stronger and this is what caused the damage to these buildings.

Mr. Dziurman asked if they could observe the decking from the underside and Mr. Campbell indicated that they could but it has a spray applied fire proofing on it.

Mr. Jonas said that these roofs are getting a much higher wind load than what is on the ground. The wind is very strong on the top of the roofs. These roofs were installed within a month of each other and they both were damaged at the same time. Mr. Jonas stated that he was concerned because the roof was glued down to the underlayment. The wind separated the roof from the board underneath. The existing deck is over twenty years old and they have found leaks in the interior offices.

Mr. Campbell stated that due to the magnitude of the damage observed, it is his opinion that this roof system has failed and the roofs need to be removed and replaced.

ITEM #4 – con't.

Mr. Stimac stated that there is no dispute that the roofs were damaged and some form of action needs to be taken to bring these buildings up to the Building Code. The issue before this Board is the scope of work that is required to bring these roofs into compliance: A. taking the existing roof layers off and replacing with a new roof, or, B. taking part of the roof off and repairing the damaged areas.

Mr. Stimac went on to say that the Michigan Building Code would allow the owner to repair just the portion of the roof that is damaged, however, according to his interpretation of the Code he believes that you have to take the roofs down to the deck to fix the roofs.

Mr. Tognetti stated that Chapter 34 of the Michigan Building Code states that the damaged portion could be removed and reconstructed to fix the roof. When damage occurs, a building owner has the option to fix the roof. Mr. Tognetti does not believe this is a re-roofing project. Mr. Tognetti contacted a representative of the ICC and has gotten a letter indicating that they agree with his assessment that replacement of the roof is not required. Part of the roof is water soaked and they would remove the damaged portion of the second roof and replace these damaged portions. The building owner wants new roofs and there is no language regarding the cost of damaged roofs. The cost to repair these roofs is approximately \$50,000.00, and replacement would be approximately \$300,000.00. Mr. Tognetti stated that the minimum requirement is that roof repairs be performed.

Mr. Dziurman asked what the life of a roof repair would be.

Mr. Tognetti said he thought it was approximately 10 years.

Mr. Dziurman asked if this was an economical question.

Mr. Tognetti stated that was correct and he would not want this to be precedent setting. Mr. Tognetti believes this interpretation of the Code is enlarged.

Mr. Campbell stated that Lutz Roofing Company gave the owners a proposal but that the owner did not feel the solution was adequate. This is a structural situation and the roof system should have an average roof life of 18 – 20 years. He noted that the letter from ICC would defer to the decision of the Building Official.

Mr. Jonas stated that the original roof was installed under the Building Code and in his opinion the solution is to create a mechanically attached roof.

Mr. Kessler stated that the letter from ICC indicates that there is a need to verify that the roof system assembly is 100% compliant when the job is completed. The language of the Code states that you have to make sure when covering the roof that there is not a deficiency. If you remove one of the layers the question remains as to how the decking

ITEM #4 – con't.

will be affected. The second layer of material that is damaged could cause damage to the first layer of material. The intent of the code is overall conformance of the roof. Mr. Kessler stated that he does not believe you can achieve the same installation when you already have two layers. Mr. Kessler stated that it is his opinion that the entire roof needs to be removed and replaced.

Mr. Tognetti stated that the roofing manufacturer will allow a single ply membrane to go over the first layer. Mr. Tognetti stated that they are not proposing anything that is non-conforming.

Mr. Kessler stated that he believes the interpretation from ICC agrees with Mr. Stimac's interpretation that the roof needs to be replaced.

Mr. Stimac addressed question #3 in the letter from ICC and states that he believes it does agree with his interpretation as Article 34 does not have definitions for repair of the roof. Article 1502.01 defines "roof repair" as the "reconstruction or renewal of any part of an existing roof for the purpose of its maintenance". The work that is proposed is not a repair but a roof replacement. When you have two layers of roofing you have to take them off and go down to the deck, and when you have gone through two layers it is time to look at the deck to make sure it is code compliant. A third roofing system requires that you remove the two layers and go down to the deck.

Mr. Tognetti said that while repairing the second roof system you will be able to see any damaged portions beneath. This is a repair. Mr. Tognetti also said that he does not see how this Board would not allow a roof repair to continue. This repair would not be contrary to what is allowed. The integrity of the roof needs to be known. As of their inspection they do not have any indication that the structural integrity has been compromised.

Mr. Tognetti went on to say that they can remove and replace the damaged material but could not put up a third roof covering. He does not think this is a technical issue, thinks that it is a fundamentally economic decision. Mr. Tognetti stated that he would like this roof repair to be allowed.

Mr. Kessler stated that this issue is being looked at as a Code requirement decision that the Board would render regardless of who would ask the question. There are a lot of issues brought before this Board that the Board says "no" to. The Board is not trying to help someone getting something that they are asking for and is not trying to help a Troy business owner with their insurance company.

Mr. Stimac stated that this is a Code question and the answer from ICC would be the same no matter who was asking the questions.

ITEM #4 – con't.

Mr. Dziurman stated that the building owner should have his choice of whether he wants to repair or replace the roof. Mr. Dziurman said that he feels a roof replacement would be much better.

Mr. Stimac stated that repair is defined as using the same material on the roof to return it to its original condition. A reconstruction also uses the same materials to bring it back. Replacement is when you are removing the damaged portions of the roof, throwing the materials away, and bringing new materials in to fix the roof that would give you a weather tight roof. Furthermore, the Code states that if you can take that material and use it to fix the damage; you are permitted to do it. If you are going to replace the material, the Building Code can state what kind of materials are allowed. When you have two existing layers on a building you have to remove these layers to put new roofing materials down.

Mr. Tognetti stated that you have to remove two layers to put new materials down, but the re-hab Code has repair defined in full. A roof repair can include removing and replacement of material on a roof. You can't use damaged materials to repair a roof.

Mr. Kessler asked how Mr. Tognetti would define a replacement.

Mr. Tognetti stated that would be done when the roof was not damaged. The roof would be considered old and they would put down new materials. He believes this could be considered either a replacement or repair.

Mr. Zuazo asked if the local codes override the ICC.

Mr. Stimac stated that the local jurisdictions enforce the Michigan Building Code and Michigan can modify the ICC code provisions but the language in the Michigan Code is identical to the ICC Code.

Mr. Jonas stated that if it was not for the Re-hab Code they would not have been able to do anything with a lot of the buildings in Troy.

Mr. Stimac stated that the Re-hab Code was written to deal with existing buildings and how to bring them up to Code compliance with minimum regulations of health, safety and welfare different than that for a new building. It is the option of the owner on which code to use. If there is damage more than 50%, it would not be a good idea to use the Re-hab Code. If something is damaged more than 50%, it is Mr. Stimac's opinion that you have to take everything off. All of the roofing would need to be removed down to the deck and take a good look at conditions of the deck connections and repair whatever was required.

Mr. Nelson asked if roofing material had any type of rating on it.

ITEM #4 – con't.

Mr. Stimac said that there is a requirement for the Class of the roofing material, but he had not looked into it.

Mr. Tognetti stated that they often use the Re-hab Code and they are proposing to look at the structural integrity of the building. If portions of the roof system were found to be compromised, structural repairs would be made and would be brought up to Code.

Mr. Dziurman asked how they planned to fix this roof if they did not go down to the roof deck.

Mr. Tognetti stated that they would provide a set of drawings indicating the scope of work. They would do test cuts on all areas. City Center building has an upper and lower roof. Mr. Tognetti also stated that they had used an infra-red analysis of the roof and it was determined that only 40% was compromised by moisture.

Mr. Dziurman stated that he had some concerns about the deck since 40 or 50 cuts would be made.

Mr. Tognetti stated that they can statistically analyze how many cuts would be necessary to get a 95% degree of certainty of the conditions.

Mr. Dziurman asked if there was concern about the metal decking.

Mr. Kessler said that the Board is here for an interpretation of a decision that was made. Going back to Section 1510.3, this discussion is about recovering or replacement of the roof. There is a large amount of wet areas, and multiple layers could have water damage.

Mr. Tognetti stated that they are not adding a new roof covering, but are doing a roof repair. The owner has the right to choose what he wants to do.

Mr. Kessler stated that it is very clear that the intent of 1510.3 applies to this situation.

Mr. Tognetti said that it is not one versus the other but this project can be done using this language or by using the language out of Section 34. These roofs can be repaired without violating the Code.

Mr. Kessler stated that when you look at Section 34 it is not inclusive of every requirement, but gives you a look at the scope section of the Code.

Mr. Tognetti said that when these materials are replaced they will comply with Section 34.

ITEM #4 – con't.

Mr. Stimac stated that the roof replacement provisions of Section 1510.3 would apply and both layers must be removed before a new roof covering could be installed.

Mr. Dziurman asked if it would be different if only one roof layer existed.

Mr. Stimac stated that the definition of a roof replacement is to remove the existing roof covering and put on a new roof covering. The extent of the damage to these roofs is much more than what would be considered a repair under regular maintenance.

Mr. Nelson asked what would constitute the repair of a roof membrane.

Mr. Stimac stated if you dropped a screwdriver through a membrane and were able to use a small patch to repair the damage, this would be considered a repair.

Motion by Nelson
Supported by Zuazo

MOVED, to uphold the interpretation of Mr. Stimac regarding Brian J. Tognetti, representing Traveler's Insurance, 100 E. Big Beaver and 888 W. Big Beaver, request to repair rather than replace two (2) damaged roofs.

- Scope of work involved is a roof replacement vs. a repair.
- Article 34 requires compliance with the provisions listed in Section 1510.3.

Yeas: All – 5

MOTION TO AGREE WITH MR. STIMAC'S INTERPRETATION CARRIED

The Building Code Board of Appeals meeting adjourned at 11:32 A.M.

