

# **AGENDA**

**Meeting of the**

## **CITY COUNCIL OF THE CITY OF TROY**

**MARCH 17, 2008**

**CONVENING AT 7:30 P.M.**

**Submitted By  
The City Manager**

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***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](mailto:clerk@troymi.gov) at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.***

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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.

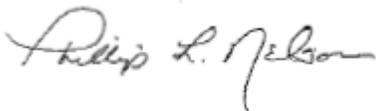
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

### **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 17, 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 John Frankenstein – Zion  
Christian Church** **1**

**ROLL CALL** **1**

**CERTIFICATES OF RECOGNITION:** **1**

- A-1 Presentations: 1
  - a) Proclamation Celebrating 20 Years – The Business Advisory Group ..... 1
  - b) Proclamation Celebrating 50 Years – Troy Youth Assistance ..... 1
  - c) Traffic Safety Award ..... 1
  - d) Update from State Representative Marty Knollenberg – 41<sup>st</sup> District ..... 1
  - e) Trails Committee Update..... 1

**CARRYOVER ITEMS:** **1**

B-1 No Carryover Items 1

**PUBLIC HEARINGS:** **1**

C-1 Re-Programming Community Development Block Grant (CDBG) Program Year  
2005 Unexpended Funds 1

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**POSTPONED ITEMS:** **2**

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D-2a Liquor Violations – SDD/SDM: (a) The May Department Stores Company (dba: Macy’s) (a) The May Department Stores Company (dba: Macy’s) – Continuance of Public Hearing 3

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**PUBLIC COMMENT: Limited to Items Not on the Agenda** **5**

**REGULAR BUSINESS:** **5**

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**CALL TO ORDER:****INVOCATION & PLEDGE OF ALLEGIANCE:** Pastor John Frankenstein – Zion Christian 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:**

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**A-1 Presentations:**

- a) Proclamation Celebrating 20 Years – The Business Advisory Group
- b) Proclamation Celebrating 50 Years – Troy Youth Assistance
- c) Traffic Safety Award
- d) Update from State Representative Marty Knollenberg – 41<sup>st</sup> District
- e) Trails Committee Update

**CARRYOVER ITEMS:**

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**B-1 No Carryover Items****PUBLIC HEARINGS:**

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**C-1 Re-Programming Community Development Block Grant (CDBG) Program Year 2005 Unexpended Funds**Suggested Resolution

Resolution #2008-03-

Moved by

Seconded by

WHEREAS, The City Council of the City of Troy, after conclusion of a Public Hearing on this date, March 17, 2008 has determined that Community Development Block Grant (CDBG) program year 2005 unexpended funds of \$82,795.00 should be re-programmed from the Flood Drain Improvements Project to the Public Facilities and Improvements, Section 36 Park Improvement Project; and

WHEREAS, The balance of CDBG Program Year 2005 Special Assessment Project funds for approximately 12 low-moderate income residents on Olympia and Tacoma Streets in the amount of \$4,703.43 should be re-programmed to the Public Facilities and Improvements, Section 36 Park Improvement Project;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ADDS** the Public Facilities and Improvements, Section 36 Park Improvement Project, to the list of CDBG projects for 2005.

Yes:

No:

## POSTPONED ITEMS:

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### **D-1 Liquor Violations – Class C; Class C Resort & Hotel B: (f) LaShish, Inc. (dba: LaShish) – Continuance of Public Hearing**

#### Suggested Resolution

Resolution #2008-03-

Moved by

Seconded by

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 and continued on Monday, March 17, 2008 for the following licensed establishment:

Name: LaShish, Inc. (dba: LaShish)  
Address: 3720 Rochester Road, 48083  
License No.: Class C (100797-2007 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 prior violations on October 28, 2003 SALE TO MINOR (Compliance Test); August 16, 2001 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 and continued on Monday, March 17, 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 100797-2007 SS in the name of LaShish, Inc. in the City of Troy, **BE RENEWED or NOT BE RENEWED** with the **STIPULATION** that all employees be TIPS AND/OR 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.

Yes:

No:

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**D-2a Liquor Violations – SDD/SDM: (a) The May Department Stores Company (dba: Macy’s) (a) The May Department Stores Company (dba: Macy’s) – Continuance of Public Hearing**

Suggested Resolution

Resolution #2008-03-

Moved by

Seconded by

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

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

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 May 10, 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 20, 2008 and continued on Monday, March 17, 2008;

WHEREAS, The licensee has had no prior violations; 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 20, 2008 and continued on Monday, March 17, 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;

BE IT FURTHER RESOLVED, That the Troy City Council **REQUIRES** the licensee (SDM License Number 133308-2007 in the name of The May Department Stores Company in the City of Troy), to have all its management and employees that are permitted to sell alcoholic liquor TIPS AND/OR TAMS trained, 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:

No:

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**D-2b Liquor Violations – Class C; Class C Resort & Hotel B: (a) The May Department Stores Company (dba: Macy's) – Continuance of Public Hearing**

Suggested Resolution

Resolution #2008-03-

Moved by

Seconded by

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 and continued on Monday, March 17, 2008 for the following licensed establishment:

Name: The May Department Stores Company (dba: Macy's)

Address: 500 W. Fourteen Mile Road, 48083

License No.: Class C (132719-2007)

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 and continued on Monday, March 17, 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 132719-2007 in the name of The May Department Stores Company in the City of Troy, **BE RENEWED or NOT BE RENEWED** with the **STIPULATION** that all employees be TIPS AND/OR 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.

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”.***

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**E-1 Appointments to Boards and Committees: a) Mayoral Appointments: Planning Commission b) City Council Appointments: Board of Zoning Appeals; Cable Advisory Committee; Historic District Commission; Library Advisory Board; Parks & Recreation 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:

**Planning Commission**

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

Unexpired Term 12/31/08

Unexpired Term 12/31/09

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:

**Board of Zoning Appeals**

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

Term Expires 04/30/11

**Cable Advisory Committee**

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

Term Expires 02/28/11

**Historic District Commission**

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

Term Expires 03/01/11

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

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

**\*Recommendations from Historical Society received.**

**Library Advisory Board**

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

Term Expires 04/30/11

**Parks & Recreation Board**

Appointed by Council (7-Regular: 3-Year Term; 1-Troy School Board: 1-Year Term; 1-Troy Daze Committee: 1-Year Term; 1-Adv. Comm for Sr. Citizens: 1-Year Term)

Term Expires 04/30/09

**Personnel Board**

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

Term Expires 04/30/11

Yes:

No:

**E-2 Resolution to Reconsider Board and Commission Appointments of January 9, 2006**

Suggested Resolution

Resolution #2008-03-

Moved by

Seconded by

**(a) Reconsideration Motion**

RESOLVED, That Troy City Council hereby **RECONSIDERS** Resolution #2006-01-007, Moved by Schilling and Seconded by Beltramini, as it appears below:

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

Board of Review

Appointed by Mayor, Council Approval (3) – 3 years

Frank J. Howrylak Term Expires 01/31/09

Planning Commission

Appointed by Mayor, Council Approval (9) - 3 Year Terms

Robert M. Schultz Term Expires 12/31/08

Thomas Strat Term Expires 12/31/08

Mary Kerwin Term Expires 12/31/08

Yes: Beltramini, Howrylak, Lambert, Stine, Schilling

No: Broomfield, Fleming

MOTION CARRIED

Yes:

No:

**(b) Separation Resolution**

Suggested Resolution

Resolution #2008-03-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **SEPARATES** active motion as follows:

Resolution #2006-01-007

Moved by Schilling

Seconded by Beltramini

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

Board of Review

Appointed by Mayor, Council Approval (3) – 3 years

Frank J. Howrylak Term Expires 01/31/09

**and**

Resolution #2006-01-007

Moved by Schilling

Seconded by Beltramini

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

Planning Commission

Appointed by Mayor, Council Approval (9) - 3 Year Terms

Robert M. Schultz Term Expires 12/31/08

Thomas Strat Term Expires 12/31/08

Mary Kerwin Term Expires 12/31/08

Yes:  
No:

**(c) Board of Review Appointment**

Resolution #2006-01-007  
Moved by Schilling  
Seconded by Beltramini

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

Board of Review  
Appointed by Mayor, Council Approval (3) – 3 years

Frank J. Howrylak Term Expires 01/31/09

Yes:  
No:

**(d) Planning Commission Appointments**

Resolution #2006-01-007  
Moved by Schilling  
Seconded by Beltramini

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

Planning Commission  
Appointed by Mayor, Council Approval (9) - 3 Year Terms

Robert M. Schultz Term Expires 12/31/08

Thomas Strat Term Expires 12/31/08

Mary Kerwin Term Expires 12/31/08

Yes:  
No:

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**E-3 Adjustment to Plumbing Permit Fees**

Suggested Resolution  
Resolution #2008-03-  
Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** the following revisions to the Plumbing Permit 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 plumbing permit applications submitted after April 1, 2008:

PLUMBING PERMIT FEE SCHEDULE		
Description	Current Fee	Proposed Fee
Stacks/Conductors	\$10.00	No Change
Sink (any description)	<del>\$ 8.00</del>	<u>\$10.00</u>
Bath <u>ub</u>	<del>\$ 8.00</del>	<u>\$10.00</u>
Water Closet	<del>\$ 8.00</del>	<u>\$10.00</u>
<del>Lavatory</del>	<del>\$ 8.00</del>	N/A
Water Heater	<del>\$ 8.00</del>	<u>\$10.00</u>
Water Heater (replacement)	\$25.00	No Change
Laundry <del>Tray or</del> Stand Pipe	<del>\$ 8.00</del>	<u>\$10.00</u>
Floor Drain	<del>\$ 8.00</del>	<u>\$10.00</u>
<del>Ejector Pump or Water Lift</del>	<del>\$ 8.00</del>	<u>\$10.00</u>
Drinking Fountain	<del>\$ 8.00</del>	<u>\$10.00</u>
Grease <del>Trap Interceptor</del>	<del>\$ 8.00</del>	<u>\$10.00</u>
Urinal	<del>\$ 8.00</del>	<u>\$10.00</u>
<del>Bar Sink—Soda Fountain (each opening)</del>	<del>\$ 8.00</del>	N/A
Shower <del>Trap or w/Pan</del>	<del>\$ 8.00</del>	<u>\$10.00</u>
Dishwashing Machine	<del>\$ 8.00</del>	<u>\$10.00</u>
Humidifier	<del>\$ 8.00</del>	<u>\$10.00</u>
Garbage Disposal	<del>\$ 8.00</del>	<u>\$10.00</u>
Sump or Interceptor	<del>\$ 8.00</del>	<u>\$10.00</u>
Hose Bibs	<del>\$ 5.00</del>	<u>\$ 8.00</u>
Water <del>Treatment Device Softener/Filter</del>	\$10.00	No Change
<del>Washing Machine</del>	<del>\$ 8.00</del>	N/A
<del>Special Fixture</del>	<del>\$ 8.00</del>	N/A
<del>Refrigeration Connection</del>	<del>\$ 8.00</del>	N/A
Dental Chairs	<del>\$ 8.00</del>	<u>\$10.00</u>
<del>Surgical Cuspidor</del>	<del>\$ 8.00</del>	N/A
Building Main to Sewer	\$20.00	No Change
Inside <del>Sub Soil Drains System</del>	\$15.00	No Change
Roof Sump	\$10.00	No Change
<del>Underground—Slab—Separate Inspection</del>	<del>\$ 9.00</del>	N/A
Miscellaneous Fixtures	<del>\$ 8.00</del>	<u>\$10.00</u>
<del>Back Water Valve</del>	N/A	<u>\$10.00</u>
<del>Backflow Prevention Device</del>	N/A	<u>\$10.00</u>
<del>Medical Gas (per opening)</del>	N/A	<u>\$10.00</u>
Water Distribution (see below):		
$\frac{3}{4}$ " = \$15.00		1-1/2" = \$30.00
1" = \$20.00		2" = \$30.00
		3" = \$55.00
		4" = \$63.00

1-1/4" = \$25.00	2-1/2" = \$45.00	Over 4" = \$75.00
Minimum Permit Fee	\$25.00	N/A
Special Inspection (per hour)	<del>\$30.00</del> /hour	\$50.00 /hour
Addition to permit before Inspection – Regular Fee		
Addition to permit after Inspection – Minimum Fee		
Cancellation of Permit - 25% of Permit Fee/\$10.00		
Minimum		
<u>Contractor Registration Fee (per year)</u>	\$1.00 /year	\$5.00 /year

Yes:

No:

**E-4 Final Preliminary Plat Approval (Extension) – Beachview Estates Subdivision, West Side of Beach, South of Long Lake – Section 18**

Suggested Resolution

Resolution #2008-03-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** a two-year extension of Final Preliminary Plat Approval for Beachview Estates Subdivision, located on the west side of Beach, south of Long Lake in Section 18, including 8 lots, within the R-1A zoning district, being 5.55 acres in size.

Yes:

No:

**E-5 Standard Purchasing Resolution 8: Best Value Award – Sale of Real Estate – John R Garden Subdivision**

Suggested Resolution

Resolution #2008-03-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AWARDS** a contract to sell surplus real estate parcel #88-20-26-429-045 located in Section 26, John R Garden Subdivision to the highest bidder, Orfeo Guerrier & Antonia Melaragni of Shelby Township, MI, at a total cost of \$30,000.00, as listed on the bid tabulation opened February 29, 2008; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the Real Estate and Development department to complete the sale of the City-owned parcel and **AUTHORIZES** the

Real Estate and Development department to expend the necessary closing costs to complete this purchase according to the bid proposal instructions, terms and conditions of sale; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to sign a warranty deed to be delivered at closing.

**OR**

RESOLVED, That Troy City Council hereby **AWARDS** a contract to sell surplus real estate parcel #88-20-26-429-045 located in Section 26, John R Garden Subdivision to the lowest bidder, William K. Morrow, as Trustee DTD 7/6/87 of Troy, MI, at a total cost of \$25,101.00, as listed on the bid tabulation opened February 29, 2008, **CONTINGENT** upon an environmental phase one analysis paid for by the purchaser; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DIRECTS** the Real Estate and Development department to complete the sale of the City-owned parcel and **AUTHORIZES** the Real Estate and Development department to expend the necessary closing costs to complete this purchase according to the bid proposal instructions, terms and conditions of sale; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AUTHORIZES** the Mayor and City Clerk to sign a warranty deed to be delivered at closing.

Yes:

No:

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**E-6 Alcohol Sales on Golf Courses – Proposed Amendment to Chapter 30**

Suggested Resolution

Resolution #2008-03-

Moved by

Seconded by

**Proposed Resolution: Version A**

RESOLVED, That Troy City Council hereby **APPROVES** the recommendation of the Liquor Advisory Committee that would limit the sale of alcoholic beverages on City owned golf courses to beverages that contain less than 21 percent alcohol by volume; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amending Section 10 of Chapter 30 of the Code of the City of Troy, Golf Courses, and that incorporates the recommendation of the Liquor Advisory Committee, as recommended by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the Addendum to the Agreement entitled *Food Service At Sanctuary Lake Golf Course*, by and between, Kosch Special Events L.L.C. and the City of Troy, and labeled Version A incorporating the Liquor Advisory Committee's recommendation, and **AUTHORIZES** the Mayor and City Clerk to

execute the addendum as of the effective date of the amendment to Chapter 30, a copy of which shall be attached to the original Minutes of this meeting; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **APPROVES** the Third Addendum to the Lease Agreement, by and between, Gallatin, Inc. and the City of Troy, and labeled Version A Incorporating the Liquor Advisory Committee's recommendation, and **AUTHORIZES** the Mayor and City Clerk to execute the addendum as of the effective date of the amendment to Chapter 30, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**OR**

**Alternate Resolution: Version B**

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amending Section 10 of Chapter 30 of the Code of the City of Troy, Golf Courses, which will allow liquor to be sold by the operator on the City owned golf courses, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the Addendum to the Agreement entitled *Food Service At Sanctuary Lake Golf Course*, by and between, Kosch Special Events L.L.C. and the City of Troy, and labeled Version B, and **AUTHORIZES** the Mayor and City Clerk to execute the addendum as of the effective date of the amendment to Chapter 30, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

BE IT FINALLY RESOLVED, That Troy City Council hereby **APPROVES** the Third Addendum to the Lease Agreement, by and between, Gallatin, Inc. and the City of Troy, and labeled Version B, and **AUTHORIZES** the Mayor and City Clerk to execute the addendum as of the effective date of the amendment to Chapter 30, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

**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".*

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**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:

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

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**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 March 3, 2008 be **APPROVED** as submitted.

---

**F-3 Proposed City of Troy Proclamation(s):**Suggested Resolution

Resolution #2008-03-

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

- a) Community Development Block Grant Week – March 24-30, 2008
- b) Business Advisory Group, LLC – Celebrating 20 Years
- c) Troy Youth Assistance – Celebrating 50 Years

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**F-4 Standard Purchasing Resolutions****a) Standard Purchasing Resolution 1: Award to Low Bidder – Aboveground Fuel Storage – Sanctuary Lake Golf Course**Suggested Resolution

Resolution #2008-03-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to install one new aboveground fuel storage tank at Sanctuary Lake Maintenance Facility to the low bidder, R.W. Mercer Company of Jackson, MI, for an estimated total cost of \$45,575.00, at prices contained in the bid tabulation opened February 11, 2008, and subsequent letter dated February 25, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

**b) Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Renewals Over \$10,000.00 – Michigan Municipal League**

Suggested Resolution  
Resolution #2008-03-

RESOLVED, That Troy City Council hereby **AUTHORIZES** payment for annual membership dues to the Michigan Municipal League, for the time period of May 1, 2008 through April 30, 2009, in the amount of \$12,252.00.

**c) Standard Purchasing Resolution 4: Oakland County Cooperative Agreement – Live Scan**

Suggested Resolution  
Resolution #2008-03-

WHEREAS, The electronic capture and transmission of fingerprints is a proven and effective method of storing fingerprint impressions and identifying persons;

WHEREAS, Oakland County has purchased the latest technology using grant funds and must retain ownership of the equipment; and

WHEREAS, All participating agencies are being asked to pay for maintenance on the equipment on an annual basis;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the Live Scan Agreement with Oakland County for maintenance and preventative services for each cabinet style hand scanner system at a cost of \$3,313.00 per year through December 31, 2013, and **AUTHORIZES** the Mayor and City Clerk to execute the agreement, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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**F-5 Request for Acceptance of Regrading and Temporary Construction Permit, John R Road Improvements, Square Lake Road to South Boulevard – Project No. 02.204.5 Parcel #73 – Sidwell #88-20-01-110-001 – John and Nancy Lozenkovski**

Suggested Resolution  
Resolution #2008-03-

RESOLVED, That Troy City Council **ACCEPTS** the Regrading and Temporary Construction Permit in the amount of \$500.00 from John and Nancy Lozenkovski, owners of property having Sidwell #88-20-01-110-001; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AGREES** to pay John and Nancy Lozenkovski an amount not to exceed \$500.00 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.

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**F-6 Request for Acceptance of Regrading and Temporary Construction Permit, John R Road Improvements, Square Lake Road to South Boulevard – Project No. 02.204.5 Parcel #80 – Sidwell #88-20-01-104-001 – John and Nancy Lozenkovski**

Suggested Resolution  
Resolution #2008-03-

RESOLVED, That Troy City Council **ACCEPTS** the Regrading and Temporary Construction Permit in the amount of \$2,220.00 from John and Nancy Lozenkovski, owners of property having Sidwell #88-20-01-104-001; and

RESOLVED, That Troy City Council hereby **AGREES** to pay John and Nancy Lozenkovski an amount not to exceed \$2,220.00 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.

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**F-7 Troy Racquet Club Rates**

Suggested Resolution  
Resolution #2008-03-

RESOLVED, That Troy City Council hereby **APPROVES** the 2008-2009 membership rates for Troy Racquet Club as stated in the report from the Parks and Recreation Department dated March 10, 2008, 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.

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**F-8 Request for Approval of Relocation Claims, John R Road Improvements, Square Lake Road to South Boulevard – Project No. 02.04.5 – Parcel #47B Sidwell #88-20-02-228-037 – Charles E. Kemen, Eric Deentry and Philip Kemen**

Suggested Resolution  
Resolution #2008-03-

RESOLVED, That Troy City Council **APPROVES** the Relocation Claims in the amounts of \$2,500.00 and \$5,000.00 for relocation benefits for residential tenants being displaced from the property required for John R Road Improvements, from Square Lake Road to South Boulevard; and

RESOLVED, That Troy City Council hereby **AGREES** to pay relocation benefits in the amount of \$2,500.00 to Charles E. Kemen, the residential tenant displaced from 6753 John R; and

BE IT FINALLY RESOLVED, That City Council hereby **AGREES** to pay relocation benefits in the amount of \$5,000.00 to Eric Deentry and Philip Kemen, residential tenants also displaced from 6753 John R.

**F-9 Traffic Signal Maintenance Agreement – Kirts and Livernois**Suggested Resolution

Resolution #2008-03-

WHEREAS, The Livernois Road Project signal improvements were postponed to allow for faster completion of the reconstruction project last year; and

WHEREAS, Kirts is a city road and Livernois Road is under the jurisdiction of the Road Commission for Oakland County;

THEREFORE, BE IT RESOLVED, That Troy City Council **APPROVES** the cost agreement with the Road Commission for Oakland County and the City for the installation of the modernized traffic signals at Kirts and Livernois (City share 1/3, or \$33,333.00) and for sharing costs of approximately \$1,800.00 per year, at 1/3 City and 2/3 Road Commission for Oakland County.

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**F-10 Act 51 Mileage Certification for 2007**Suggested Resolution

Resolution #2008-03-

WHEREAS, It is necessary to furnish certain road information to the State of Michigan for the purpose of obtaining funds under Act 51, P.A. 1951, as amended; and

WHEREAS, The City of Troy hereby accepts the following platted and non-platted streets: Andrew, Benjamin, Kimberly, Merrick, Cambria, Eckerman, Quill Creek, Hedgewood, Timbercrest, Timbercrest Court and Cottonwood;

BE IT RESOLVED, That Troy City Council hereby **ACCEPTS** said streets into the City of Troy local street system, and said streets are located within the City of Troy; right of way is under the control of the City of Troy; said streets are public streets and are for public street purposes and were open to the public prior to December 31, 2007; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **DECERTIFIES** the following street: Lincoln effective on December 31, 2007.

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**F-11 Rome Love v. City of Troy**Suggested 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 *Rome Love v. City of Troy*, and to retain any necessary expert witnesses or pay any necessary costs to adequately represent the City.

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**F-12 Request for Approval of Additional Payment of \$100.00 for Loss of Trees – John R Road Improvements, Square Lake Road to South Boulevard Project No. 02.204.5 – Parcel #76 – Sidwell #88-20-01-108-018 – Hana Rrapi**

Suggested Resolution  
Resolution #2008-03-

RESOLVED, That Troy City Council hereby **APPROVES** an additional payment of \$100.00 to Hana Rrapi for the loss of trees in the Regrading and Temporary Construction Permit area from Hana Rrapi, owner of property having Sidwell #88-20-01-108-018; and

BE IT FURTHER RESOLVED, That Troy City the City Clerk is hereby **DIRECTED** to record the revised 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.

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**F-13 Blood Draw Agreements**

Suggested Resolution  
Resolution #2008-03-

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement with William Beaumont Hospital, 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.

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement with Alliance Mobile Health and Oakland Healthcare Alliance, 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.