Ted Dziurman, Chairman

Pamela Pasternak, Recording Secretary



CITY COUNCIL REPORT

February 21, 2008

TO: Phillip L. Nelson, City Manager

FROM: Charles T. Craft, Chief of Police
Wendell Moore, Research & Technology Administrator

SUBJECT: 2007 Year End Calls for Police Service Report

Background:

- Each quarter the police department publishes a year-to-date report comparing current year calls for service with calls for police service from the previous year. In addition, at years end the department provides a 10-year history of criminal occurrences.
- The report's format complies with the National Incident Based Reporting System (NIBRS). All offenses within an incident are reported.
- Group A Crime decreased 5.2% (194 incidents) from the 2006 level. Within the group, the following categories show notable variations:
 - Breaking and Entering: Down 11.5% (36 incidents)
 - Destruction/Damage to Property/Vandalism: Down 13.5% (59 incidents)
 - Robbery: Down 23.1% (6 incidents)
 - Assault Offenses: Down 4.4% (28 incidents)
 - Larceny/Theft Offenses: Down 5.5% (85 incidents)
 - Forcible Sex Offenses: Up 20% (5 incidents)
 - Drug/Narcotics Offenses: Up 8.1% (16 incidents)
 - Fraud Offenses: Up 15.3% (27 incidents)
 - Motor Vehicle Theft: Up 16.1% (23 incidents)
- Group B Crime decreased 13.9% (245 incidents). Significant variations from the 2006 occurred in the following:
 - Drunkenness: Decreased by 80% (4 incidents)
 - Disorderly Conduct: Decreased by 23.2% (58 incidents)
 - Drunk Driving: Increased 28.7% (105 incidents)
 - Liquor Law Violations: Increased 13.5% (12 incidents)
 - Bad Checks: Increased 43.3% (13 incidents)
- Total incidents of crime (Group A & B combined) decreased by 8% (439 incidents).
- Clearance rates, the percentage of offenses for which a perpetrator has been prosecuted, or positively identified but not prosecuted, continue to be high:
 - 30.3% of reported Group A Crime
 - 80.1% of reported Group B Crime
 - 46.8% of all reported crime has been cleared

- Total Arrests decreased 10.6% (378 arrests)
 - Group A Crime Arrests: Decreased 14.6% (210 arrests)
 - Group B Crime Arrests: Increased 9% (109 arrests)
 - Group C Arrests (all other arrests): Decreased 30.7% (277 arrests)
- Group C (non-criminal) calls for police service increased by 5.7% (1909 incidents). Notable variations within Group C include the following:
 - Alarms: Down 6.6% (254 alarms)
 - Property Damage crashes increased 8.4% (210 crashes)
 - Injury crashes increased 11.6% (64 crashes)
 - Fatal crashes increased from 4 in 2006, to 5 in 2007
 - Reported crashes occurring on Private Property decreased 1.9% (20 crashes)
- Total crimes and non-criminal calls for police service increased 4% (1542 crimes/calls for police service):
 - 87.6% of all 2007 calls for police service were non-criminal in nature
 - Traffic crashes comprises 10.7% of the 2007 calls for service total
 - Response to alarms made up 8.9% of the 2007 call total
 - Larceny/Theft is the most frequently occurring crime in the City of Troy constituting 3.6% of the calls for service total.
- Total traffic citations issued increased 2.9% (389 citations):
 - Hazardous traffic citations issued increased 9.7% (862 citations)
 - Non-hazardous citations increased 8.8% (55 citations)
 - License/title/registration citations decreased 18.5% (549 citations)
 - Parking citations increased 2.7% (21 citations)
- The Ten Year Calls for Police Service report is formatted in the UCR format. While no longer used for State or Federal reporting purposes, the UCR format places crimes commonly considered “serious” or “non-serious” into Part I and Part II groupings making for an easier comparison.
- Utilizing the UCR format, serious crime (Part I) is at its lowest level of the last ten years
 - Larceny/Theft offenses are at their lowest rate of occurrence in the last ten years and have decreased 38.2% (896 incidents) from the 1998 level
 - Other categories, while showing small annual increases and decreases over the ten year period, have remained relatively the same
- Utilizing the UCR format Part II Crime occurrences (non-serious crime) is also at a 10 year low
 - Vandalism has fallen 51% (392 reported incidents) since 1998
 - Disorderly Conduct is down 86% (101 incidents) from the 1998 occurrence level
- Homicide, sex offenses, and robbery (as well the attempt to commit one of these crimes) constitute what is commonly referred to as “crimes against persons”. Of these “crimes against persons”, sex offenses are the most frequently occurring. Thirty such crimes, categorized as Forcible Sex Offenses by NIBRS were reported in 2007. Forcible Sex Offenses include sexual penetration and touching, as opposed to UCR crime of Rape that only counted forced or coerced penetration (explaining the difference between the 30 Forcible Sex Offenses in the NIBRS report and 10 rapes detailed in the UCR formatted 10 Year Report).
- An analysis of the 30 Forcible Sex Offenses occurring in 2007, indicates the following:
 - 8 of the crimes (26.7%) were perpetrated by a family member
 - 16 of the crimes (53.3%) were committed by friend, acquaintance, or person otherwise known to the victim
 - 4 Sex Offenses (13.3%) were committed by co-workers
 - 2 of the crimes (6.7%) were perpetrated by strangers

- 28 of the 30 reported Forced Sex Offenses (93.3%) were committed by people known to the victim; based on the nature of the relationship, the offenses occurred in the privacy of a home or workplace
- Of the 30 crimes, 13 involved penetration and 17 involved touching
- These crimes are difficult, if not impossible, to prevent through traditional law enforcement methods
- Continued support of prevention programs and partnerships with Social Service agencies/schools/advocacy groups (CARE House, HAVEN, etc) are the most viable approach to reducing such crimes
- An analysis of Larceny/Thefts, which is the most frequently occurring Group A Crime, indicates the following:
 - Retail Fraud (commonly referred to as shoplifting) comprises 38.9% (565) of the 1451 total Larceny/Theft offenses
 - Larceny In/From A Building (thefts from offices or other non-retail establishments) make up 19.2% (279) of the Larceny/Theft Offenses
 - Theft of property from motor vehicles constitutes 17.2% (250) of the Larceny/Theft Offenses
- A review of the 277 reported incidents of Breaking & Entering revealed the following:
 - 65.3% (181) of the total Breaking & Entering incidents occurred at residences; 16 of those incidents were attempted crimes where access to the residence was not gained
 - 37% (67) of the residential Breaking & Entering reports indicated that entry to the residence was gained without the use of any force; access was gained through an unlocked door, doorwall, or window
 - 34.7% (96) of the reported Breaking & Entering incidents occurred at commercial establishments; 9 of those were attempted crimes

Financial Considerations:

- None

Legal Considerations:

- None

Policy Considerations:

- City of Troy Goal #1- Enhance the livability and safety of the community.

Troy Police Department

Annual 2007/2006 Comparison - Incident Based Reporting

Description	INCIDENTS			OFFENSES			ARRESTS			CLEARANCES	
	Annual	Percent	Change	Annual	Percent	Change	Annual	Percent	Change	Annual	
	2007	2006		2007	2006		2007	2006		2007	Percent
Alarms	3,596	3,850	-6.6%	3,596	3,850	-6.6%	NA	NA	NA	NA	NA
All Other	31,823	29,663	7.3%	32,335	30,129	7.3%	624	901	-30.7%	NA	NA
Group C Miscellaneous Total	35,419	33,513	5.7%	35,931	33,979	5.7%	624	901	-30.7%	NA	NA
Group E Fire Total	99	27	266.7%	99	27	266.7%	NA	NA	NA	NA	NA
Grand Totals	40,545	39,003	4.0%	41,585	39,975	4.0%	3,172	3,550	-10.6%	2,597	46.8%
Traffic Crashes and Citations											
Reportable Traffic Crashes			<u>2007 Alcohol Involved Crashes</u>								
Personal Injury	615	551	11.6%	18 Incidents--2.9% involved alcohol.							
Property Damage	2,704	2,494	8.4%	58 Incidents--2.1% involved alcohol.							
Fatal	5	4	25.0%	1 Incidents--20.0% involved alcohol.							
Total Reportable	3,324	3,049	9.0%	77 Incidents--2.3% of all reportable crashes involved alcohol.							
Private Property Crashes	1,012	1,032	-1.9%								
Crashes Grand Total	4,336	4,081	6.2%								
Traffic Citations											
Hazardous	9,765	8,903	9.7%								
Non-hazardous	677	622	8.8%								
License, Title, Registration	2,416	2,965	-18.5%								
Parking	793	772	2.7%								
Traffic Citations Total	13,651	13,262	2.9%								

UCR ACTUAL INCIDENTS BY CRIME CLASS GROUP
TEN YEAR TREND

Part I Crimes	2007	2006	2005	2004	2003	2002	2001	2000	1999	1998
Criminal Homicide	1	2	1	0	1	2	0	2	0	1
Forcible Rape	11	10	7	9	12	12	7	12	7	11
Robbery	20	26	19	20	27	21	18	19	15	21
Aggravated Assault	42	50	39	32	49	45	45	49	50	65
Burglary	277	313	276	239	292	344	314	348	264	385
Larceny	1,451	1,537	1,572	1,564	1,563	1,507	1,712	1,819	1,915	2,347
Motor Vehicle Theft	166	145	127	112	158	120	201	132	157	164
Arson	4	7	3	3	5	10	19	6	3	4
Total Part I	1,972	2,090	2,044	1,979	2,107	2,061	2,316	2,387	2,411	2,998
Part II Offenses										
Negligent Homicide	1	0	5	2	1	2	2	0	3	1
Non-Aggravated Assault	269	294	312	299	273	309	286	318	319	330
Forgery/Counterfeiting	37	71	115	113	109	99	69	51	58	41
Fraud	204	177	108	163	184	207	256	279	317	299
Embezzlement	80	85	80	91	82	100	115	113	105	113
Stolen Property	13	18	7	14	11	8	6	20	22	16
Vandalism	378	437	364	443	558	482	505	638	521	770
Weapons	13	14	12	14	10	12	23	19	22	24
Accosting and Soliciting	1	3	1	10	1	1	1	1	2	0
Sex Offenses	37	44	31	46	37	48	36	39	47	44
Narcotics	188	186	142	134	93	103	128	133	147	143
Gambling	1	0	0	0	0	0	0	0	0	1
Family and Children	17	17	13	24	10	15	17	24	12	15
OUIL/OUIN	471	366	446	447	322	455	476	470	452	580
Liquor Laws	101	89	74	71	60	70	86	101	69	120
Disorderly	16	28	74	117	119	100	128	133	111	117
All Other Offenses	1,228	1,547	1,778	1,928	2,141	2,209	2,568	2,612	2,822	2,920
Total Part II	3,055	3,376	3,562	3,916	4,011	4,220	4,702	4,951	5,029	5,534
Total Part I & II	5,027	5,466	5,606	5,895	6,118	6,281	7,018	7,338	7,440	8,532
Total Part III	35,419	33,513	34,464	32,871	32,391	33,348	35,797	37,869	37,787	36,738
Total Part V Fire	99	27	64	58	77	69	140	158	144	149
Total Incidents	40,545	39,006	40,134	38,824	38,586	39,698	42,955	45,365	45,371	45,419
Traffic Citations										
Hazardous	9,765	8,903	11,869	11,538	12,356	11,621	13,250	12,240	11,621	11,627
Non-Hazardous	3,093	3,587	5,378	5,072	3,829	5,027	4,161	5,017	5,797	6,091
Parking	793	772	1,195	798	886	1,120	1,717	1,479	1,686	2,163
Total Citations	13,651	13,262	18,442	17,408	17,071	17,768	19,128	18,736	19,104	19,881
Traffic Crashes										
Property Damage	2,704	2,494	2,824	2,638	2,700	2,474	2,737	3,247	3,049	3,078
Personal Injury	615	551	656	716	722	753	882	940	930	1,008
Fatal	5	4	6	10	2	7	9	8	8	3
Total State Reportable	3,324	3,049	3,486	3,364	3,424	3,234	3,628	4,195	3,987	4,089
Private Property	1,012	1,032	1,130	1,133	1,137	1,317	1,345	1,440	1,479	1,491
Total Crashes	4,336	4,081	4,616	4,497	4,561	4,551	4,973	5,635	5,466	5,580