**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**G-1 Announcement of Public Hearings:**

- a) Republic/APT, 1889 Larchwood – Request for Industrial Development District (IDD) and the Issuance of an Industrial Facilities Exemption Certificate (IFEC) – April 7, 2008

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**G-2 Memorandums: None Submitted**

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

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**H-1 No Council Referrals Advanced**

**COUNCIL COMMENTS:**

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**I-1 No Council Comments Advanced**

**REPORTS:**

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**J-1 Minutes – Boards and Committees:**

- a) Animal Control Appeal Board Minutes/Final – September 5, 2007
  - b) Advisory Committee for Persons with Disabilities/Draft – October 3, 2007
  - c) Advisory Committee for Persons with Disabilities/Final – October 3, 2007
  - d) Advisory Committee for Persons with Disabilities/Draft – January 2, 2008
  - e) Advisory Committee for Persons with Disabilities/Final – January 2, 2008
  - f) Library Advisory Board/Final – January 10, 2008
  - g) Building Code Board of Appeals/Final – February 6, 2008
  - h) Liquor Advisory Committee/Final – February 11, 2008
  - i) Planning Commission/Draft – February 12, 2008
  - j) Planning Commission/Final – February 12, 2008
  - k) Board of Zoning Appeals/Draft – February 19, 2008
  - l) Planning Commission Special/Study/Draft – March 4, 2008
  - m) Animal Control Appeal Board/Draft – March 5, 2008
  - n) Building Code Board of Appeals/Draft – March 5, 2008
  - o) Liquor Advisory Committee/Draft – March 10, 2008
- 

**J-2 Department Reports:**

- a) Building Department – Permits Issued During the Month of February, 2008
  - b) City of Troy Monthly Financial Report – February 29, 2008
- 

**J-3 Letters of Appreciation:**

- a) Letter of Appreciation to Chief Craft from Walsh College President Stephanie Bergeron Regarding Traffic Assistance during Commencement Ceremonies
  - b) Letter of Appreciation to Chief Craft from Westland Fire Chief Michael Reddy Regarding Participation and Support during Firefighter Funeral
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**J-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted**

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**J-5 Calendar**

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**J-6 Communication from the State of Michigan Public Service Commission Regarding Amended Notice of Hearing for the Electric Delivery and Supply Customers of the Detroit Edison Company – Case No. U-15244**

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**J-7 Communication from the State of Michigan Public Service Commission Regarding Amended Notice of Hearing for the Electric Customers of the Detroit Edison Company – Case No. U-15417**

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**J-8 Communication from City Attorney Lori Grigg Bluhm Regarding Leroy S. Nardi v. City of Troy**

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**STUDY ITEMS:**

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**K-1 No Study Items Submitted**

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**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:**

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**L-1 Closed Session:**Suggested Resolution

Resolution #2008-03-

Moved by

Seconded by

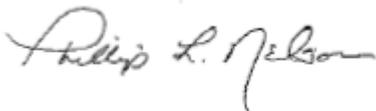
BE IT RESOLVED, That Troy City Council **SHALL MEET** in Closed Session, as permitted by MCL 15.268 (e), Pending Litigation – Morrell v Troy, et al.

Yes:

No:

**RECESSED****RECONVENED****ADJOURNMENT**

Respectfully submitted,



Phillip L. Nelson, City Manager

**FUTURE CITY COUNCIL PUBLIC HEARINGS:**

Monday, April 7, 2008

1. Republic/APT, 1889 Larchwood – Request for Industrial Development District (IDD)
2. Republic/APT, 1889 Larchwood – Issuance of an Industrial Facilities Exemption Certificate (IFEC)

**SCHEDULED CITY COUNCIL MEETINGS:**

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
Monday, July 7, 2008 .....	Regular City Council
Monday, July 21, 2008 .....	Regular City Council
Monday, August 11, 2008 .....	Regular City Council
Monday, August 25, 2008 .....	Regular City Council
Monday, September 8, 2008 .....	Regular City Council

**PROCLAMATION  
CELEBRATING 20 YEARS  
THE BUSINESS ADVISORY GROUP, LLC**

**WHEREAS**, **The Business Advisory Group, LLC** was founded 20 years ago on March 6, 1988 by Terry Socall in his Troy home. Terry Socall's business has grown over the years and he continues to serve as the company's President and CEO; and

**WHEREAS**, Terry Socall rented his first outside office space in 1997 and now has offices in the Liberty Center on Big Beaver; and

**WHEREAS**, Helping new businesses get started, and helping existing businesses become more profitable – “from concept to success” – are the goals of **The Business Advisory Group, LLC**; and

**WHEREAS**, **The Business Advisory Group, LLC** conducts business throughout the United States, but has chosen to remain headquartered in Troy; and

**WHEREAS**, **The Business Advisory Group, LLC** is involved in the Troy community as a member of the Troy Chamber of Commerce, with employees on the Hospitality Committee and serving as Ambassadors; and as a member of Automation Alley, with employees on the Membership and Technology Business Committees;

**NOW, THEREFORE, BE IT RESOLVED**, That the Troy City Council does hereby congratulate **The Business Advisory Group, LLC** on its **20<sup>th</sup> Anniversary** and recognizes its impact upon our community as they serve as a steadfast and dedicated business in the City of Troy;

**BE IT FURTHER RESOLVED**, That the City Council joins the citizens of this community in appreciation and celebration of the **20<sup>th</sup> Anniversary** of **The Business Advisory Group, LLC** in the City of Troy.

Presented this 17<sup>th</sup> day of March 2008.

**PROCLAMATION  
CELEBRATING 50 YEARS  
TROY YOUTH ASSISTANCE**

**WHEREAS**, The Troy City Commission passed a resolution on March 27, 1958 providing for a **Child and Youth Assistance Committee** in the City of Troy and nominated 25 citizens representing schools, law enforcement, churches and the community to the committee; and

**WHEREAS**, Sponsored by Judge Arthur E. Moore of the Oakland County Juvenile Court, the committee was formed to work with children, authorities and families on a pre-juvenile delinquent basis; and

**WHEREAS**, Mayor Frank Costello selected the committee members and told them their job was to prevent youngsters from becoming court cases and asked the committee to work closely with educators, law enforcement authorities, religious leaders and parents to protect rather than prosecute; and

**WHEREAS**, In 1971, **Troy Youth Assistance** began an employment service staffed by volunteers. They called upon local residents and business owners who had job opportunities such as babysitting, office work, housecleaning and yard work with hourly rates ranging from \$.75 to \$1.50 for Troy teenagers; and

**WHEREAS**, The mission of **Troy Youth Assistance** is to strengthen youth and families and to reduce the incidence of delinquency, abuse and neglect through community involvement. Volunteers work with professional staff to develop enriching programs aimed at enhancing family and community relationships; and

**WHEREAS**, Over the years **Troy Youth Assistance** has achieved many milestones, including successful and innovative fund raising campaigns; overseeing teens managing the Boulan Park Concession Stand; hosting teen dances; starting a banquet in 1973 to honor Troy young people who volunteer their time and energy in helping others; awarding camp scholarships to deserving youth; and recruiting volunteers to mentor young people for their Mentors P.L.U.S. program; and

**WHEREAS**, Throughout their 50 year history, **Troy Youth Assistance** has maintained a fine reputation for delivering tremendous value throughout the community. TYA has conducted surveys on family education programming as well as hosted valuable educational workshops for parents on a variety of topics including communicating with teens; developing responsible behavior in teens; and active, effective parenting; and

**NOW, THEREFORE, BE IT RESOLVED** That the Troy City Council does hereby congratulate **Troy Youth Assistance** on its **50<sup>th</sup> Anniversary** and recognizes its impact upon thousands and thousands of young people since 1958;

**BE IT FURTHER RESOLVED**, That the City Council joins the citizens of this community in appreciation and celebration of **Troy Youth Assistance's 50th Anniversary**.

Presented this 17<sup>th</sup> day of March 2008.

**Subject:** FW: 03.17.08 - Presentation of Traffic Safety Award

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**From:** Mary F Redden  
**Sent:** Tuesday, March 11, 2008 2:57 PM  
**To:** agenda  
**Subject:** 03.17.08 - Presentation of Traffic Safety Award

Laura,

Please add this as a presentation. Either John Abraham or Steve Vandette will be making the presentation.

*Mary Redden*  
Administrative Assistant  
to the City Manager  
CITY OF TROY  
248) 524-3329



**Subject:** FW: March 17th Mtg.

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**From:** Tonni L Bartholomew  
**Sent:** Tuesday, March 11, 2008 3:00 PM  
**To:** Phillip L. Nelson  
**Cc:** Laura D Campbell; Aileen Bittner; Barbara A Pallotta; Mary F Redden  
**Subject:** March 17th Mtg.

Representative Marty Knollenberg will be at the meeting of the 17<sup>th</sup> and would like to be on the Agenda under Presentations.

Thanks

~T

***Tonni L. Bartholomew, MMC***

***Troy City Clerk***  
***500 W. Big Beaver***  
***Troy, MI 48084***  
***(248) 524-3316***  
***t.bartholomew@troymi.gov***



**From:** on behalf of agenda  
**Subject:** FW: 03.17.08 - Presentation from the Trails Committee

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**From:** Mary F Redden  
**Sent:** Monday, March 10, 2008 11:48 AM  
**To:** agenda  
**Subject:** 03.17.08 - Presentation from the Trails Committee

The Trails Committee will give a 3-minute progress update; no AV or back-up materials are involved.

*Mary Redden*  
Administrative Assistant  
to the City Manager  
CITY OF TROY  
248) 524-3329





## CITY COUNCIL ACTION REPORT

March 4, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services  
Timothy Richnak, Public Works Director

SUBJECT: Public Hearing – Re-programming Community Development Block Grant (CDBG) Program Year 2005 unexpended funds

### Background:

- The Special Assessment Project Account for CDBG program year 2005 has a balance of \$4,703.43.
- Special Assessment costs were less than allocated based upon estimating number of residents able to qualify.
- The Flood Drain Improvements Project Account for CDBG program year 2005 has a balance of \$82,795.00.
- The balance of funds from Program Year 2005 must be expended or relinquished.
- Oakland County has recommended a walking path project in Section 36 Park, located south of Maple just west of Milverton as an eligible project under the CDBG program. This project would not be subject to Davis-Bacon if completed internally.
- Public Facilities and Improvements, Section 36 Park Walking Path Project was initiated after the 2005 CDBG application was submitted, so it was not included on our initial list of projects.

### Financial Considerations:

- Unexpended funds for CDBG Program Year 2005 must be exhausted by December 31, 2008 so the City may be reimbursed by Oakland County through the CDBG Program.

### Legal Considerations:

- There are no legal considerations associated with this item.

Policy Considerations:

- The proposed re-programming is consistent with City Council Goal 1 (Enhance the livability and safety of the residents) and Goal V (Maintain relevance of public infrastructure to meet changing public needs.)

Options:

- City Management recommends:
  - A. Re-programming unexpended CDBG Program Year 2005 funds in the amount of \$87,498.43 to Section 36 Park Improvement Project as follows:
    1. \$82,795.00 re-programmed from Flood Drain Improvements Project.
    2. \$4,703.43 re-programmed from Special Assessment Project Olympia and Tacoma Streets.
  - B. The addition of Public Facilities and Improvements, Section 36 Park Improvement Project to the list of CDBG projects for 2005.



**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm , City Attorney  
Susan M. Lancaster, Assistant City Attorney  
**DATE:** March 11, 2008  
**SUBJECT:** Continuation of Liquor Violations Hearings

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Under Michigan liquor laws, each on-premises liquor license is automatically renewed unless City Council, after a due process hearing, objects to this automatic renewal for a specific licensee. It is for this reason that the liquor violation hearings are scheduled for February of each year, since any objection must be received on or before March 31. This year, there were two licensees that were properly notified of the scheduled February 20, 2008 liquor license violation hearings, but failed to appear. In order to accommodate these licensees prior to taking any adverse action, City Council postponed the hearings to a regular City Council regular meeting, which could not be later than March 17, 2008. City Administration then attempted to contact the licensees or their attorneys to reschedule the matter.

The first licensee is La Shish, which has subsequently closed its business. Since there is a value to an escrowed license, La Shish has 30 days to place this liquor license in escrow before forfeiture. Since it is unlikely that the business will re-open during this 30 day period, and since any transfer of the license would require City Council review and approval, it is our recommendation that no action be taken against this liquor license.

The second licensee is May Department Stores, d/b/a Macy's. We immediately contacted the attorney for Macy's, Ms. Sandra Cotter, who explained that there was some miscommunication between the Macy's clerk and her office, which resulted in mistaking the City Council public hearing notices as duplicate notices of the separate MLCC proceedings. Ms. Cotter has taken action to avoid this confusion in the future.

Ms. Cotter has sent the attached letter to the City Clerk, requesting that the liquor violation hearing be scheduled for the regular Council meeting on March 17<sup>th</sup>. She also indicated in a telephone conversation that both of Macy's 2007 liquor license violations would be admitted, and therefore there was no need for the witnesses, police officers, and decoys to attend the City Council meeting. These liquor violations were both admitted at the MLCC.