CITY OF TROY
MONTHLY FINANCIAL REPORT
31-Jan-08

CITY OF TROY
 Monthly Financial Report
 General Fund
 For the Period Ending January 31, 2008

CITY OF TROY GENERAL FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
GENERAL FUND REVENUES					
TAXES	35,679,836	36,308,690	1,735,669-	36,328,953	100.06
BUSINESS LICENSES & PERMITS	38,993	42,000	8,708	25,642	61.05
NON-BUS. LICENSES & PERMITS	1,452,966	1,705,500	90,122	833,375	48.86
FEDERAL GRANTS	198,102	55,900	0	8,172	14.62
STATE AGENCIES	6,800,242	6,784,000	1,158,901	2,507,733	36.97
CONTRIBUTIONS-LOCAL	171,189	180,000	3,977	46,477	25.82
CHARGES FOR SERVICES - FEES	1,455,402	1,159,000	44,159	474,367	40.93
CHARGES FOR SERVICES - REND.	2,346,725	1,717,500	121,048	612,177	35.64
CHARGES FOR SERVICES - SALES	154,366	157,000	380	63,204	40.26
CHARGES FOR SERVICES - REC	3,740,024	3,565,200	457,001	2,062,021	57.84
FINES & FORFEITS	1,243,286	1,027,000	116,241	471,933	45.95
INTEREST AND RENTS	2,363,543	2,081,600	96,742	885,199	42.52
OTHER REVENUE	546,469	510,550	14,240	248,716	48.72
OTHER FINANCING SOURCES	4,635,622	8,161,480	0	2,425,600	29.72
TOTAL GENERAL FUND REVENUE	60,826,765	63,455,420	375,850	46,993,569	74.06
EXPENDITURES					
LEGISLATIVE	1,839,175	2,033,040	138,470	1,051,310	51.71
FINANCE	4,726,731	5,054,990	458,217	2,919,406	57.75
OTHER GEN GOVERNMENT	2,552,515	2,700,750	164,713	1,373,789	50.87
POLICE	23,147,967	24,060,510	2,258,889	13,987,126	58.13
FIRE	4,376,861	4,317,390	223,323	2,881,269	66.74
BUILDING INSPECTION	2,051,078	2,243,190	158,693	1,190,905	53.09
STREETS	4,754,158	5,606,460	671,091	2,933,651	52.33
ENGINEERING	2,676,718	3,136,960	196,124	1,498,899	47.78
RECREATION	8,424,151	9,225,600	541,899	5,035,751	54.58
LIBRARY	4,805,280	5,066,530	432,921	2,677,317	52.84
TRANSFERS OUT	3,510,000	10,000	0	10,000	100.00
TOTAL GEN FUND EXPENDITURES	62,864,634	63,455,420	5,244,340	35,559,423	56.04

CITY OF TROY
 Monthly Financial Report
 Refuse Fund
 For the Period Ending January 31, 2008

REFUSE FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	4,254,241	3,572,670	9,268-	3,765,083	105.39
CHARGES FOR SERVICES - REND.	0	0	0	0	.00
CHARGES FOR SERVICES - SALES	2,275	1,500	320	1,710	114.00
INTEREST AND RENTS	162,643	175,000	16,184	75,926	43.39
OTHER FINANCING SOURCES	0	0	0	0	.00
TOTAL REVENUE	4,419,159	3,749,170	7,236	3,842,719	102.50
EXPENDITURES					
CONTRACTORS SERVICE	4,380,060	3,577,000	322,181	2,021,471	56.51
OTHER REFUSE EXPENSE	47,855	55,230	711	25,571	46.30
RECYCLING	101,047	116,940	3,653	55,893	47.80
TOTAL EXPENDITURES	4,528,962	3,749,170	326,545	2,102,935	56.09

CITY OF TROY
 Monthly Financial Report
 Downtown Development Authority Fund
 For the Period Ending January 31, 2008

DOWNTOWN DEV AUTHORITY FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	3,516,210	3,793,000	50,733-	3,690,026	97.29
STATE GRANTS	0	0	0	0	.00
INTEREST AND RENTS	519,215	400,000	65,214	302,349	75.59
OTHER FINANCING SOURCES	0	2,844,590	0	0	.00
TOTAL REVENUE	4,035,425	7,037,590	14,481	3,992,375	56.73
EXPENDITURES					
ECONOMIC DEVELOPMENT	41,011	350,000	27,356	52,711	15.06
TAX TRIBUNAL REFUNDS	8,242	0	0	13,086	.00
CAPITAL OUTLAY	0	3,000,000	0	0	.00
DEBT SERVICE	3,021,460	3,285,000	0	2,430,649	73.99
TRANSFER TO GENERAL FUND	311,944	402,590	0	201,295	50.00
TOTAL EXPENDITURES	3,382,657	7,037,590	27,356	2,697,741	38.33

CITY OF TROY
 Monthly Financial Report
 Capital Fund
 For the Period Ending January 31, 2008

CAPITAL FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
TAXES	8,200,947	8,440,000	359,219-	8,521,607	100.97
FEDERAL GRANTS	650	0	0	0	.00
STATE AGENCIES	519,811	4,464,000	0	418,960	9.39
CHARGES FOR SERVICES - REND.	327,744	75,000	327	19,593	26.12
INTEREST AND RENTS	1,181,962	807,200	118,738	558,242	69.16
FINES & FORFEITS	0	246,180	0	0	.00
OTHER REVENUE	1,262,421	0	510	43,177	.00
OTHER FINANCING SOURCES	5,700,000	18,694,560	0	860,000	4.60
TOTAL REVENUE	17,193,535	32,726,940	239,644-	10,421,579	31.84
EXPENDITURES					
ELECTIONS	0	65,000	0	0	.00
FINANCE	33,464	55,000	0	9,735	17.70
OTHER GEN GOVERNMENT	90,439	4,627,600	84,108	323,515	6.99
POLICE	411,940	1,274,210	574	36,072	2.83
FIRE	856,110	608,200	29,975	29,975	4.93
BUILDING INSPECTION	440	10,000	0	0	.00
STREETS	7,879,499	15,293,000	362,518	5,194,816	33.97
ENGINEERING	369,372	0	0	0	.00
RECREATION	1,708,773	7,704,000	127,617	1,984,916	25.76
LIBRARY	105,525	471,000	45,658	99,936	21.22
MUSEUM	82,068	522,000	0	0	.00
STORM DRAINS & RET PONDS	536,741	1,347,930	48,931	222,890	16.54
INFORMATION TECHNOLOGY	1,150,000	749,000	0	0	.00
TOTAL EXPENDITURES	13,224,371	32,726,940	699,381	7,901,855	24.14

CITY OF TROY
 Monthly Financial Report
 Sanctuary Lake Golf Course
 For the Period Ending January 31, 2008

SANCTUARY LK GOLF COURSE FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	37,416	38,500	32	19,323	50.19
CHARGES FOR SERVICES - REC	1,007,452	1,249,090	413	562,680	45.05
INTEREST AND RENTS	6,988	6,500	4,306	4,306	66.25
OTHER REVENUE	4,279	0	0	175	.00
OTHER FINANCING SOURCES	0	0	0	0	.00
TOTAL REVENUE	1,056,135	1,294,090	4,751	586,484	45.32
EXPENDITURES					
SANCTUARY LAKE GREENS	792,102	885,280	39,300	456,169	51.53
SANCTUARY LAKE PRO SHOP	888,113	1,165,390	7,297	435,058	37.33
SANCTUARY LAKE CAPITAL	0	40,000	0	0	.00
TOTAL EXPENDITURES	1,680,215	2,090,670	46,597	891,227	42.63

CITY OF TROY
 Monthly Financial Report
 Sylvan Glen Golf Course
 For the Period Ending January 31, 2008

SYLVAN GLEN GOLF COURSE FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	28,566	38,500	0	16,453	42.74
CHARGES FOR SERVICES - REC	936,929	1,092,630	134	510,251	46.70
INTEREST AND RENTS	227,644	200,400	14,253	172,335	86.00
OTHER REVENUE	400	0	0	1,521	.00
OTHER FINANCING SOURCES	0	0	0	0	.00
TOTAL REVENUE	1,193,539	1,331,530	14,387	700,560	52.61
EXPENDITURES					
SYLVAN GLEN GREENS	729,347	766,160	32,804	436,067	56.92
SYLVAN GLEN PRO SHOP	352,687	322,020	13,462	193,126	59.97
SYLVAN GLEN CAPITAL	0	187,100	25,040	69,299	37.04
TOTAL EXPENDITURES	1,082,034	1,275,280	71,306	698,492	54.77

CITY OF TROY
 Monthly Financial Report
 Aquatic Center
 For the Period Ending January 31, 2008

AQUATIC CENTER FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REC	462,469	445,950	2,423	175,491	39.35
INTEREST AND RENTS	29,257	31,600	0	20,392	64.53
OTHER REVENUE	4-	0	0	1-	.00
TOTAL REVENUE	491,722	477,550	2,423	195,882	41.02
EXPENDITURES					
AQUATIC CENTER	684,334	628,670	16,147	338,052	53.77
CAPITAL	0	110,000	0	0	.00
TOTAL EXPENDITURES	684,334	738,670	16,147	338,052	45.76

CITY OF TROY
 Monthly Financial Report
 Sewer Fund
 For the Period Ending January 31, 2008

SEWER FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
FEDERAL GRANTS	17,081	0	0	0	.00
CHARGES FOR SERVICES - FEES	423,810	400,000	50,440	203,201	50.80
CHARGES FOR SERVICES - REND	10,867,704	11,836,000	692,339	5,628,891	47.56
INTEREST AND RENTS	1,187,038	820,000	128,172	563,149	68.68
OTHER REVENUE	426,738	0	0	0	.00
TOTAL REVENUE	12,922,371	13,056,000	870,951	6,395,241	48.98
EXPENDITURES					
ADMINISTRATION	9,186,528	9,743,900	799,579	5,503,070	56.48
MAINTENANCE	1,151,136	1,532,140	35,191	724,561	47.29
CAPITAL	0	4,628,000	32,153	1,946,797	42.07
TOTAL EXPENDITURES	10,337,664	15,904,040	866,923	8,174,428	51.40

CITY OF TROY
 Monthly Financial Report
 Water Fund
 For the Period Ending January 31, 2008