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The second violation involved the sale of beer to a male decoy (a minor) at the restaurant at the Oakland Mall, 500 W. Fourteen Mile Road, on December 13, 2007. On February 1, 2008, the MLCC assessed a \$600.00 fine for this violation. The 52-4<sup>th</sup> District Court case against the server of the beer is still pending.

A proposed resolution has been prepared for your consideration.

# LCC Liquor Licensee History

Business name: **LaShish**  
 Address: 3720 Rochester  
 Licensee: LaShish, Inc. (313) 441-2900  
 License type: **Class C (100797-2002)**  
 Permits: Sunday Sales  
 Comments: Contact: Mustafa Dakroub (313) 562-7200

Date	Troy Incident #	Type	Disposition	Date
11/20/00		Council approves license transfer from Jacques Mediterranean		
11/01/00	00-40521	Compliance Test	PASSED	
11/17/00	00-42667	Compliance Test	PASSED	
02/08/01	01-04633	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
05/03/01		Compliance Test	PASSED	
06/06/01	01-19776	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
<b>08/16/01</b>	<b>01-29475</b>	<b>Sale to Minor (Compliance Test)</b>	<b>\$400</b>	<b>10/23/01</b>
10/02/01	01-35422	Compliance Test	PASSED	
10/16/01	01-37330	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
02/26/02	02-06156	Compliance Test	PASSED	
<b>02/27/02</b>	<b>Council</b>	<b>Public Hearings for 2001 Violation(s)-Resolution requiring TIPS/TAM training for all employees who sell alcohol with proof to the PD within 60 days</b>		
<b>04/16/02</b>		<b>Proof Received (Mgr to be trained as trainer then train staff)</b>		
04/30/02	02-13429	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
06/27/02	02-20610	Compliance Test	PASSED	
07/25/02	02-24146	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
09/18/02	02-30865	Liquor Inspection (Road Patrol- Sewell)	NO VIOLATIONS	
10/11/02	02-33530	Compliance Test	PASSED	

11/10/02	02-36722	Liquor Inspection (Road Patrol- Drewek)	NO VIOLATIONS	
01/04/03	03-444	Liquor Inspection (Road Patrol- Drewek)	NO VIOLATIONS	
03/06/03	03-6802	Liquor Inspection (Road Patrol- Drewek)	NO VIOLATIONS	
04/24/03	03-12244	Compliance Test	PASSED	
06/20/03	03-18715	Compliance Test	PASSED	
07/15/03	03-21722	Liquor Inspection (Road Patrol- Barton)	NO VIOLATIONS	
08/03/03	03-23997	Liquor Inspection (Road Patrol- Barton)	NO VIOLATIONS	
09/10/03	03-28266	Liquor Inspection (Road Patrol- Barton)	NO VIOLATIONS	
10/28/03	03-33303	<b>Sale to Minor (compliance test)</b>	<b>\$600 fine</b>	<b>12/23/03</b>
01/17/04	04-1713	Liquor Inspection (Road Patrol- Drewek)	NO VIOLATIONS	
02/18/04	<b>Council</b>	<b>Public Hearings for 2003 Violation(s)-Resolution requiring TIPS/TAM training for all employees who sell alcohol with proof to the PD by 03/30/04; employee contracts re: alcohol sales</b>		
02/21/04	04-05314	Liquor Inspection (Road Patrol-Drewek)	NO VIOLATIONS	
03/12/04	04-07352	Liquor Inspection (Road Patrol-Drewek)	NO VIOLATIONS	
03/23/04	04-08562	Compliance Test	PASSED	
03/29/04		<b>Proof received</b>		
05/20/04	04-14702	Liquor Inspection (Road Patrol- Schehr)	NO VIOLATIONS	
06/30/04	04-19832	Compliance Test	PASSED	
08/01/04	04-23365	Liquor Inspection (Road Patrol- Schehr)	NO VIOLATIONS	
09/11/04	04-28953	Liquor Inspection (Road Patrol- Schehr)	NO VIOLATIONS	
11/08/04	04-35455	Liquor Inspection (Road Patrol-Drewek)	NO VIOLATIONS	
03/04/05	05-07321	Compliance Test	PASSED	
05/10/05	05-15457	Liquor Inspection (Road Patrol-Swift)	NO VIOLATIONS	
05/14/05	05-16013	Liquor Inspection (Road Patrol-Pappas)	NO VIOLATIONS	
09/21/05	05-33520	Liquor Inspection (Road Patrol-Pappas)	NO VIOLATIONS	
12/12/05	05-43713	Liquor Inspection (Road Patrol-Pappas)	NO VIOLATIONS	
05/15/06	06-18192	Liquor Inspection (Road Patrol-Dungjen)	NO VIOLATIONS	
07/13/06	06-26761	Liquor Inspection (Road Patrol-Sinutko)	NO VIOLATIONS	

07/26/06		Compliance Test	PASSED
08/25/06	06-33020	Liquor Inspection (Road Patrol-Sinutko)	NO VIOLATIONS
11/18/06	06-43824	Liquor Inspection (Road Patrol-Sinutko)	NO VIOLATIONS
01/24/07	07-1506	Liquor Inspection (Road Patrol-Sinutko)	NO VIOLATIONS
01/24/07		Compliance Test	PASSED
05/10/07	07-17213	Compliance Test	PASSED
10/18/07	07-39731	Liquor Inspection (Road Patrol-Mouch)	NO VIOLATIONS
10/18/07	07-32121	Compliance Test	PASSED
12/07/07	07-46205	Liquor Inspection (Road Patrol-Mouch)	NO VIOLATIONS
12/13/07 12/26/07	07-45807	<b>Compliance Test - Sale to Minor (DPU) Dist Ct MLCC Hearing</b>	<b>Violation P/G \$250 Fine Pending</b>



Michigan Department of Consumer & Industry Services  
**MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)**  
 7150 Harris Drive - P.O. Box 30005  
 Lansing, Michigan 48909-7505  
 Phone (517) 322-1390 ~ FAX (517) 322-6347

**VIOLATION REPORT**  
 (Authorized by P.A.58 of 1998)

\* This report is not to be faxed or electronically submitted - an original signature is required\*

\* Officers please obtain *License No., Bus. ID* and *File #* directly from the liquor license \*

License No. 100797-2007 SS Business ID 135216 File # \_\_\_\_\_

1. Name of Licensee LaShish, Inc. 2. Doing Business As LaShish

3. Mailing Address (street, city, zip code) 3720 Rochester Road; Troy 48083

4. Township \_\_\_\_\_ 5. County Oakland

6. Type of License(s) & Permit(s) Class C

7. Date of Violation: Thursday 12/13/07 6:35  AM or  PM  
 (DAY) (DATE) (HOUR)

8. Violation Type:  Minor  
 Intoxicated Person  After hours sales/consumption  
 Gambling  Fighting (must be inside licensed premises)  
 Controlled Substances  Failure to Cooperate  
 Prohibited Conduct OTHER: \_\_\_\_\_

if MINOR: Birth date \_\_\_\_\_ Was this a DECOY?  Yes  No If no, you MUST answer below:  
 If above minor violation was NOT a decoy describe enforcement action taken:

**COPY OF APPEARANCE TICKET MUST BE ATTACHED**

9. Submit Report Below or Indicate Attached Report # 07-45807

\* REMINDER, PLEASE MAIL THIS REPORT TO THE ADDRESS ABOVE.\*

Officer Signature [Signature] Name and Title (print) Officer Matthew Redmond

Officer Signature [Signature] Name and Title (print) Officer Daniel Galich

Department Name Troy Police Department Phone # 248-524-3431

WITNESSES

1. Name \_\_\_\_\_ Address 500 W Big Beaver Rd; Troy MI 48084

Will testify to: Purchase - glass of Merlot wine

2. Name Shayla Gries Address 45860 Spring Ln; Shelby Twp MI 48317

Will testify to: Sold alcohol to minor

3. Name Abbas Fakh Address 10628 W Warren; Dearborn MI 48126

Will testify to: Manager

4. Name \_\_\_\_\_ Address \_\_\_\_\_

Will testify to:

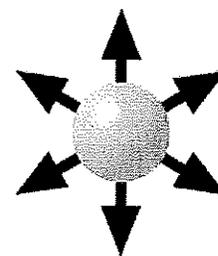
5. Name \_\_\_\_\_ Address \_\_\_\_\_

Will testify to:

EVIDENCE

Location Held (Explain): Business - glass of Merlot wine  
Sales receipt

# Case #0700011840



Status: OPEN

Face Sheet Printed: 12/14/2007 9:10:14 AM  
Case Open Date: 12/13/2007  
Case Close Date: N/A  
Case Subject: C3309 - Liquor Inspection  
Agency: TR - Troy PD

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CR No: 0700011840.1 Status: S - Submitted

### Involved Entities

Entity Type	Entity Name	Offense
Arrestee	Gries, Shayla Michelle	Liquor Violation - Sell
Property		

Property Type	Property Description	Property Status
Receipt 5488	sales receipt	Evidence (Including Other Seized Property And Tools)

### Call for Service Information

CFS Number: <b>070045807</b>	Disposition: <b>No Report</b>
CFS Date: <b>12/5/2007</b>	Reported Offense: <b>C3309 - Liquor Inspection</b>
Time Received: <b>5:11:50 PM</b>	Verified Offense: <b>C3309 - Liquor Inspection</b>
Time Arrived:	Officers: <b>00048 - Redmond, Matthew</b>
Location: <b>3720 ROCHESTER RD</b>	
City: <b>Troy</b>	

### Assignment History

---

Officer: **00048 - Redmond, Matthew**  
Date Assigned: **12/13/2007 9:29:59 PM**  
Date Unassigned: **N/A**

# Troy PD Arrest Report

Case No. 0700011840  
Report No. 0700011840.1  
Report Date: 12/13/2007

Troy PD  
500 W Big Beaver  
Troy, MI 48084  
248 524-3477

1

unSubject: **Liquor Violation**

Case Report Status **I - In Process** Entered On **12/13/2007 9:30:39 PM** Reporting Officer  
 Agency County **63 - Oakland** Entered By **00048 - Redmond, Matthew** **00048 - Redmond, Matthew**

Agency City/Township **84 - Troy** Verified On  
 Verified By  
 Occurred On **12/13/2007 6:35:00 PM** Approved On  
 Approved By  
 Or Between  
 Business Name  
 Location **3720 ROCHESTER RD** Related Cases  
 Disposition **Arrest**  
 CSZ **Troy, MI 48083** Excp. Clear Reason  
 Excp. Clear Date  
 Census/Geo Code  
 Reporting Agency **Troy PD**  
 Report Type **Arrest Report**  
 Grid  
 Division **Patrol**  
 Sector  
 Notified  
 Map  
 Call Source **Telephone** Related Cases  
 Vehicle Activity  
 Dir. Veh. Traveling  
 Cross Street  
 Means  
 Motive

Assisted By **00019 - Galich, Daniel**  
 Agency Assisted  
 Call for Service # **070045807**

Report Narrative **07-45807**

Ofc Galich and I (Ofc M. Redmond) and Student Enforcement Aide \_\_\_\_\_ went to La Shish located at 3720 Rochester to conduct an L.C.C. inspedtion. \_\_\_\_\_ had no identification with her as it was held at the Troy Police Department. She entered the business and was seated at a table. then ordered a glass of merlot wine. The waitress, later identified as Shayla Gries, did not ask for any form of identification or a date of birth and then served a glass of wine to \_\_\_\_\_ who paid for it with a \$20 bill. \_\_\_\_\_ notified Ofc Galich and I who entered the restaurant and spoke to the Manager - Abbas Fakh. Gries was cited for fail to inquire as to age (citation # 710289). Gries acknowledged selling to Student Enforcement Aide \_\_\_\_\_ and further advised officers she thought she knew from a previous meeting and thought she had saw her identification before and believed she was over 21 years old. I gathered the the necessary information from the restaurant's liquor license and completed the Violation Report and advised Fakh what would be required of him.

The sales receipt was tagged and placed into evidence (tag #143678).

No further action taken.

## Offense Detail: 4102 - Liquor Violation - Sell

Offense Description	<b>4102 - Liquor Violation - Sell</b>	Location Type	<b>21 - Restaurant</b>	No. Prem. Entered	
IBR Code	<b>90G - Liquor Law Violations</b>	Offense Completed?	<b>Yes</b>	Entry Method	
IBR Group	<b>B</b>	Hate/Bias	<b>00 - None (No Bias)</b>	Type Security	
Crime Against	<b>SO</b>	Domestic Violence	<b>No</b>	Tools Used	
Offense File Class	<b>41002 - LIQUOR VIOLATIONS -OTHER</b>				
PACC					
Local Code					
Using					
Criminal Activity					

# Troy PD Arrest Report

Case No. 0700011840  
 Report No. 0700011840.1  
 Report Date: 12/13/2007

Troy PD  
 500 W Big Beaver  
 Troy, MI 48084  
 248 524-3477

**2**

Force Level  
 Weapons

## Arrestee A1: Gries, Shayla Michelle

Arrestee Number	<b>A1</b>	DOB		Place of Birth	
Name	<b>Gries, Shayla Michelle</b>	Age	<b>27</b>	SSN	
Aliases		Sex	<b>F - Female</b>	DLN	
Alert(s)		Race	<b>W - White</b>	DL State	
		Ethnicity	<b>U - Unknown</b>	DL Country	
Address	<b>45860 Spring Lane Apt 108</b>	Ht.		Occupation/Grade	
CSZ	<b>Shelby Township, MI 48317</b>	Wt.		Employer/School	
MO		Eye Color		Employer Address	
Attire		Hair Color		Employer CSZ	
Habitual Offender Status		Hair Style		Res. County	
		Hair Length		Res. Country	
		Facial Hair		Resident Status	<b>S - Resides in the State but not the county or community where the offense occurred</b>
		Complexion			
		Build			
		Teeth			

Phone/Email  
 Type Description

Supplemental IDs  
 ID Type ID Number ID Issuer Name

Physical Characteristics  
 Type Descriptor Description

Arrest No.	<b>720289</b>	Arrested For	<b>4102 - Liquor Violation - Sell</b>
Arrest Type	<b>S - Summoned/Cited</b>	Count	
FBI No.		Fingerprints	
Criminal Tracking Number CTN		Photos	
Transaction Control Number TCN		Miranda Read	
Person Control Number PCN		Miranda Waived	
State No.		Number of Warrants	
Armed With	<b>01 - Unarmed</b>	Juvenile Disposition	
Multi. Clearance	<b>N - Not Applicable</b>	Adult Present	
Multi. Clearance Offense		Detention Name	
Prev. Suspect No.		Arrest Location	
Notified Name			
Arrest Notes			

Booked On  
 Booked Location  
 Released Location  
 Released On  
 Released By  
 Release Reason  
 Held For  
 Date/Time Arrested **12/13/2007 6:35:00 PM**

# Troy PD Arrest Report

Case No. 0700011840  
Report No. 0700011840.1  
Report Date: 12/13/2007

Troy PD  
500 W Big Beaver  
Troy, MI 48084  
248 524-3477

3

Page 3 of 4

## Witness W1:

Witness Code

Name

Aliases

Alert(s)

Address **500 W BIG BEAVER RD**

CSZ **Troy, MI 48084**

Attire

Ht.

Wt.

Eye Color

Hair Color

Facial Hair

Complexion

Place of Birth

SSN

DLN

DL State

DL Country

Occupation/Grade

Employer/School

Employer Address

Employer CSZ

Res. County

Res. Country

Resident Status

Testify

Phone/Email

Type

Description

Supplemental IDs

ID Type

ID Number

ID Issuer

Name

Witness Notes

## Property Description Item 1: 1812 - Receipt 5488 - sales receipt

Item No. **1**

Property Category **1812 - Receipt 5488**

Property Class **88**

IBR Type **77 - Other**

UCR Type **K - Miscellaneous**

Status **E - Evidence (Including Other Seized Property And Tools)**

Count **1**

Value **1**

Manufacturer **La Shish**

Model

Serial No.

License No.

Color

Description **sales receipt**

Vehicle Year

Body Style

State

License Year

Recovered Date/Time

Owner

Disposition **depository**

Evidence Tag **143678**

Alert(s)

Evidence Recovered By

Evidence Recovered From

Evidence Location

# Troy PD Arrest Report

Case No. 0700011840  
Report No. 0700011840.1  
Report Date: 12/13/2007

Troy PD  
500 W Big Beaver  
Troy, MI 48084  
248 524-3477

**4**

Page 4 of 4

Drug Type  
Drug Quantity  
Drug Measure

Property Notes

# NARRATIVE REPORT WITNESS STATEMENT

01	DATE 11/01/07	DAY THU	SHIFT 02	PLAT 9A	BADGE 1 49	BADGE 2	INCIDENT STATUS <input type="checkbox"/> CLR ARREST <input type="checkbox"/> UNF <input type="checkbox"/> CLR EXCEPT <input type="checkbox"/> INACT	PRIM CLASS	YEAR 07	INCIDENT # 4987
----	------------------	------------	-------------	------------	---------------	---------	---	------------	------------	--------------------

02  
03  
04

05 E-mail Address: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

06 At 6:30pm I entered La Shish and ordered Merlot  
07 wine. The waitress brought the wine, and ~~asked for ID~~  
08 did not ask for identification or date of birth. I then  
09 contacted officer Galich and officer Redmond. The  
10 waitress was a white female in her twenties with  
11 sandy blond hair.

12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

27 \_\_\_\_\_ X: \_\_\_\_\_  
28 Taken By: M. A. 49

29 Place: 500 W. Big Beaver Date: 11-13-07 Time: 2100

INVESTIGATING OFFICER(S) <u>Redmond / Galich</u>	REVIEWED BY	ASSIGNED TO / BADGE	ATTENTION TO
---	-------------	---------------------	--------------



State of Michigan Uniform Law Citation

Ticket No. 720289  Victim Involved

US DOT # Incident No. 57-45807 Dept. No.

The People of:  the State of Michigan  Township  City  Village  County

Local Use/Arrest No. Detection Device

OF: TROY BAC 1 of 1

Name (First, Middle, Last) SHAYLA MICHELLE GRIES

Street 45860 SPRING LAKE APT 108

City State Zip Code SHELBY TWP MI 48317

Vehicle Plate No. Year State Vehicle Description (Year, Make, Color) Veh. Type

THE PERSON NAMED ABOVE, in violation of  Local Ordinance  State Law  Administrative Rule

UPON 3720 ROCKSTON

AT OR NEAR

WITHIN  CITY  VILLAGE  TOWNSHIP OF TROY

COUNTY OF OAKLAND DID THE FOLLOWING

Type	MCL Cite/PACC Code/Ordinance	Description (include any bond amount collected on each charge)	Charge No.
<input checked="" type="checkbox"/> Misd	98.10.11	FAIL TO INQUIRE AS TO AGE	1
<input type="checkbox"/> C/I			2
<input type="checkbox"/> Misd			3

TO THE COURT: Do not arraign on a felony charge until an authorized complaint is filed.

Offense Code(s) 1 2 3

Key for Type: C/I = Civil Infraction Misd = Misdemeanor Fel = Felony Warn = Warning Fug = Fugitive  
 Waiv = Violation for Which Fines/Costs May be Waived Authorization pend. = Authorization pending

Remarks:

CHECK IF APPROPRIATE  Damage to Property  Local Court Bond \$

Vehicle Impounded  Injury  License Posted in Lieu of Bond

Traffic Crash  Death  Appearance Certificate

Person in Active Military Service  Yes  No  None

SEE DATE BELOW. SEE BACK OF CITATION FOR EXPLANATION AND INSTRUCTIONS

Appearance Date on or before 12/26/07 0830 AM

Hearing Date (if applicable) on  Contact Court

Juvenile Traffic Misd. (Court will Notify)  Formal Hearing Required. (Court will Notify)

In the 52-4 DISTRICT Court of OAKLAND COUNTY

Court Address & Phone Number 520 W. BIG BEAVER RD. TROY, MI 48084 PHONE (248) 528-0400

I served a copy of the civil infraction complaint upon the defendant (or owner/occupant by posting if applicable).

I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.

Complainant's Signature and receipt if applicable *Paul D. Gault* Month 12 Day 13 Year 07

Officer's Name (printed) GALT / RODMOND Officer's ID No. 19/98

Agency ORI MI-6378400 Agency Name TROY POLICE DEPARTMENT

UC-01a (rev. 6/05) COURT COPY 1

Ticket 720289

Name

Case No.



**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm , City Attorney  
Susan M. Lancaster, Assistant City Attorney  
**DATE:** March 11, 2008  
**SUBJECT:** Continuation of Liquor Violations Hearings

---

Under Michigan liquor laws, each on-premises liquor license is automatically renewed unless City Council, after a due process hearing, objects to this automatic renewal for a specific licensee. It is for this reason that the liquor violation hearings are scheduled for February of each year, since any objection must be received on or before March 31. This year, there were two licensees that were properly notified of the scheduled February 20, 2008 liquor license violation hearings, but failed to appear. In order to accommodate these licensees prior to taking any adverse action, City Council postponed the hearings to a regular City Council regular meeting, which could not be later than March 17, 2008. City Administration then attempted to contact the licensees or their attorneys to reschedule the matter.

The first licensee is La Shish, which has subsequently closed its business. Since there is a value to an escrowed license, La Shish has 30 days to place this liquor license in escrow before forfeiture. Since it is unlikely that the business will re-open during this 30 day period, and since any transfer of the license would require City Council review and approval, it is our recommendation that no action be taken against this liquor license.

The second licensee is May Department Stores, d/b/a Macy's. We immediately contacted the attorney for Macy's, Ms. Sandra Cotter, who explained that there was some miscommunication between the Macy's clerk and her office, which resulted in mistaking the City Council public hearing notices as duplicate notices of the separate MLCC proceedings. Ms. Cotter has taken action to avoid this confusion in the future.

Ms. Cotter has sent the attached letter to the City Clerk, requesting that the liquor violation hearing be scheduled for the regular Council meeting on March 17<sup>th</sup>. She also indicated in a telephone conversation that both of Macy's 2007 liquor license violations would be admitted, and therefore there was no need for the witnesses, police officers, and decoys to attend the City Council meeting. These liquor violations were both admitted at the MLCC.

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A proposed resolution has been prepared for your consideration.



Dykema Gossett PLLC  
Capitol View  
201 Townsend Street, Suite 900  
Lansing, MI 48933

WWW.DYKEMA.COM

Tel: (517) 374-9100

Fax: (517) 374-9191

**Sandra M. Cotter**

Direct Dial: (517) 374-9129

Email: SCOTTER@DYKEMA.COM

March 3, 2008

Via Email to [lancastesm@troy.mi.gov](mailto:lancastesm@troy.mi.gov)  
Facsimile to 248-524-3259  
and USPS

Tonni L. Bartholomew, Clerk  
City of Troy  
500 West Big Beaver Road  
Troy, MI 48084

Re: The May Department Stores d/b/a Macy's

Dear Ms. Bartholomew:

On behalf of our client, the May Department Stores Company, d/b/a Macy's ("Macy's"), we submit this letter to respectfully request that certain liquor license violation matters affecting Macy's be considered by the Troy City Council at its March 17, 2008 meeting.

Sue Lancaster brought to our attention this afternoon that Macy's failed to appear at the Council's February 20, 2008 meeting. We did not receive notice of the hearing and were not aware that Macy's was on the agenda. We are sorry for any inconvenience this has caused the Council and the City of Troy. It was certainly not intentional.

We appreciate being able to appear before the Council at the March 17, 2008 meeting. I will be there on behalf of Macy's together with a member of management.

Thank you for your consideration.

Sincerely,

DYKEMA GOSSETT PLLC

Sandra M. Cotter

cc: Robert Cantlon (via e-mail)  
Stacy Nolan  
Leah Kelly

California | Illinois | Michigan | Texas | Washington D.C.