WATER FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	707,790	885,000	47,641	531,163	60.02
CHARGES FOR SERVICES - SALES	13,847,856	15,432,000	872,232	7,438,346	48.20
INTEREST AND RENTS	987,721	648,000	95,867	542,241	83.68
OTHER REVENUE	569,010	0	0	0	.00
TOTAL REVENUE	16,112,377	16,965,000	1,015,740	8,511,750	50.17
EXPENDITURES					
ADMINISTRATION	11,552,161	12,147,070	1,191,135	6,812,895	56.09
TRANS AND DISTRIBUTION	220,659	224,930	25,999	92,371	41.07
CUSTOMER INSTALLATION	101,647	92,720	3,050	43,645	47.07
CONTRACTORS SERVICE	148,717	217,360	6,564	81,882	37.67
MAIN TESTING	56,893	121,940	830	16,986	13.93
MAINTENANCE OF MAINS	362,261	447,950	21,445	248,846	55.55
MAINTENANCE OF SERVICES	196,788	272,480	12,237	97,632	35.83
MAINTENANCE OF METERS	471,767	709,860	9,984	303,299	42.73
MAINTENANCE OF HYDRANTS	310,130	392,070	24,045	226,500	57.77
METERS AND TAP-INS	300,220	388,720	13,381	140,040	36.03
WATER METER READING	106,366	103,290	15,586	113,601	109.98
ACCOUNTING AND COLLECTING	95,296	106,400	5,721	57,804	54.33
CAPITAL	0	8,715,000	271,074	1,140,063	13.08
TOTAL EXPENDITURES	13,922,905	23,939,790	1,601,051	9,375,564	39.16

CITY OF TROY
 Monthly Financial Report
 Motor Pool
 For the Period Ending January 31, 2008

MOTOR POOL FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REND	0	5,000	25,558	30,180	603.60
INTEREST AND RENTS	3,870,828	3,913,400	326,486	2,187,363	55.89
OTHER REVENUE	612,792	380,000	45,948	274,881	72.34
OTHER FINANCING SOURCES	0	1,913,090	0	0	.00
TOTAL REVENUE	4,483,620	6,211,490	397,992	2,492,424	40.13
EXPENDITURES					
ADMINISTRATION	543,477	586,650	35,896	313,864	53.50
OPERATION AND MAINTENANCE	3,366,597	3,417,450	266,232	1,900,879	55.62
DPW FACILITY MAINTENANCE	361,706	392,890	23,779	187,856	47.81
CAPITAL	0	1,814,500	257,173-	62,150	3.43
TOTAL EXPENDITURES	4,271,780	6,211,490	68,734	2,464,749	39.68

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2008	2	5	8	FITB	2003	2	27	4.000	MAX SAVER	7,139,220		7,139,219.87
	2008	2	5	8	MBIA	2005	11	18	4.500	MBIA	1,643,852		1,643,851.85
	2008	2	5	8	CITIZENS	2006	5	4	4.000	MMIA	1,133,506		1,133,506.20
	2008	2	5	8	FITB	2006	9	8	4.000	MAXSAVER+	2,084,563		2,084,563.27
	2008	2	7	7	NAT CITY	2007	9	21	5.050	CD	2,000,000		2,000,000.00
	2008	2	7	7	FLAGSTAR	2007	10	4	5.000	CD	2,285,654		2,285,654.15
	2008	2	7	7	CITIZENS	2007	12	27	4.800	CD	2,030,917		2,030,916.66
	2008	2	14	7	FLAGSTAR	2007	9	21	5.380	CD	2,000,000		2,000,000.00
	2008	2	14	7	HUNT BANK	2007	12	6	4.950	CD	1,016,042		1,016,041.67
	2008	2	14	7	JPM CHASE	2007	12	13	5.430	CD	2,027,452		2,027,451.67
	2008	2	14	7	NATL CITY	2008	1	17	4.050	CD	2,037,800		2,037,800.00
	2008	2	24	7	HUNT BANK	2008	1	3	4.250	CD	2,353,029		2,353,029.24
	2008	2	27	8	FITB	2004	1	1	3.000	MM	3,198,271		3,198,271.12
	2008	2	28	8	HUNT BANK	2004	8	27	4.220	MM	586,539		586,538.80
	2008	2	28	8	ML	2006	8	31	3.500	MM	2,440		2,440.01
	2008	2	28	7	FLAGSTAR	2007	9	21	5.350	CD	2,000,000		2,000,000.00
	2008	2	28	7	COMERICA	2007	9	21	4.900	CD	2,000,000		2,000,000.00
	2008	2	28	9	ML	2007	12	21	2.700	TBILL	1,846,000		1,836,623.85
	2008	3	6	7	JPM CHASE	2007	9	21	4.840	CD	2,000,000		2,000,000.00
	2008	3	13	7	FITB	2007	9	21	4.680	CD	2,000,000		2,000,000.00
	2008	3	13	7	FLAGSTAR	2008	1	17	3.960	CD	1,149,590		1,149,590.04
	2008	3	20	7	FLAGSTAR	2007	9	21	5.310	CD	2,000,000		2,000,000.00
	2008	3	20	7	CHART ONE	2007	12	20	4.490	CD	2,028,638		2,028,637.78
	2008	3	21	7	TCF BANK	2007	12	20	4.710	CD	2,244,040		2,244,040.17
	2008	3	25	8	ML	2008	1	11	3.930	JOHN DEER	2,413,000		2,393,506.98
	2008	3	27	7	JPM CHASE	2007	9	21	4.790	CD	2,000,000		2,000,000.00
	2008	3	27	8	ML	2008	1	3	4.250	GENERL ELC	2,456,000		2,431,644.67
	2008	3	30	8	FITB	2004	1	30	4.250	FHR 2537	807		807.09
	2008	3	30	8	FITB	2005	5	25	5.000	FHLM 2808	56,800		56,756.09
	2008	3	30	8	FITB	2007	2	9	6.000	3243	183,000		182,663.61
	2008	4	3	7	TCF BANK	2007	10	11	4.750	CD	2,118,553		2,118,552.62
	2008	4	3	7	CHART ONE	2007	10	18	4.600	CD	2,120,548		2,120,548.39
	2008	4	3	7	PRIV BANK	2007	10	25	4.950	CD	1,633,089		1,633,089.14
	2008	4	3	7	HUNT BANK	2007	10	25	4.680	CD	1,063,144		1,063,143.58
	2008	4	3	7	FITB	2007	10	25	4.720	CD	1,082,035		1,082,034.99
	2008	4	3	7	FITB	2008	1	3	4.550	CD	2,032,480		2,032,480.00
	2008	4	3	7	HUNT BANK	2008	1	31	2.880	CD	2,251,557		2,251,557.24
	2008	4	10	7	CITIZENS	2007	10	11	4.800	CD	2,118,504		2,118,503.69
	2008	4	10	7	CITIZENS	2007	10	18	4.800	CD	2,120,671		2,120,671.21
	2008	4	10	7	HUNT BANK	2008	1	10	4.150	CD	2,036,956		2,036,956.11
	2008	4	10	7	TCF BANK	2008	1	17	4.250	CD	2,142,853		2,142,852.82
	2008	4	16	8	ML	2008	1	17	3.600	G E CAP	2,170,000		2,150,470.00
	2008	4	17	7	HUNT BANK	2007	10	11	4.990	CD	2,119,641		2,119,640.94
	2008	4	17	7	REPUBLIC	2007	10	18	4.800	CD	2,302,631		2,302,631.22
	2008	4	17	7	PRIV BANK	2008	1	24	3.300	CD	2,039,161		2,039,161.11
	2008	4	21	8	ML	2008	1	24	3.100	G WST	2,886,000		2,864,130.53
	2008	4	24	7	CITIZENS	2007	11	15	4.700	CD	1,116,199		1,116,198.85

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Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2008	4	24	7	HUNT BANK	2007	11	15	4.610	CD	1,067,470		1,067,470.30
	2008	4	24	7	FITB	2007	11	15	4.520	CD	1,095,506		1,095,505.70
	2008	4	24	7	FITB	2008	1	24	3.140	CD	1,021,357		1,021,356.93
	2008	4	24	8	NAT CITY	2008	1	25	3.022	JP CHASE	1,148,000		1,139,390.00
	2008	4	25	8	FITB	2005	1	11	4.000	FNMA 42	546,000		545,297.47
	2008	4	25	8	FITB	2006	6	30	5.000	86	783,000		782,303.22
	2008	4	25	8	FITB	2007	1	9	5.500	FNMA 80	239,000		238,695.83
	2008	4	25	8	FITB	2007	3	21	5.000	FNMA 17	862,375		862,375.00
	2008	5	1	7	CITIZENS	2007	11	29	4.900	CD	2,230,702		2,230,702.15
	2008	5	8	7	COMERICA	2007	11	29	4.700	CD	1,014,869		1,014,869.44
	2008	5	8	9	ML	2008	1	4	3.180	TBILL	2,303,000		2,278,210.76
	2008	5	30	8	FITB	2003	5	19	5.000	FHLM 95237	390,000		388,437.55
	2008	5	30	8	FITB	2004	1	30	4.000	FHR 2535	346,000		345,501.80
	2008	5	30	8	FITB	2004	3	25	4.500	FHR 2669	149,000		148,638.57
	2008	5	30	8	FITB	2004	10	7	2.250	FHR 2625	40,000		39,135.23
	2008	5	30	8	FITB	2004	10	8	3.250	FHR 2564	303,500		303,076.08
	2008	5	30	8	FITB	2008	5	30	3.600	FHR03 2640	348,000		347,298.12
	2008	6	15	8	FITB	2005	11	30	5.000	2802	569,000		568,456.16
	2008	6	28	8	FITB	2005	8	30	4.500	2545	149,000		148,472.20
	2008	7	31	8	FITB	2005	9	29	4.500	FHLM 2618	480,000		479,677.28
	2008	9	25	8	FITB	2007	9	28	5.500	FNMA 3061	548,000		548,000.00
	2008	11	15	8	FITB	2007	12	27	6.000	3075	500,000		500,000.00
	2008	11	30	8	FITB	2007	8	27	5.500	2549	600,000		599,633.33
	2008	11	31	8	FITB	2006	8	25	5.500	FNMA 73	744,891		744,890.63
	2008	12	30	8	FITB	2007	10	24	4.000	2594	388,000		387,257.39
	2008	12	31	8	FITB	2005	7	27	4.500	FHLM 2687	4,075,000		4,074,941.25
	2008	12	31	8	FITB	2007	9	15	5.500	FHLM 3145	1,511,000		1,510,262.18
	2008	12	31	8	FITB	2007	11	26	5.000	2649	372,500		372,302.08
	2008	12	31	8	FITB	2007	11	26	5.000	2898	362,000		361,187.99
	2009	1	25	8	FITB	2008	1	25	5.000	2008-2	2,757,457		2,757,457.47
	2009	1	25	8	FITB	2008	1	25	5.500	13	129,800		129,721.17
	2009	1	25	8	FITB	2008	1	25	5.500	3072	165,000		164,700.77
										TOTAL			116,371,401.28
591	2008	2	26	8	LA SALLE	2007	7	31	4.300	MMA	2,054,735		2,054,735.22
	2008	3	25	8	FITB	2006	8	9	5.500	FNMA 73	125,000		124,451.22
	2008	4	3	7	CITIZENS	2008	1	3	4.700	CD	159,382		159,382.45
	2008	4	3	7	HUNT BANK	2008	1	3	4.250	CD	174,526		174,526.24
	2008	4	3	7	LASALLE	2008	1	3	4.350	CD	1,031,362		1,031,362.04
	2008	4	3	8	NAT CITY	2008	1	4	4.140	CONO PHIL	1,613,000		1,596,466.75
	2008	6	15	8	FITB	2005	8	26	4.500	FHLM 2687	1,000,000		991,000.00
	2008	6	30	7	COMERICA	1997	7	1	3.300	GOV'T POOL	2,093,007		2,093,007.03
	2008	6	30	8	FITB	2005	8	31	3.200	MM	112,162		112,162.15
	2008	6	30	8	FITB	2005	9	29	4.500	FHLM 2618	201,574		201,574.35
	2008	8	15	8	FITB	2007	5	25	4.500	FHLM 2693	177,690		177,688.21
	2008	12	30	8	FITB	2006	3	3	5.000	FHLM 2561	35,850		35,843.79

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T-Bills, Commercial Paper, C.D. etc.

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Page: 3

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Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
591	2008	12	31	8	FITB	2007	2	9	6.000	3243	144,000		143,697.06
	2008	12	31	8	FITB	2007	3	26	4.000	2780	246,000		245,217.14
	2008	12	31	8	FITB	2007	8	25	3.000	2659	61,340		61,377.78
	2008	12	31	8	FITB	2007	11	26	5.500	FHLM 3157	1,220,000		1,220,000.00
	2009	1	31	8	FITB	2007	12	27	5.500	2781	145,000		145,000.00
TOTAL												10,567,491.43	
688	2008	6	30	7	CHASE	1997	7	1	3.550	GOV'T POOL	1,484,754		1,484,754.36
TOTAL												1,484,754.36	
TOTAL												128,423,647.07	

*** END OF REPORT ***

7 = CD 8 = Paper 9 = T-Bills

January 25, 2008



Troy Police Department
 Crime Prevention Section
 500 W. Big Beaver Road
 Troy, MI 48084

HMS Products Co.
 1200 E. Big Beaver Road
 Troy, Michigan 48083
 (248) 689-8120
 FAX (248) 689-5886

To Whom It May Concern:

Over the Martin Luther King Holiday weekend, the three principles of HMS Products Co. were out of town for the first time in company history. Unfortunately, due to high winds, our alarm system malfunctioned and sent out a burglary alarm. The Troy Police Department responded (enclosed two alarm notifications). Guardian Alarm left messages on our answering machines and I did not contact them until after the second time the police were summoned to the building. I told them not to call the police for the remainder of the weekend, and I initiated a service call to repair the system.

One set of wires came loose and that is why the alarm went off in the high winds. On January 22, 2008 Guardian came out and repaired the loose wires. (Copy of Service Report enclosed).

We at HMS Products Co. certainly appreciate the quick response the Troy Police Department gives to each type of emergency situation. They were especially helpful on the 23rd of this month when the power lines came down at our location. I was very impressed how fast they responded to our 911 call and how thorough each officer was in securing our buildings, diverting the traffic on Big Beaver and making sure our employees were safe. I only hope our City Council does not pursue the tax cap proposal which will ultimately affect the budgets of our Police and Fire Departments. As a business owner I do not mind paying taxes to support city services.

Once again, thank you for your great response time and quality of officers we have in Troy.

Sincerely,



Nancy A. Negoian
 Vice President

CC: City Manager
 DR Mayor
 Division Commanders
 BB

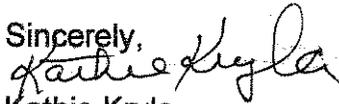


Feb 6, 2008

Dear Sergeant Clark

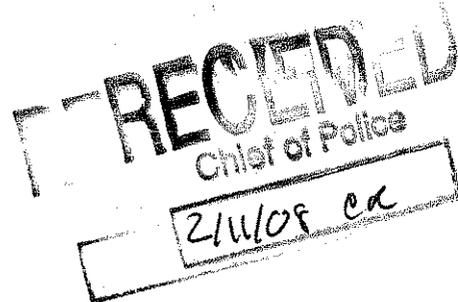
I wanted to thank you for all your help and ideas on how to handle my social security number fraud and the debt company that sent me letters. With your constructive ideas I am sure I will be able to resolve this situation. It is scary to know someone is out there with your information and you were able to clearly explain to me how best to handle this.

Sincerely,



Kathie Kryla
627 Thurber Dr
Troy, Mi 48085

CC: Chief of Police, Charles Craft



cc: City Mgr.
D/C Mays
Capt. Suter
Sgt. Clark's dept File
BJ

February 16, 2008

Dear Captain Murphy,

Thank you for the commitment to Leadership Oakland. I gained some real insights into what it takes to protect the citizens of Troy.

Officer Lemyeuski was great to ride with and took a real interest

in my learning experience.

Your involvement in this endeavor to educate citizens is so worthwhile.

Thank you for the opportunity to see first hand how you protect the citizens of Troy.

CC: City Mgr.

CAPT. Madigan's File

Regards,

Jina Rowley

March 2008

March 2008							April 2008						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
						1			1	2	3	4	5
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
Feb 24 - Mar 1	Feb 24	25	26	27	28	29	Mar 1
Mar 2 - 8	2	3 7:30pm City Council Mt	4 1:00pm Board of Review 7:00pm Ethnic Issues A 7:30pm Planning Comm 7:30pm Historic District	5 8:30am Building Code I 7:00pm Persons with D 7:30pm Animal Control	6 1:00pm Advisory Comm	7	8
Mar 9 - 15	9	10 9:00am Board of Review 8:00pm Liquor Advisory	11 1:00pm Board of Review 7:30pm Planning Comm	12 12:00pm Employee's Ret	13 7:30pm Library Advisor	14	15
Mar 16 - 22	16	17 7:30pm City Council Mt	18 8:30pm BZA (Chambers) 8:30pm Historic District	19 7:30am DDA Meeting; I 7:30pm Traffic Commit	20 7:00pm Parks & Recrea	21 CITY HALL CLOSED	22
Mar 23 - 29	23	24	25 7:30pm Planning Comm	26 7:00pm Youth Council;	27	28	29
Mar 30 - Apr 5	30	31	Apr 1	2	3	4	5



TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
DATE: February 26, 2008
SUBJECT: Kocenda v. Troy et. al.

Plaintiff David Kocenda filed a lawsuit against the City of Troy, Troy Police Chief Charles Craft, Captain Edward Murphy, Captain Colleen Mott, Lieutenant Richard Hay, Lieutenant Charles Pappas, and Lieutenant Robert Rossman. The lawsuit was filed in Oakland County Circuit Court and assigned to Judge Fred M. Mester. In his complaint, Kocenda alleged Defamation (Count I) and Intentional Infliction of Emotional Distress (Count II).

According to the complaint, the Plaintiff, who is a police officer for the City of Troy, was offered a job as a police officer for the City of Palm Beach Gardens, Florida (PBG). Co-Defendant PBG Police Officer Ellen Lovejoy then initiated an extensive background investigation and fitness for employment evaluation. The PBG job offer was subsequently retracted. In his complaint, Plaintiff alleged that the individual Troy defendant officers provided false information to PBG Officer Lovejoy, which led to the retraction of the PBG job offer. He claimed that remarks made by the Troy police officers to PBG Officer Lovejoy resulted in damage to his reputation, loss of income, emotional distress, humiliation, mortification, embarrassment, sleeplessness, anxiety and other damages.

We initiated an aggressive joint defense of the City and the individual Troy command officers, and filed a Motion for Summary Disposition as our first responsive pleading. We argued the defamation claim was barred by the applicable statute of limitation, and that both of Kocenda's claims were barred by governmental immunity. We alternatively argued that his claims should be dismissed, since he failed to plead a viable claim against the City or the individual command officers. In response, Plaintiff argued the defamation claim was not barred by the one year statute of limitation, since he didn't immediately know about the allegedly defamatory remarks, and he claimed that the date of the discovery was controlling, instead of the date that the statements were spoken. Plaintiff also alleged that individual defendant police officers acted with malicious intent and/or in a grossly negligent manner, and therefore they were not immune from liability. Upon receiving our motion to dismiss the case, Plaintiff filed a motion asking the Court for permission to add a count of "Tortious Interference with An Advantageous Business Relationship" against the City and the individual officers.

On February 13, 2008, Judge Mester granted our Motion for Summary Disposition and dismissed the complaint. The Court also denied Plaintiff's Motion to Amend the Complaint. Although we had asked the Court for sanctions and attorney fees, based on the frivolous nature of the complaint, Judge Mester did not grant our request. The Court's orders dismissing the City, individual Troy command officers, and also PBG Officer Lovejoy are attached, and the case is now closed. By filing the motion for dismissal so early, we were able to avoid the time and costs associated with the discovery phase of litigation, as well the time and costs associated with proceeding to trial. Plaintiff has a right to file an appeal with the Michigan Court of Appeals, but he must do so by March 5, 2008.

Please let us know if you should have any questions.

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

KOCENDA, DAVID,,
V
TROY CITY

Plaintiff,
Defendant,

NO: 2007-085524-CZ
HON. FRED M. MESTER

In the matter of:

ORDER REGARDING MOTION

Motion Title: Plaintiff's Motion to Amend Complaint

The above named motion is:

- granted.
- granted in part, denied in part.
- denied.
- for the reasons stated on the record.

In addition:

DATED: 02/13/2008

/s/Fred Mester

HON. FRED M. MESTER
Circuit Court Judge

Received for Filing Oakland County Clerk 2008 FEB 14 AM 10:36

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

KOCENDA, DAVID,,
V
TROY CITY

Plaintiff,
Defendant,

NO: 2007-085524-CZ
HON. FRED M. MESTER

In the matter of:

ORDER REGARDING MOTION

Motion Title: Defendant Lovejoy's Motion for Summary Disposition

The above named motion is:

- granted.
- granted in part, denied in part.
- denied.
- for the reasons stated on the record.