# LCC Liquor Licensee History

Business name: **Macy's**  
 Address: 2750 W. Big Beaver (248) 816-4064  
 Licensee: **May Department Stores**  
 License type: SDM 133308-2007  
 Permits: Sunday Sales, Dir Conn-1  
 Comments: Somerset Collection North

Date	Troy Incident #	Type	Disposition	Date
07/22/96		Council Recommends License.		
<b>6/18/97</b>	<b>97-22043</b>	<b>Sale to Minor (compliance test)</b>	<b>\$850.00</b>	<b>5-8-98</b>
02/22/99	99-07207	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
06/03/99	99-20649	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
06/23/99	99-23657	Compliance Test	PASSED	
11/23/99	none	Compliance Test	PASSED	
07/25/00	none	Compliance Test	PASSED	
10/16/00		Council approves transfer of 12 Months Resort C from Fairlane Town Center		
10/25/00	00-39546	Compliance Test	PASSED	
11/17/00	00-42650	Compliance Test	PASSED	
11/27/00	00-43902	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
01/23/01	01-02694	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
03/27/01	01-10450	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
05/03/01		Compliance Test	PASSED	
06/12/01	01-20628	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
08/17/01	01-29637	Compliance Test	PASSED	
09/15/01	01-31759	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
10/05/01	01-36164	Compliance Test	PASSED	
10/16/01	01-37318	Liquor Inspection (Road Patrol)	NO VIOLATIONS	

12/18/01	01-45144	Liquor Inspection (Road Patrol)	NO VIOLATIONS
02/27/02	02-06240	Liquor Inspection (Road Patrol)	NO VIOLATIONS
03/01/02	02-06518	Compliance Test	PASSED
04/22/02	02-12426	Liquor Inspection (Road Patrol)	NO VIOLATIONS
04/30/02	02-13423	Liquor Inspection (Road Patrol)	NO VIOLATIONS
06/11/02	02-18399	Liquor Inspection (Road Patrol)	NO VIOLATIONS
06/28/02	02-20749	Compliance Test	PASSED
10/18/02	02-34351	Compliance Test	PASSED
11/20/02	02-37772	Liquor Inspection (Road Patrol-Sewell)	NO VIOLATIONS
01/20/03	03-2068	Liquor Inspection (Road Patrol-Sewell)	NO VIOLATIONS
03/06/03	03-6806	Liquor Inspection (Road Patrol-Sewell)	NO VIOLATIONS
04/25/03	03-12385	Compliance Test	PASSED
06/26/03	03-19499	Compliance Test	PASSED
08/08/03	03-24587	Liquor Inspection (Road Patrol-Zagacki/Isham)	NO VIOLATIONS
08/23/03	03-26393	Liquor Inspection (Road Patrol- Isham)	NO VIOLATIONS
09/11/03	03-28381	Liquor Inspection (Road Patrol- Isham)	NO VIOLATIONS
10/28/03	03-33323	Compliance Test	PASSED
01/19/04	04-01881	Liquor Inspection (Road Patrol-Zagacki/Schehr)	NO VIOLATIONS
02/28/04	04-06002	Liquor Inspection (Road Patrol-Zagacki)	NO VIOLATIONS
03/08/04	04-06884	Liquor Inspection (Road Patrol-Zagacki/Schehr)	NO VIOLATIONS
03/23/04	04-08547	Compliance Test	PASSED
05/24/04	04-15146	Liquor Inspection (Road Patrol- Warzecha)	NO VIOLATIONS
06/30/04	04-19535	Compliance Test	PASSED
07/12/04	04-20980	Liquor Inspection (Road Patrol- Warzecha)	NO VIOLATIONS
09/17/04	MLCC	Class C license placed into escrow	
09/24/04	04-30263	Liquor Inspection (Road Patrol- Warzecha)	NOT OPERATING
10/27/04	MLCC	<b>SDM license placed into escrow</b>	

License transferred to May Stores

12/12/04	04-39468	Liquor Inspection (Road Patrol- Schehr)	NO VIOLATIONS
01/28/05	05-03224	Liquor Inspection (Road Patrol- Schehr)	NO VIOLATIONS
03/04/05	05-07343	Compliance Test	PASSED
03/24/05	05-09622	Liquor Inspection (Road Patrol- Schehr)	NO VIOLATIONS
05/14/05	05-16008	Liquor Inspection (Road Patrol-Langbeen)	NO VIOLATIONS
09/12/05	05-32331	Liquor Inspection (Road Patrol-Langbeen)	NO VIOLATIONS
11/17/05	05-40615	Liquor Inspection (Road Patrol-Allan/McLaughlin)	NO VIOLATIONS
09/19/06	06-36319	Liquor Inspection (Road Patrol-Zagacki)	NO VIOLATIONS
01/10/07	07-1170	Liquor Inspection (Road Patrol-Zagacki)	NO VIOLATIONS
1/24/07		Compliance Test	PASSED
01/30/07	07-3679	Liquor Inspection (Road Patrol-Zagacki)	NO VIOLATIONS
<b>05/10/07</b> <b>07/09/07:</b> <b>06/29/07</b>	<b>07-17203</b>	<b>Sale to Minor (Compliance Test) SDM</b> <b>Dist Ct</b> <b>MLCC Hearing,</b>	<b>Violation</b> <b>P/G \$275 Fine</b> <b>\$500 Fine</b>
10/18/07	07-32158	Compliance Test	PASSED
12/06/07	07-45839	Compliance Test	PASSED
12/27/07	07-48677	Liquor Inspection (Road Patrol-Clark)	PASSED



Michigan Department of Consumer & Industry Services  
**MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)**  
 7150 Harris Drive - P.O. Box 30005  
 Lansing, Michigan 48909-7505  
 Phone (517) 322-1390 ~ FAX (517) 322-6347

**VIOLATION REPORT**  
 (Authorized by P.A.58 of 1998)

\* This report is not to be faxed or electronically submitted - an original signature is required\*

\* Officers please obtain License No., Bus. ID and File # directly from the liquor license \*

License No. SDM 133308-2007 Business ID 156005 File # \_\_\_\_\_

1. Name of Licensee MACY'S - MAY DEPT STORE 2. Doing Business As MARKETPLACE

3. Mailing Address (street, city, zip code) 2752 West Big Beaver Road; Troy, Michigan 48084

4. Township \_\_\_\_\_ 5. County Oakland

6. Type of License(s) & Permit(s) SDM

7. Date of Violation: Thursday 05/10/07 6:45  AM or  PM  
 (DAY) (DATE) (HOUR)

8. Violation Type:  Minor  
 Intoxicated Person  After hours sales/consumption  
 Gambling  Fighting (must be inside licensed premises)  
 Controlled Substances  Failure to Cooperate  
 Prohibited Conduct OTHER: \_\_\_\_\_

if MINOR: Birth date \_\_\_\_\_ Was this a DECOY ?  Yes  No If no, you MUST answer below:  
 If above minor violation was NOT a decoy describe enforcement action taken:

**COPY OF APPEARANCE TICKET MUST BE ATTACHED**

9. Submit Report Below or Indicate Attached Report # 07-17203

\* REMINDER, PLEASE MAIL THIS REPORT TO THE ADDRESS ABOVE.\*

Officer Signature [Signature] # 073 Name and Title (print) Michael Giorgi, Police Officer

Officer Signature [Signature] # 80 Name and Title (print) Timothy Daniels, Police Officer

Department Name Troy Police Department Phone # 248-524-3431

WITNESSES

1. Name \_\_\_\_\_ Address 500 W Big Beaver Road; Troy 48084

Will testify to: Decoy

2. Name Officer Michael Giorgi Address 500 W Big Beaver Road; Troy 48084

Will testify to: Witness to sale of alcohol

3. Name Officer Timothy Daniels Address 500 W Big Beaver Road; Troy 48084

Will testify to: Witness to sale of alcohol

4. Name \_\_\_\_\_ Address \_\_\_\_\_

Will testify to:

5. Name \_\_\_\_\_ Address \_\_\_\_\_

Will testify to:

EVIDENCE

Location Held (Explain):

# Troy PD Crime Report

Case No. 0700004209  
Report No. 0700004209.1  
Report Date: 5/10/2007

Troy PD  
500 W Big Beaver  
Troy, MI 48084  
248 524-3477

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Page 1 of 4

Subject: 4102 - Liquor Violation - Sell

Case Report Status	<b>I - In Process</b>	Entered On	<b>5/10/2007 11:33:05 PM</b>	Reporting Officer	
County	<b>63 - Oakland</b>	Entered By	<b>00073 - Giorgi, Michael</b>	Reporting Officer	<b>00073 - Giorgi, Michael</b>
City/Township	<b>84 - Troy</b>	Verified On		Assisted By	
Occurred On	<b>5/10/2007 6:45:00 PM</b>	Verified By		Assisted By	<b>00080 - Daniels, Timothy</b>
Or Between		Approved On		Agency Assisted	
Location	<b>2752 W Big Beaver Rd</b>	Approved By			
CSZ	<b>TROY, MI 48083</b>	Related Cases			
Census/Geo Code		Disposition	<b>Citation</b>		
Jurisdiction		Excp. Clear Reason			
Grid		Excp. Clear Date			
Sector		Reporting Agency	<b>Troy PD</b>		
Map	<b>0 - N/A</b>	Division	<b>Patrol</b>		
Call Source	<b>Telephone</b>	Notified			
Vehicle Activity					
Dir. Veh. Traveling					
Cross Street					
Means					
Motive					
Report Narrative	<b>07-17203</b>				

At approximately 1640 on 05-10-07, Ofc. Daniels and I (Ofc. Giorgi) accompanied Student Enforcement Aide \_\_\_\_\_ to the 3rd floor of Macy's at 2752 W. Big Beaver Rd. Student Enforcement Aide \_\_\_\_\_ went to the wine display next to the restaurant. She selected a bottle of Chardonnay and went to the cash register at the wine display. Macy's employee Humphrey was at the cash register wrapping a gift basket. \_\_\_\_\_ presented the bottle of wine to him. Humphrey did not ask \_\_\_\_\_ for her identification. He instead asked her what her date of birth was. \_\_\_\_\_ replied, "09-01-85". At 1845, Humphrey entered the birth date into the cash register and rang up the wine. \_\_\_\_\_ gave Humphrey a \$20 bill. Humphrey placed the wine in a Macy's bag and gave \_\_\_\_\_ change. \_\_\_\_\_ left with the wine and then turned it over to me.

Ofc. Daniels and I then made contact with Humphrey. I identified myself and advised him that he had just sold wine to a minor. I asked him if he checked her identification. He advised that she looked young and he should have. He told me that he was busy wrapping a gift basket and that he just asked her for her date of birth. \_\_\_\_\_ had advised me that Humphrey did not give her a receipt. Humphrey located the receipt for this transaction at the cash register where the transaction occurred. He turned it over to me and I took possession of it as evidence.

Ofc. Daniels and I made contact with Manager Baez and notified her of the incident. Sgt. Cantlon and Sgt. Schaufler came to our location to assist with this incident. I wrote Humphrey citation 710329 for Selling Alcohol to a Minor. Sgt. Schaufler completed a LCC Violation Report. Macy's employee Humphrey completed a written statement (see attached). Student Enforcement Aide \_\_\_\_\_ also completed a written statement. Ofc. Daniels entered the wine a receipt into evidence.