In addition:

DATED: 02/13/2008

/s/Fred Mester

HON. FRED M. MESTER
Circuit Court Judge

Received for Filing Oakland County Clerk 2008 FEB 14 AM 10:36

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

KOCENDA, DAVID,,
V
TROY CITY

Plaintiff,
Defendant,

NO: 2007-085524-CZ
HON. FRED M. MESTER

In the matter of:

ORDER REGARDING MOTION

Motion Title: Defendants' Motion for Summary Disposition and for Sanctions

The above named motion is:

- granted.
- granted in part, denied in part.
- denied.
- for the reasons stated on the record.

In addition: Defendants' Motion for Summary Disposition is granted.
Defendants' Motion for Sanctions is denied.

DATED: 02/13/2008

/s/Fred Mester

HON. FRED M. MESTER
Circuit Court Judge

Received for Filing Oakland County Clerk 2008 FEB 14 AM 10:36



MEMORANDUM

TO: Members of the Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
DATE: February 27, 2008
SUBJECT: ITC's Application for Certificate of Public Convenience and Necessity

International Transmission Company, d/b/a ITCTransmission, filed an application with the Michigan Public Service Commission (MPSC), seeking a certificate of public convenience and necessity for the construction of a new transmission line, which was planned to run through Sterling Heights, Troy, Clawson, and Royal Oak. Under the state statute (MCL 460.561 et. seq.), which was amended in 1995, this is only the second such request pending before the MPSC. The only other request involves an overhead transmission project in Hartland Township, Michigan.

ITC sought permission to construct this approximately 14 foot, 345 kilovolt line, which was projected to cost approximately \$150 million dollars. In addition to ITC and the Michigan Attorney General (the parties of record), the City of Troy, Detroit Edison and Consumers Energy were granted permission to intervene in the proceedings. According to Detroit Edison, the project, if approved, would increase annual transmission rates by \$30 million.

The MPSC denied ITC's application on February 22, 2008, finding that ITC needed to do a more comprehensive analysis of the proposed solutions for projected reliability problems, especially in light of the projected cost of the project. ITC may appeal the ruling within 30 days. Our office will continue to monitor these proceedings.

As always, if you have any questions concerning the above, please let me know.

STATE OF MICHIGAN

FEB 25 2008 PM 1:57

BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

In the matter of the application of)
INTERNATIONAL TRANSMISSION COMPANY,)
d/b/a ITCTRANSMISSION, for a certificate of public)
convenience and necessity for the construction of a)
transmission line running from and through)
Sterling Heights, Troy, Clawson, and Royal Oak,)
Michigan.)
_____)

Case No. U-14933

At the February 22, 2008 meeting of the Michigan Public Service Commission in Lansing,
Michigan.

PRESENT: Hon. Orjiakor N. Isiogu, Chairman
Hon. Monica Martinez, Commissioner
Hon. Steven A. Transeth, Commissioner

FINDINGS OF FACT

Procedural History

On February 27, 2007, International Transmission Company, d/b/a ITCTransmission (ITC), filed an application under the Electric Transmission Line Certification Act, 1995 PA 30 (Act 30), MCL 460.561 *et seq.*, seeking a certificate of public convenience and necessity (CPCN or certificate) for the construction of a major electric transmission line running from and through Sterling Heights, Troy, Clawson, and Royal Oak. The proposed line, referred to as the Bismarck-Troy line, would be a 345 kilovolt (kV) line, 13.94 miles in length, comprised of 2.3 miles of existing overhead double circuit transmission line, and 11.64 miles of new underground line. The

proposed line would provide a direct connection between ITC's Bismarck Station and The Detroit Edison Company's (Detroit Edison) Troy Station.

A prehearing conference was held on April 10, 2007 before Administrative Law Judge Mark E. Cummins (ALJ). At that prehearing, the ALJ granted the City of Troy's petition to intervene,¹ denied petitions to intervene filed by Detroit Edison and Consumers Energy Company (Consumers), and received statements of position filed under Rule 207 of the Commission's Rules of Practice and Procedure, 1999 AC, R 460.17207, from the cities of Clawson and Sterling Heights. The Commission Staff (Staff) also participated. Thereafter, the utilities appealed the denial of their petitions to intervene, and on May 17, 2007, the Commission granted Detroit Edison and Consumers leave to intervene, primarily based on the fact that most of the projected \$30 million in annual transmission line costs arising from the proposed line would ultimately be borne by utility ratepayers.²

Evidentiary hearings were conducted on September 27 and 28, 2007. The record consists of 783 pages of transcript and 60 exhibits. Briefs and reply briefs were filed by ITC, Detroit Edison, Consumers, and the Staff.

¹The municipalities expressed support for expedited approval of the application. However, the ALJ notes that, despite being granted intervenor status, "once it became clear that the application would not be approved in time for the 2007 construction season, the City [of Troy] has expressed no position regarding ITC's application." PFD, p. 9, note 3.

²ITC's parent company is ITC Holdings Corp., which is also the parent company of Michigan Electric Transmission Company (METC). Detroit Edison purchases transmission services from ITC, and Consumers purchases transmission services from METC. Under the proposal, it is estimated that Detroit Edison customers would be responsible for annual charges of approximately \$24 million for the proposed line, and Consumers customers would be responsible for approximately \$2 million annually. Detroit Edison's replies to exceptions, p. 35, note 25; 3 Tr 614.

On December 5, 2007, the ALJ issued a Proposal for Decision (PFD), recommending that the Commission deny the application. Exceptions were filed by the Staff and ITC. Replies to exceptions were filed by ITC, the Staff, Consumers, and Detroit Edison.

Positions of the Parties

ITC proposes to begin construction on the line in March 2008, and estimates that construction could take approximately three years. 2 Tr 188. The estimated cost of the line is \$150 million, resulting in “an approximate \$30 million increase in annual transmission rates.” 2 Tr 197. Two alternate routes were evaluated, each of which is located within a mile and a half of the generally east/west path that is proposed. The preferred route was chosen to avoid “the construction disruption the new underground cable/duct bank system would have caused along 14 Mile Road and 15 Mile Road/Maple.” 2 Tr 196.

Noting the increase in population in Oakland and Macomb counties between 1970 and 2000, and that energy consumption per household has increased during this time as well, ITC provided testimony that the proposed line is necessary to improve the company’s ability to adequately transport electricity to and through the central part of its system. 2 Tr 197-198. ITC’s analysis of its system’s future requirements is based on the highest forecast contained in the 21st Century Energy Plan (21 CEP) – a projected 2012 system peak load of 14,193 megawatts (MW). ITC states that its planning criteria require that none of the system’s components be outside of their capabilities or rating when all facilities are in service, and that the system must be able to sustain an outage of any system element, or more than one element, without exceeding the capability or ratings of the remaining equipment. 2 Tr 198. ITC states that the line will allow the company greater flexibility to shut down equipment in this part of the system for maintenance. ITC states that the new line will provide increased reliability and capacity, reduced line losses, and more

efficient generation. Benefits to the company include increased Federal Energy Regulatory Commission (FERC) jurisdictional transmission revenues, and the potential for increased market value and service volume over time. ITC witnesses testified that the line would have no deleterious effect on public health and safety, either during construction or as a result of the increased electric and magnetic fields in its vicinity.

Detroit Edison opposes the line. Detroit Edison acknowledged that, assuming ITC's projected peak load is accurate, overloads could eventually exist in the vicinity of the Troy Station. 3 Tr 492. However, Detroit Edison presented evidence that potential overloads could be dealt with through minor, and much less expensive, changes to the system. Detroit Edison proposes replacing one copper strain bus with an aluminum bus for \$73,384, and replacing Position GC Trainers with aluminum conductors and 1200 amp disconnects with 2000 amp disconnects for \$138,176. Alternatively, Detroit Edison proposes installation of an 83.5 MW gas-fired peaker at the Troy Station, at a cost of approximately \$35 million. 3 Tr 497-498. The peaker would likely run no more than 37 hours per year, according to Detroit Edison. Detroit Edison's witness testified that the combination of all of these alternatives would result in reducing the power flow of the connected circuit to 51.4% of its new normal rating, which is less than the 55% flow that ITC projects as a result of construction of the new line. 3 Tr 498.

Detroit Edison also suggested several other low-cost solutions to add capacity and reliability to this part of ITC's central system, including (1) replacing 12.5 miles of ASCR conductor with higher-rated ACCC conductor for approximately \$1.6 million, (2) installing a Real Time Thermal Rating System (RTTRS) on various lines for \$126,000, (3) replacing the wave trap at the Northeast Station for \$15,000, and (4) replacing another 3.5 miles of line with ACCC conductor

for \$588,028. 3 Tr 499-503. Detroit Edison states that these changes would cost roughly \$2.5 million, can be completed in a few weeks or months, and involve little infrastructure disruption.

Detroit Edison further argues that ITC has chosen to assume a system peak load that exceeds both the Midwest Independent Transmission System Operator, Inc.'s (MISO) most recent load forecast and ITC's own projected forecast. ITC has relied upon the highest forecast contained in the 21 CEP, of a peak load of 14,193 MW by 2012. MISO projects a 2011 system peak of 13,460 MW. Using MISO's projection, according to Detroit Edison's testimony, the overload problems described by ITC do not exist. 3 Tr 506. Detroit Edison argues that ITC has failed to demonstrate a need for the line.

Consumers also opposes the line. Consumers provided testimony about the advantages of an overhead line, which could run through a different corridor, and the dearth of alternatives explored by ITC. Consumers states that 84% of the \$30 million increase in annual transmission costs will be charged to transmission customers in Michigan, and that this cost will be passed along to utility ratepayers through the power supply cost recovery (PSCR) charge. 3 Tr 613. Consumers points out that no cost/benefit analysis was performed by ITC, and few alternatives were considered. Like Detroit Edison, Consumers argues that ITC has failed to demonstrate a need for the line.

The Staff also opposes the line. The Staff testified that it found neither the timetable nor the estimate of the project's cost to be credible. 3 Tr 636, 641-642, 650. The Staff based this opinion on the fact that the proposed in-service date for the line is not related to any point in time when the line may actually be needed, and the fact that earlier MISO reports had put the cost of the line at only \$50 million. The Staff argues that ITC makes a weak case for its projected load forecast, and has failed to consider lower-cost alternatives. The Staff contends that the alternative solutions offered by Detroit Edison are both feasible and less costly, while producing a comparable level of

increased reliability. The Staff further argues that ITC did a poor job of considering alternate routes, because those considered are too much like the chosen route – they are close together and run through the same corridor. The Staff contends that a larger geographic area, opening the possibility for an aboveground line, should have been considered. 3 Tr 777. Thus, the Staff argues that ITC’s application does not meet the requirements of MCL 460.567 because it fails to provide a credible construction date and cost, fails to adequately consider alternate routes, fails to present adequate information on the issue of need (such as modeling data and analysis to support the forecast), and fails to adequately present the public and private benefits of the line. The Staff contends that the application must be rejected.