## Offense Detail: 4102 - Liquor Violation - Sell

Offense Description	<b>4102 - Liquor Violation - Sell</b>	Location Type	<b>08 - Department/Discount Store</b>
IBR Code	<b>90G - Liquor Law Violations</b>	Offense Completed?	<b>Yes</b>
IBR Group	<b>B</b>	Hate/Bias	<b>00 - None (No Bias)</b>
Crime Against	<b>SO</b>	Domestic Violence	<b>No</b>
Offense File Class	<b>41002 - LIQUOR VIOLATIONS -OTHER</b>	No. Prem. Entered	
		Entry Method	
		Type Security	

# Troy PD Crime Report

Case No. 0700004209  
Report No. 0700004209.1  
Report Date: 5/10/2007

Troy PD  
500 W Big Beaver  
Troy, MI 48084  
248 524-3477

# 2

Page 2 of 4

PACC  
Local Code  
  
Using  
Criminal Activity  
Force Level

Tools Used

## Suspect S1: Humphrey, Jason Matthew

Suspect Number **S1**  
Name **Humphrey, Jason Matthew**  
Aliases  
Alert(s)  
Address **14252 Tuscola Rd. Clio, MI 48420**  
CSZ  
Home Phone  
Work Phone  
Email Address  
Scars/Marks/Tattoos  
  
MO  
Attire  
Habitual Offender Status  
Suspect Notes

DOB  
Age **30**  
Sex **M - Male**  
Race **W - White**  
Ethnicity **U - Unknown**  
Ht.  
Wt.  
Eye Color  
Hair Color  
Hair Style  
Hair Length  
Facial Hair  
  
Complexion  
Build  
Teeth

Place of Birth  
SSN  
DLN  
DL State  
DL Country  
Occupation/Grade  
Employer/School  
Employer Address  
Employer CSZ  
Res. County  
Res. Country  
Resident Status

**Macy's**

**S - Resides in the State but not the county or community where the offense occurred**

## Witness W1:

Witness Code  
Name  
Aliases  
Alert(s)  
Address **520 W. big Beaver Rd. Troy, MI 48084**  
CSZ  
Home Phone **586 354-0821**  
Work Phone  
Email Address  
Attire  
Witness Notes **Student Enforcement Aide**

Place of Birth  
SSN  
DLN  
DL State  
DL Country  
Occupation/Grade  
Employer/School  
Employer Address  
Employer CSZ  
Res. County  
Res. Country  
Resident Status  
Testify

# Troy PD Crime Report

Case No. 0700004209  
Report No. 0700004209.1  
Report Date: 5/10/2007

Troy PD  
500 W Big Beaver  
Troy, MI 48084  
248 524-3477

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Page 3 of 4

## Witness W2: Baez, Jerry Lee

Witness Code	<b>W2</b>	DOB		Place of Birth	
Name	<b>Baez, Jerry Lee</b>	Age		SSN	
Aliases		Sex	<b>F - Female</b>	DLN	
Alert(s)		Race	<b>W - White</b>	DL State	
		Ethnicity	<b>U - Unknown</b>	DL Country	
Address	<b>9335 Fenton Redford, MI 48237</b>	Ht.		Occupation/Grade	
CSZ		Wt.		Employer/School	
Home Phon		Eye Color		Employer Address	
Work Phone	<b>248 816-4000</b>	Hair Color		Employer CSZ	
Email Address		Facial Hair		Res. County	
Attire		Complexion		Res. Country	
				Resident Status	
				Testify	
Witness Notes	<b>Restaurant Manager</b>				

## Property Description Item 1: 1299 - Other Alcohol Product 5402 - wine

Item No.	<b>1</b>
Property Category	<b>1299 - Other Alcohol Product 5402</b>
Property Class	<b>02</b>
IBR Type	<b>02 - Alcohol</b>
UCR Type	<b>I - Consumable Goods</b>
Status	<b>E - Evidence (Including Other Seized Property And Tools)</b>
Count	<b>1</b>
Value	<b>9.08</b>
Manufacturer	
Model	
Serial No.	
License No.	
Color	
Description	<b>wine</b>
Vehicle Year	
Body Style	
State	
License Year	
Recovered Date/Time	
Owner	
Disposition	
Evidence Tag	
Alert(s)	
Evidence Recovered By	
Evidence Recovered From	
Evidence Location	
Drug Type	
Drug Quantity	
Drug Measure	

Property Notes | one bottle of Reserva Estate grown Chardonnay 2005 Santa Rita (evidence tag 140909)

# Troy PD Crime Report

Case No. 0700004209  
Report No. 0700004209.1  
Report Date: 5/10/2007

Troy PD  
500 W Big Beaver  
Troy, MI 48084  
248 524-3477

**4**

Page 4 of 4

TROY POLICE DEPT.

500. Big Beaver, Troy, MI 48084

ORI # MI6378400

NARRATIVE REPORT  
WITNESS STATEMENT

SUPP

CORR

DELETE

PAGE 1 OF 1

01	DATE 05/10/07	DAY THU	SHIFT 02	PLAT 99	BADGE 1 80	BADGE 2 73	INCIDENT STATUS <input type="checkbox"/> CLR ARREST <input type="checkbox"/> CLR EXCEPT	<input type="checkbox"/> UNF <input type="checkbox"/> INACT	PRIM CLASS	YEAR 07	INCIDENT # 17203
----	------------------	------------	-------------	------------	---------------	---------------	---	--	------------	------------	---------------------

02 Name: \_\_\_\_\_

03 Address: 120 W. Big Beaver Business Phone: \_\_\_\_\_

04 City: Troy State: MI Zip: 48084

05 E-mail Address: \_\_\_\_\_ Cell Phone: \_\_\_\_\_

06 On Thursday, May 10, 2007 I

07 went to a wine stand

08 located in Macy's by the restaurant 3<sup>rd</sup> floor

09 I grabbed a bottle of Chardonnay and

10 proceeded to the check out and the

11 clerk asked me my date of birth. I

12 then told him it was 9-1-85. He told

13 me the total was 9.08 and he

14 cashed me out and I then met up

15 with officer Daniels and officer ~~Giorgi~~ Giorgi

16 The cashier was a white male, with

17 a heavy build, black hair and black

18 beard. The clerk never asked me for

19 my Id.

20 \_\_\_\_\_

21 \_\_\_\_\_

22 \_\_\_\_\_

23 \_\_\_\_\_

24 \_\_\_\_\_

25 \_\_\_\_\_

26 \_\_\_\_\_

27 \_\_\_\_\_ X: \_\_\_\_\_

28 Taken By: Sgt. J. Schaefer

29 Place: STATION Date: 05-10-07 Time: 2300

INVESTIGATING OFFICER(S)	REVIEWED BY	ASSIGNED TO / BADGE	ATTENTION TO
--------------------------	-------------	---------------------	--------------

NARRATIVE REPORT  
WITNESS STATEMENT

SUPP  CORR  DELETE

PAGE 1 OF 1

01	DATE 05/11/07	DAY Thu	SHIFT 0200	PLAT 07	BADGE 1 07	BADGE 2	INCIDENT STATUS <input type="checkbox"/> CLR ARREST <input type="checkbox"/> UNF <input type="checkbox"/> CLR EXCEPT <input type="checkbox"/> INACT	PRIM CLASS	YEAR 07	INCIDENT # 17203
----	------------------	------------	---------------	------------	---------------	---------	---	------------	------------	---------------------

02 Name: Jason Humphrey (PLEASE PRINT) DOB: \_\_\_\_\_

03 Address: 11252 Tuscola Rd. Business Phone: 248-814-4000

04 City: Clio

05 E-mail Address: \_\_\_\_\_

06 A lady ask to buy wine. I asked for her birthday and  
07 inputted that date and completed the sale.

08

09

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27

28 Taken By: [Signature] #07

29 Place: 2752 W Big Beaver Date: 05/10/07 Time: 1470

INVESTIGATING OFFICER(S) <u>L. T. G. E.</u>	REVIEWED BY	ASSIGNED TO / BADGE	ATTENTION TO
--	-------------	---------------------	--------------

MACY'S  
2750 WEST BIG BEAVER RD.  
TROY, MI 48064



30006471300001

001-149-2255 6:45 PM 5/10/2007  
115536 149

PURCHASE			
WINE	780/6		8.57
089419007190			
Oris	12.25		
5.000% MI RGLR Tax			0.51
<b>Total</b>			<b>9.08</b>
Cash		20.00	
Change		10.92	



0011492255

ASK ABOUT OUR \$20 PEARL NECKLACE PWP

PLEASE RETAIN RECEIPT FOR RETURNS  
OR EXCHANGES.

Outstanding Service is our goal.  
Please tell Macys how our service  
was today at [www.macys.com/tellus](http://www.macys.com/tellus)

Associate\_ - - - - -

CUSTOMER COPY

State of Michigan Uniform Law Citation

Ticket No. **710329**  Victim Involved

US DOT # \_\_\_\_\_ Incident No. **07-17203** Dept. No. **RY**

The People of:  the State of Michigan Local Use/Arrest No. \_\_\_\_\_ Detection Device \_\_\_\_\_

Township  City  Village  County BAC  **1**

Name (First, Middle, Last) **Jason Matthew Humphrey**

Street **14252 Tuscola Rd.**

City **Clio** State **MI** Zip Code **48726**

Vehicle Plate No. \_\_\_\_\_ Year \_\_\_\_\_ State \_\_\_\_\_ Vehicle Description (Year, Make, Color) \_\_\_\_\_ Veh. Type \_\_\_\_\_

THE PERSON NAMED ABOVE, in violation of  Local Ordinance  State Law  Administrative Rule

UPON **AT OR NEAR 2752 W 13 BEAVER RD**

WITHIN  CITY  VILLAGE  TOWNSHIP OF **TROY**

COUNTY OF **OAKLAND** DID THE FOLLOWING

Type	MCL Cite/PACC Code/ Ordinance	Description (include any bond amount collected on each charge)	Charge No.
<input checked="" type="checkbox"/> C/I <input type="checkbox"/> Warn <input type="checkbox"/> Authorization pend.	<b>10.06</b>	<b>Sell Alcohol to Person Under 21</b>	<b>1</b>
<input type="checkbox"/> Misd <input type="checkbox"/> Fug <input type="checkbox"/> Waiv			<b>2</b>
<input type="checkbox"/> C/I <input type="checkbox"/> Warn <input type="checkbox"/> Authorization pend.			<b>3</b>
<input type="checkbox"/> Misd <input type="checkbox"/> Fug <input type="checkbox"/> Waiv			
<input type="checkbox"/> Fel <input type="checkbox"/> Waiv			

TO THE COURT: Do not arraign on a felony charge until an authorized complaint is filed.

Offense Code(s) **1436.17011-A** 2 3

Key for Type: C/I = Civil Infraction Misd = Misdemeanor Fel = Felony Warn = Warning Fug = Fugitive Waiv = Violation for Which Fines/Costs May be Waived Authorization pend. = Authorization pending

Remarks:

710329 Ticket

710329 Name

710329 Case No.

CHECK IF APPROPRIATE  Damage to Property  Local Court Bond \$ \_\_\_\_\_

Vehicle Impounded  Injury  License Posted in Lieu of Bond \_\_\_\_\_

Traffic Crash  Death  Appearance Certificate \_\_\_\_\_

Person in Active Military Service  Yes  No

SEE DATE BELOW. SEE BACK OF CHITON FOR EXPLANATION AND INSTRUCTIONS

Appearance Date on or before **05-30-07/0830**

Hearing Date (if applicable) on \_\_\_\_\_  Contact Court

Juvenile Traffic Misd. (Court will Notify)  Formal Hearing Required. (Court will Notify)

In the **52-4 DISTRICT** Court of **OAKLAND COUNTY**

Court Address & Phone Number **520 W. BIG BEAVER RD. TROY, MI 48084 PHONE (248) 528-0400**

I served a copy of the civil infraction complaint upon the defendant (or owner/occupant by posting if applicable). I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.

Complainant's Signature and receipt if applicable **[Signature]** Month **5** Day **10** Year **07**

Officer's Name (printed) **G. Schaefer** Officer's ID No. **033/201**

Agency ORI **MI-6378400** Agency Name **TROY POLICE DEPARTMENT**

UC-01a (rev. 6/05) **COURT COPY 2**



STATE OF MICHIGAN  
LIQUOR CONTROL COMMISSION  
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES  
KEITH W. COOLEY, DIRECTOR

JENNIFER M. GRANHOLM  
GOVERNOR

NIDA R. SAMONA  
CHAIRPERSON

July 9, 2007

THE MAY DEPARTMENT STORES COMPANY  
D/B/A MACY'S  
2752 BIG BEAVER  
TROY, MI 48084

RE: Complaint No. 7-114764

Dear Licensee:

Enclosed is a copy of the Commissioner's Order issued as the result of the above Complaint.

If you elect to pay the fine, a bank or postal money order, certified check, or authorized credit card payable to the STATE OF MICHIGAN must be received in this office no later than AUGUST 13, 2007 as indicated on your Invoice No. 91611. Failure to submit the fine will result in confiscation of your license for the alternative penalty. In any event, costs assessed must be paid, as only fines assessed are alternative to a suspension.

Should you wish to appeal the decision, a request for an appeal, accompanied by a fee of \$25, must be received in this office within 20 days from the mailing date of this Order. **IN FILING FOR AN APPEAL, YOU MUST STATE YOUR REASONS FOR REQUESTING THE APPEAL OR YOUR REQUEST WILL NOT BE HONORED.**

If there are any questions regarding this Order, please contact Hearings and Appeals at (517) 322-1390. Our office hours are from 8:00 a.m. to 5:00 p.m.