The Staff further argues that, even if the application were considered complete, ITC has failed to justify construction of the line and failed to show that the route is feasible and reasonable. The Staff takes issue with the projected overloads, and contends that, even if the overloads existed, the alternative solutions suggested by Detroit Edison are more reasonable. The Staff notes that ITC chose to forego any cost/benefit analysis, and failed to conduct a study to determine exactly how many hours per year, based on the prevailing forecast, the relevant circuits would actually be overloaded. The Staff contends that ITC has failed to meet the four criteria required for issuing a certificate.

The PFD

The ALJ begins by addressing the question of whether a “need” for the line must be demonstrated in order for a certificate to issue from the Commission. ITC characterizes Act 30 as solely a siting statute, noting that “need” is not among the criteria for consideration by the Commission in deciding whether to issue a certificate. Detroit Edison, Consumers, and the Staff argue that Act 30 is analogous to 1929 PA 9, MCL 483.101 *et seq.* (Act 9), which governs the granting of certifi-

cates for the construction of gas pipelines, and urge the Commission to make a determination on the issue of “need.”

The ALJ found that “while a showing of ‘need’ is not required, *per se*, it may sometimes constitute a relevant factor to be considered when deciding whether the public benefits of a proposed line ‘justify’ its construction – as *is* required by Section 8(5)(a) of Act 30. This particular case presents just such an occasion.” PFD, p. 41 (emphasis in original). Thus, the ALJ found that before the Commission could rule that the “project’s expected benefits ‘justify’ the construction-related inconvenience and increased rates resulting from the line’s installation and operation, ITC must prove that this particular line is actually needed.” *Id.*

The ALJ rejected the Staff’s contention that ITC failed to fulfill the 12 filing requirements. The ALJ found that ITC had submitted, albeit “bare-bones,” all 12 pieces of information required by Section 7(2)(a)-(l). PFD, p. 45. The ALJ found that, “[w]hile providing the additional information desired by the Staff might have helped ITC prevail in this case, it was not required to do so.” *Id.*

Turning to the four criteria for issuance of a certificate, the ALJ found that the latter two criteria listed in Section 8(5) had been met by ITC. The ALJ found that there was little dispute that the line would not present an unreasonable threat to public health or safety, and that ITC would accept a conditional grant. MCL 460.568(c), (d). The ALJ found, however, that ITC had not satisfied the first two criteria, which require that the public benefits associated with the proposed line justify its construction, and that the route be feasible and reasonable. MCL 460.568(a), (b). The ALJ found that Detroit Edison had demonstrated that less-costly options exist for improving capacity and reliability on this portion of ITC’s system. The ALJ further found that ITC had not justified its adoption of the high load forecast, as opposed to the base or low forecasts,

from the 21 CEP, nor its reasons for ignoring its own and MISO's more recent forecasts, which are also lower. *See*, 2 Tr 157-158, 3 Tr 506. The ALJ was unconvinced by ITC's objections to each alternative upgrade. Finally, the ALJ noted that ITC "cites nothing in the way of quantifiable public benefits arising from its proposed construction of this 345 kV line." PFD, p. 48. The ALJ noted the lack of a cost/benefit analysis such as has been offered in other major transmission line cases. The ALJ found that, based on the existing record, it was impossible to conclude that the quantifiable and nonquantifiable public benefits of ITC's proposed line justify its construction. MCL 460.568(5)(a).

The ALJ further found that, while ITC had demonstrated that the route of the proposed line is feasible, it had failed to demonstrate that it is reasonable. MCL 460.568(5)(b). The ALJ agreed with the Staff that very little difference exists between the chosen route and the alternative routes. The ALJ found that, given the relatively hefty price tag for the line and the resulting effect on rates, ITC should have performed a more comprehensive analysis of alternative routes through a larger geographic area. The ALJ recommends that the Commission deny the certificate.

Exceptions

The Staff agrees with the ALJ's recommendation but takes exception to the ALJ's finding that ITC had fulfilled the 12 filing requirements.

ITC objects to the ALJ's findings and recommendation. ITC begins by arguing that the ALJ improperly added language to the statutory certification requirements by requiring a showing of need and a cost/benefit analysis. ITC further argues that the ALJ considered the cost of the project in determining whether the analysis of alternate routes was adequate, though Act 30 does not mention "different requirements for providing alternate routes depending on the project's cost."

ITC's exceptions, p. 3. ITC complains that the Commission is allowing this transmission issue to be decided by the utilities, who are simply "market participants."

ITC points out that "need" is not among the criteria listed in Section 8(5), and argues that the Commission must carry out its legislative mandate. ITC describes Act 30 as a siting statute, where need is part of the filing but not a determinative criteria, and contends that "necessity" does not equal "need." ITC asserts that the Legislature clearly "excluded need as a substantive requirement." *Id.*, p. 12. ITC further argues that public benefits are "just a small part of need," and that the Commission has previously found that the statute does not require a finding of need. *Id.*, p. 17.

ITC further argues that it has established the need for the line, through its showing of the quantifiable and nonquantifiable benefits of the line. ITC complains that the PFD ignored testimony that the proposed line will improve infrastructure and bolster reliability and capacity in the central part of ITC's system. ITC observes that regional growth in the project area means that existing transmission lines will not be able to supply projected customer demand over the full range of potential forecast system demands. ITC states that mandatory North American Electric Reliability Corporation (NERC) planning reliability standards require long-range planning of this type. ITC states that there will be cost savings to customers due to more efficient generation being dispatched as a result of reduced congestion on the system. Noting that transmission upgrades require at least 36 months lead time and that even the load forecast used by MISO found at least one element potentially loads at 99.3%, ITC states that "Close is not good enough where transmission is concerned." ITC's exceptions, p. 26.

ITC contends that Act 30 does not mention a cost/benefit analysis and that the ALJ improperly required one. ITC maintains that the ALJ also improperly required an undefined standard of geographical diversity among alternate routes, and the inclusion of cost data for alternate routes.

ITC argues that the required rights-of-way do not allow for much diversity of routes, and overhead lines are too costly. ITC also faults the ALJ for focusing exclusively on cost and disregarding reliability in his preference for the solutions offered by Detroit Edison. ITC asserts that its proposal “results in a robust transmission system that is able to withstand the more severe real time system events which can and do occur.” *Id.*, p. 30. ITC asserts that Detroit Edison failed to consider all of the contingent conditions that could occur. Additionally, ITC avers that the non-transmission solutions considered by the ALJ are partial and temporary and will not improve system reliability, and that the Detroit Edison witness who offered these solutions was not credible. ITC states that Detroit Edison has “a competitive and financial interest in blocking transmission projects.” *Id.*, p. 34.

Replies to Exceptions

In reply to the Staff, ITC argues that the Staff’s exceptions are not supported by citation to the record or briefs, and do not meet the standards for exceptions imposed by 1999 AC, R 460.17341(4) (Rule 341). ITC complains that the Staff’s exceptions fail to specify the findings and conclusions to which exception is taken and argue in favor of affirming the PFD, which is not the function of exceptions as laid out in Rule 341. As such, ITC argues that the Commission should disregard the Staff’s exceptions.

In reply to ITC’s exceptions, Consumers contends that ITC’s statements about the cost of an overhead line are unsupported because ITC never did a cost/benefit analysis nor considered an overhead line.

In reply to ITC, Detroit Edison notes that dictionary definitions of “need” cite “necessity” as a synonym. Detroit Edison argues that the Legislature did not do a useless act in requiring applicants to file information “supporting the need” for the line. MCL 460.567(2)(f). Detroit Edison

argues that the Commission is required to find that the project is justified, and this is a broader finding than simply need. Detroit Edison maintains that ITC is mistaken in referring to Act 30 as a siting statute, noting that the act never uses the words "site" or "siting." Detroit Edison points out that the Commission made a determination on the issue of need in its recent (and only) Act 30 case. *See*, May 31, 2007 order in Case No. U-14861, pp. 30-31.

Detroit Edison states that this contested case is the only opportunity for a full review of ITC's project, because MISO is not required to perform a full independent review to ensure that the expansion of transmission is appropriate and cost-effective, and the MISO review does not allow for meaningful participation by stakeholders.

Detroit Edison again argues that ITC has relied on an outdated high forecast from the 21 CEP. Detroit Edison points out that ITC assigned no probability to whether or when the high forecast would actually occur, and admitted that its own internal forecast was both more recent and lower. 2 Tr 157-158. Detroit Edison contends that ITC's project exceeds NERC, MISO, and ITC's own planning criteria. 2 Tr 264-266, 279. Detroit Edison maintains the importance of considering cost, in light of Act 30's multiple citations to cost, and the fact that reasonable and prudent costs associated with the line will be included in customers' rates. Detroit Edison urges the Commission to consider the practical, lower-cost alternatives that the utility has identified in determining justification for the line.

Detroit Edison states that ITC has failed to demonstrate a reliability problem, and argues that the only real reliability concerns are associated with the project itself, given that ITC has never previously installed 345 kV cable underground, and that only 16 miles of this type of cable have been installed in the U.S. 2 Tr 295. Detroit Edison points to the Staff's testimony indicating that the utility's proposed alternatives provide viable solutions for any reliability problems, at lower

cost. Detroit Edison argues that it is uniquely qualified to evaluate ITC's proposal since Detroit Edison, until recently, owned this transmission system, and its witness was the former Director of Transmission for the utility. Detroit Edison notes that it is ITC's largest transmission customer, and that its share of the proposed \$30 million increase in annual transmission rates is approximately \$24 million, which would be passed through to Detroit Edison customers. Detroit Edison's replies to exceptions, p. 35, note 25.

In reply to ITC's exceptions, the Staff argues that the Commission is required to consider whether the line is needed in order to determine whether it is justified. The Staff reminds the Commission that Act 30 must be read as a whole, and that information required as part of the application must have a function. The Staff also notes that Act 30 contains no reference to siting. The Staff points out that a dictionary definition of "justify" uses the sample phrase "justified each expense as necessary." Staff's replies to exceptions, p. 10. The Staff argues that in light of the fact that public takings of private property through condemnation are possible following the grant of a certificate under Act 30, the Commission must not disregard the issue of need for the line.

CONCLUSIONS OF LAW

Under Act 30, a major transmission line is defined as a 345 kV line of at least five miles in length. MCL 460.562(g). An independent transmission company seeking to construct such a line must apply to the Commission for a certificate of public convenience and necessity. MCL 460.567(1), 460.562(b). This is only the second application submitted to the Commission since the 1995 promulgation of Act 30.

Before applying to the Commission for a certificate, Act 30 requires the applicant to submit a construction plan to the Commission and to each municipality in which the line would be constructed, hold public meetings in each of those municipalities, and offer in writing to meet with

each affected municipalities' chief elected official to discuss the line and route. MCL 460.564(2); MCL 460.566. Between November 6 and December 13, 2006, ITC carried out these tasks. Act 30 also requires the applicant to submit written notice of its application to each municipality and landowner on whose property a portion of the project will be constructed, and provide published notice in the vicinity of the proposed line. MCL 460.568(1). ITC provided testimony that it provided these notices in conjunction with the filing of its February 2007 application. The parties do not dispute that ITC satisfied its pre-application responsibilities to submit its construction plan and contact potentially affected municipalities. PFD, p. 8.

Act 30 then requires filing an application for a certificate with the Commission. The application must address at least 12 specific topics, including the date for beginning construction, a description and evaluation of at least one alternate route, and information supporting the need for the line. MCL 460.567(a)-(l). The Commission is thereafter required to conduct a contested case proceeding, after which it must grant the application and issue the certificate if it finds all of the following:

- (a) The quantifiable and nonquantifiable public benefits of the proposed major transmission line justify its construction.
- (b) The proposed or alternative route is feasible and reasonable.
- (c) The proposed major transmission line does not present an unreasonable threat to public health or safety.
- (d) The applicant has accepted the conditions contained in a conditional grant.

MCL 460.568(5)(a)-(d).

The utilities must purchase transmission services at rates set by the Federal Energy Regulatory Commission (FERC), which, under the Federal Power Act, has jurisdiction over the rates and charges of transmission providers such as ITC. 16 USC 824 *et seq.* FERC-approved rates are

binding on state utility commissions. *Entergy Louisiana, Inc v Louisiana Public Service Comm*, 539 US 39; 123 SCt 2050; 156 LEd2d 34 (2003). Payments made by Detroit Edison and Consumers for transmission costs under FERC-approved rates are recoverable from ratepayers (as transportation costs) through the power supply cost recovery mechanism. MCL 460.6j(1)(a); *Detroit Edison Co v Public Service Comm*, 276 Mich App 216; 740 NW2d 685 (2007). Thus, a direct consequence of the construction of a new transmission line is that the costs of that construction will ultimately be borne by this state's electric ratepayers. MCL 460.6j(5), (12). *See, also*, MCL 460.572. In this case, the Commission is required to weigh whether, in the current economic climate, increased annual charges of approximately \$24 million for Detroit Edison ratepayers, and \$2 million for Consumers ratepayers, are justified, which requires a thorough examination of evidence supporting the necessity for the line.

The certificate also takes precedence over any conflicting local ordinance, law, rule, regulation, policy, or practice, and is "conclusive and binding as to the public convenience and necessity for that transmission line and its compatibility with the public health and safety or any zoning or land use requirements" in eminent domain proceedings. MCL 460.570. Thus, the Commission is also required to decide whether the necessity for the line justifies the potential condemnation of private property.

Act 30 places comprehensive authority for transmission line location and construction with the Commission through the power to issue or deny a certificate. MCL 460.565. The certificate is one "of public . . . necessity." MCL 460.562(b); MCL 460.565. Thus, it defies logic to posit that the Commission is required to ignore the necessity for the proposed line in determining whether to issue a certificate.

In Act 30, the four criteria that must be met in order for a certificate to issue do not use the word “need,” though the 12 filing requirements do. *Cf.*, MCL 460.568(5)(a)-(d) (“The commission shall grant the application and issue a certificate if it determines . . . [t]he quantifiable and nonquantifiable public benefits of the proposed major transmission line justify its construction.”), and MCL 460.567(2)(f) (“An application for a certificate shall contain . . . [i]nformation supporting the need for the proposed major transmission line.”). This is not troubling to the Commission. The Legislature did not intend a useless act when it required applicants to file information supporting the need for the line. The justification for constructing the line must demonstrate the need for the line.

The legislative history of Act 30 is instructive on this issue. Act 30 was introduced as S.B. 408 (1995). S.B. 408 was designed to replace a patchwork of local regulations and decisions with a uniform, state-level authority, vested in the Commission, for determining the location and construction of major transmission lines. The Senate Fiscal Agency’s Bill Analysis states:

By establishing a process under which the Public Service Commission would decide whether a proposed high voltage line was necessary and in the public interest, the bills would create the needed siting authority. As the body constituted to determine the adequacy of energy available, the PSC is the agency best equipped to evaluate *the need for a proposed line*.

March 28, 1995 Senate Fiscal Agency Analysis, S.B. 408 (Substitute S-1), p. 5 (emphasis added).

It appears clear that the Legislature intended the Commission to consider the need for the line under Act 30.

Act 30 is analogous to its companions, 1929 PA 9 (Act 9), MCL 483.101 *et seq.*, and 1929 Act 69 (Act 69), MCL 460.501 *et seq.* The Commission has a long history of making determinations of necessity under these acts. Act 9 governs the issuance of certificates of convenience and necessity for the construction and operation of natural gas pipelines. Act 9 requires the

Commission “to examine and inquire into the necessity and practicability of such transmission line,” and to determine that the line will serve the “convenience and necessities of the public” before granting the certificate. MCL 483.109. Likewise, Act 69, which governs the issuance of certificates of public convenience and necessity for the construction, operation, service, or extension of service for any utility plant or system, requires the Commission to determine that “public convenience and necessity requires or will require such construction, operation, service, or extension.” MCL 460.502. Among the factors to be considered by the Commission in making this determination are “the benefit, if any, to the public in the matter of rates,” and “such other matters as shall be proper and equitable.” MCL 460.505. Thus, the Legislature has given the Commission broad authority to determine what considerations are key to a finding of necessity.

Probably the most fundamental aspect of regulatory authority is the ability to control entry into and departure from a regulated industry. Historically, certificates of public convenience and necessity operate in all regulatory spheres (railroads, electricity, gas, telecommunications) to “prevent useless duplication of facilities that could result in increased rates being imposed on captive [] ratepayers.”³ The Commission has found that certificates “prevent wasting economic resources by constructing unneeded pipelines,” and serve to “protect local land owners and the general public from the unnecessary disruption, due to pipeline construction, of their use of both public and private lands.” March 29, 1995 order in Case No. U-10547, p. 17. *See, also, City of Marshall v Consumers Power Co.*, 206 Mich App 666, 678; 523 NW2d 483, 489 (1994) (holding that Act 69 was enacted to prevent the waste inherent in duplication of facilities). The Commission is mindful that, for those land owners who are subject to condemnation proceedings

³71 Univ. of Colo. L. Rev. 1153, 1170 (Fall 2000), quoting *Implementation of Section 402(b)(2)(A) of the Telecommunications Act of 1996*, 14 FCCR 11,364, 11,366, note 9 (citing 78 Cong. Rec. 10314 (1934) (remarks of Rep Rayburn)).

as a result of the issuance of a certificate, this is a high price to pay indeed, requiring the Commission's strong conviction of the necessity of the proposed line.

The Commission recently opined on the issue of need under Act 30, stating:

In choosing to address the need issue, the Commission is cognizant that MCL 460.568(5) does not specifically require the Commission to make a finding on the issue of need. . . . Nevertheless, in light of the Legislature's definition in MCL 460.562(b) of a "certificate" as being "a certificate of public convenience and necessity," the requirement in MCL 460.567[(2)](f) that the application address the issue of need, the parties' presentations on the issue of need, Act 30's legislative history, and the ALJ's findings and recommendations, the Commission is persuaded that the proper course is to make a determination on this issue at this time.

May 31, 2007 order in Case No. U-14861, pp. 30-31. That case involved a 120 kV overhead line.

The Commission finds that the stated rationale for considering need applies with equal (or perhaps greater) force in this case, where the proposed 345 kV line is to be built underground using a cable type (XLPE) that has seen little use in the United States and for which ITC admits it has no reliability data. 2 Tr 295.

ITC contends that the ALJ over-emphasized the cost of the project. Cost is clearly an element of justification. The Supreme Court has stated that "The requirement of a certificate of convenience and necessity may enable the commission to . . . keep[] the investment at the lowest figure consonant with satisfactory service." *Huron Portland Cement Co v Public Service Comm*, 351 Mich 255, 267; 88 NW2d 492, 499 (1958) (quotation omitted). The Commission has held that the issuance of a certificate requires "a showing that the line is cost justified." January 28, 1993 order in Case No. U-10059, U-10061, p. 50. *See, also, Zaremba v Public Service Comm'n*, unpublished opinion per curiam of the Court of Appeals, issued December 3, 1999 (Docket No. 210673), at 2 ("finding that a proposed project serve[s] the 'convenience and necessities' of the public before a CPCN can be issued . . . must include a determination of the economic feasibility of the proposed

project.”) Small quantifiable and nonquantifiable public benefits may justify an inexpensive line. An expensive line construction project that will ultimately be funded by ratepayers requires more significant public benefits, that rise above the level of conjecture. The Commission finds that ITC’s testimony regarding reliability and capacity issues was not ignored by the ALJ, but rather was appropriately evaluated in the context of the statutory requirements. The ALJ correctly pointed out that a cost/benefit analysis can be helpful in demonstrating the justification for such a project.

The Commission notes the Staff’s testimony supporting the feasibility of the lower-cost alternative upgrades. 3 Tr 653-657, 761. The Commission also notes the discrepancy between the high 21 CEP forecast relied upon by ITC, and the MISO and ITC-internal forecasts. The forecast included in the 21 CEP was formulated in 2006 after the conclusion of the Capacity Needs Forum, to reflect the fact that demand was trending downwards. 21 CEP, p. 9. The MISO and ITC-internal forecasts are more recent and reflect even lower demand. The need for the additional transmission, in the form in which ITC proposes to provide it, must be the first quantifiable benefit that demonstrates the justification for the construction of the line. The Commission finds that ITC has failed to demonstrate that the forecast supporting the proposed line is reliable enough to provide a foundation for this \$150 million project.

The Commission is left without a sufficient basis for deciding that the quantifiable and nonquantifiable benefits of the proposed line justify its construction, and therefore must deny the application for a certificate. Because this determination disposes of the matter, the Commission makes no finding on the chosen route.

THEREFORE, IT IS ORDERED that the application filed by International Transmission Company, d/b/a *ITCTransmission*, for a certificate of public convenience and necessity for the construction of a major transmission line running from and through Sterling Heights, Troy, Clawson, and Royal Oak, Michigan, is denied.

The Commission reserves jurisdiction and may issue further orders as necessary.

Any party desiring to appeal this order must do so in the appropriate court within 30 days after issuance and notice of this order, under MCL 462.26.

MICHIGAN PUBLIC SERVICE COMMISSION

Orjiakor N. Isiogu, Chairman

Monica Martinez, Commissioner

Steven A. Transeth, Commissioner

By its action of February 22, 2008.

Mary Jo Kunkle, Executive Secretary

Official Statement Relating to
City of Troy
General Obligation Unlimited Tax Refunding Bonds,
Series 2008
is included with Council's agenda packets
and available for public viewing at the
City Clerk's Office and the Troy Public Library