Sincerely,

MICHIGAN LIQUOR CONTROL COMMISSION

Susan K. Conklin, Supervisor  
Hearings and Appeals

SKC:ll

Enclosures

c: Mailing address  
Chief, Troy PD

STATE OF MICHIGAN

DEPARTMENT OF LABOR AND ECONOMIC GROWTH  
LIQUOR CONTROL COMMISSION

IN RE: THE MAY DEPARTMENT STORES  
COMPANY  
D/B/A MACY'S  
2752 BIG BEAVER  
TROY, MI. 48084

---

COMPLAINT NO. 7-114764  
BUSINESS I.D. NO. 156005

SDM

CHARGE - May 10, 2007

- (1) Sell, furnish or give away alcoholic liquor to \_\_\_\_\_ who had not then attained the age of twenty-one (21) years, contrary to Const. 1963, Art. 4, §40, and contrary to Section 801(2) and/or Section 701(1) of the Michigan Liquor Control Code, MCL 436.1801(2) and/or MCL 436.1701(1).

FINDINGS OF FACT

The Commissioner finds as fact that based upon the signature of Sandra M. Cotter, an officer of the above-named Licensed Corporation, on the Waiver and Acknowledgment form of the Michigan Liquor Control Commission (MLCC), the aforementioned Licensee in this case voluntarily waived right to contest the cited allegation in this matter and, further, waived right to a hearing and entered a plea of acknowledgment to the one charge stated in Case No. 7-114764 pursuant to Rule 436.1907 of the MLCC.

The Commissioner further accepts the Violation Report of this case and attachments therein and a True Copy of the prior record of this Licensee since being licensed by the MLCC at the above-named location under the current ownership as evidence in lieu of testimony in this matter.

The Commissioner believes and finds as fact, on the bases of the Violation Report and attachments therein, that [redacted] while under the direction of the Troy Police Department, entered the above named licensed establishment during May 10, 2007 and purchased alcoholic liquor from an employee of the above-named Licensee without showing proper proof of age.

The Commissioner further finds that the employee of the above-named Licensee in this case did not demand, nor was shown, proper proof of age and did not make a diligent inquiry to determine the proper true age of the purchaser.

The Commissioner further believes and finds as fact, on the bases of the Violation Report and attachments therein, that [redacted] was 19 years of age at the time of this incident.

The Commissioner took under consideration for mitigative circumstances a signed written statement submitted to the MLCC by the above-named Sandra M. Cotter which stated, in part, that the employee involved in this case has been dismissed and that all employees have been re-trained as a result of this incident.

#### **CONCLUSIONS OF LAW**

Based upon the aforementioned Acknowledgment and Findings of Fact, the Commissioner concludes that the Licensee in Case No. 7-114764 did violate MCL 436.1801(2), as cited.

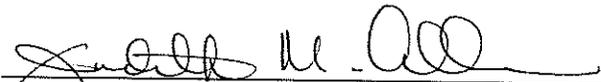
**ORDER**

In determining penalty for the charge for which a violation was found, the Commissioner considered the Licensee's total record which shows no prior violation since being licensed by the MLCC on January 14, 2005 at the above-named location under the current ownership.

The Commissioner, therefore, Orders a fine of \$500.00 as penalty in this matter. The Commissioner further Orders that a suspension of 25 days be imposed if the fine is not paid.

MICHIGAN LIQUOR CONTROL COMMISSION

Dated: 6-29-07

  
\_\_\_\_\_  
Judith M. Allen, Commissioner



**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm , City Attorney  
Susan M. Lancaster, Assistant City Attorney  
**DATE:** March 11, 2008  
**SUBJECT:** Continuation of Liquor Violations Hearings

---

Under Michigan liquor laws, each on-premises liquor license is automatically renewed unless City Council, after a due process hearing, objects to this automatic renewal for a specific licensee. It is for this reason that the liquor violation hearings are scheduled for February of each year, since any objection must be received on or before March 31. This year, there were two licensees that were properly notified of the scheduled February 20, 2008 liquor license violation hearings, but failed to appear. In order to accommodate these licensees prior to taking any adverse action, City Council postponed the hearings to a regular City Council regular meeting, which could not be later than March 17, 2008. City Administration then attempted to contact the licensees or their attorneys to reschedule the matter.

The first licensee is La Shish, which has subsequently closed its business. Since there is a value to an escrowed license, La Shish has 30 days to place this liquor license in escrow before forfeiture. Since it is unlikely that the business will re-open during this 30 day period, and since any transfer of the license would require City Council review and approval, it is our recommendation that no action be taken against this liquor license.

The second licensee is May Department Stores, d/b/a Macy's. We immediately contacted the attorney for Macy's, Ms. Sandra Cotter, who explained that there was some miscommunication between the Macy's clerk and her office, which resulted in mistaking the City Council public hearing notices as duplicate notices of the separate MLCC proceedings. Ms. Cotter has taken action to avoid this confusion in the future.

Ms. Cotter has sent the attached letter to the City Clerk, requesting that the liquor violation hearing be scheduled for the regular Council meeting on March 17<sup>th</sup>. She also indicated in a telephone conversation that both of Macy's 2007 liquor license violations would be admitted, and therefore there was no need for the witnesses, police officers, and decoys to attend the City Council meeting. These liquor violations were both admitted at the MLCC.

The first violation involved the sale of a bottle of wine to a female decoy (a minor) at Somerset Collection, 2750 W. Big Beaver Road, on May 10, 2007. The MLCC assessed a fine of \$500 on June 29, 2007 (SDM License). The person who sold the wine pled guilty at the 52-4 District Court, and was required to pay a fine of \$275.00.

The second violation involved the sale of beer to a male decoy (a minor) at the restaurant at the Oakland Mall, 500 W. Fourteen Mile Road, on December 13, 2007. On February 1, 2008, the MLCC assessed a \$600.00 fine for this violation. The 52-4<sup>th</sup> District Court case against the server of the beer is still pending.

A proposed resolution has been prepared for your consideration.



Dykema Gossett PLLC  
Capitol View  
201 Townsend Street, Suite 900  
Lansing, MI 48933

WWW.DYKEMA.COM

Tel: (517) 374-9100

Fax: (517) 374-9191

**Sandra M. Cotter**

Direct Dial: (517) 374-9129

Email: SCOTTER@DYKEMA.COM

March 3, 2008

Via Email to [lancastesm@troy.mi.gov](mailto:lancastesm@troy.mi.gov)

Facsimile to 248-524-3259

and USPS

Tonni L. Bartholomew, Clerk  
City of Troy  
500 West Big Beaver Road  
Troy, MI 48084

Re: The May Department Stores d/b/a Macy's

Dear Ms. Bartholomew:

On behalf of our client, the May Department Stores Company, d/b/a Macy's ("Macy's"), we submit this letter to respectfully request that certain liquor license violation matters affecting Macy's be considered by the Troy City Council at its March 17, 2008 meeting.

Sue Lancaster brought to our attention this afternoon that Macy's failed to appear at the Council's February 20, 2008 meeting. We did not receive notice of the hearing and were not aware that Macy's was on the agenda. We are sorry for any inconvenience this has caused the Council and the City of Troy. It was certainly not intentional.

We appreciate being able to appear before the Council at the March 17, 2008 meeting. I will be there on behalf of Macy's together with a member of management.

Thank you for your consideration.

Sincerely,

DYKEMA GOSSETT PLLC

Sandra M. Cotter

cc: Robert Cantlon (via e-mail)  
Stacy Nolan  
Leah Kelly

California | Illinois | Michigan | Texas | Washington D.C.

# LCC Liquor Licensee History

Business name: **Macy's**  
 Address: 500 W. Fourteen Mile (248) 223-1150  
 Licensee: **May Department Stores**  
 License type: **Class C #132719-2007**  
 Permits: Sunday Sales, DirConn-4, *DirConn-5*  
 Comments:

Date	Troy Incident #	Type	Disposition	Date
*****UNDER OWNERSHIP OF DAYTON-HUDSON CORP*****				
2/83		License issued		
6/17/92	92-17103	Sale to minor 2 counts (compliance test)	Fined \$200 ea.	3/10/93
9/20/93		Council approved SDM		
6/19/97	97-22205	Sale to minor	Fined \$400. x2	7/17/98
06/22/99	99-23585	Sale to Minor (Compliance Test)	\$700 fine	11/17/99
06/24/99	99-24028	Compliance Test	PASSED	
11/02/99	none	Compliance Test	PASSED	
05/03/00	00-15058	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
07/26/00	none	Compliance Test	PASSED	
08/03/00	00-28331	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
10/17/00	00-38529	Compliance Test	PASSED	
11/16/00	00-42510	Compliance Test	PASSED	
11/19/00	00-42895	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
02/05/01	01-04257	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
03/04/01	01-07622	Liquor Inspection (Road Patrol)	NO VIOLATIONS	
04/18/01	01-13546	Liquor Inspection (Road Patrol)	NO VIOLATIONS	

05/03/01		Compliance Test	PASSED
08/10/01	01-28528	Liquor Inspection (Road Patrol)	NO VIOLATIONS
08/16/01	01-29490	Compliance Test	PASSED
09/04/01	01-31726	Liquor Inspection (Road Patrol)	NO VIOLATIONS
09/27/01	01-34731	Compliance Test	PASSED
10/24/01	01-38380	Liquor Inspection (Road Patrol)	NO VIOLATIONS
12/13/01	01-44498	Liquor Inspection (Road Patrol)	NO VIOLATIONS
02/22/02	02-05699	Compliance Test	PASSED
02/25/02	02-06002	Liquor Inspection (Road Patrol)	NO VIOLATIONS
04/30/02	02-13391	Liquor Inspection (Road Patrol)	NO VIOLATIONS
06/03/02	02-17378	Liquor Inspection (Road Patrol)	NO VIOLATIONS
06/26/02	02-20463	Compliance Test	PASSED
08/29/02	02-28558	Liquor Inspection (Road Patrol-Novak)	NO VIOLATIONS
10/8/02	02-33513	Compliance Test	PASSED
11/25/02	02-38266	Liquor Inspection (Road Patrol-Kerezi)	NO VIOLATIONS
01/27/03	03-2754	Liquor Inspection (Road Patrol-Gobler/Kerezi)	NO VIOLATIONS
03/03/03	03-6436	Liquor Inspection (Road Patrol-Kerezi)	NO VIOLATIONS
04/23/03	03-12090	Compliance Test	PASSED
05/07/03	03-13623	Liquor Inspection (Road Patrol-Kerezi)	NO VIOLATIONS
06/20/03	03-18692	Compliance Test	PASSED
09/10/03	03-28240	Liquor Inspection (Road Patrol-Kerezi)	NO VIOLATIONS
11/21/03	03-35850	Compliance Test	PASSED
01/21/04	04-02113	Liquor Inspection (Road Patrol- Harrison)	NO VIOLATIONS
02/04/04	04-03581	Liquor Inspection (Road Patrol- Harrison)	UNDER RENOVATION
03/07/04	04-06773	Liquor Inspection (Road Patrol- Harrison)	NO VIOLATIONS
03/23/04	04-08551	Compliance Test	PASSED
06/30/04	04-19517	Compliance Test	PASSED
08/29/04	04-26952	Liquor Inspection (Road Patrol- Harrison)	NEW OWNERS (NO SALES)

09/17/04	MLCC	<b>Class C license placed into escrow License transferred to May Stores</b>	
05/01/05	05-14309	Liquor Inspection (Road Patrol- Dyjewski)	NO VIOLATIONS
06/21/05	05-21047	Liquor Inspection (Road Patrol- Dyjewski)	NO VIOLATIONS
09/04/05	05-31335	Liquor Inspection (Road Patrol- Dyjewski) No current liquor sales, business has been sold	
03/11/06	06-9359	Liquor Inspection (Road Patrol- Broderick)	NO VIOLATIONS
03/20/06	06-10632	Liquor Inspection (Road Patrol- Broderick)	NO VIOLATIONS
03/29/06	06-11822	Liquor Inspection (Road Patrol- Jones/Pokley)	NO VIOLATIONS
05/10/07	07-17227	Compliance Test	PASSED
09/05/07	07-34107	Liquor Inspection (Road Patrol-Barrows)	NO VIOLATIONS
10/18/07	07-32093	Compliance Test	PASSED
10/27/07	07-40777	Liquor Inspection (Road Patrol-Swift)	NO VIOLATIONS
12/13/07 01/29/08	07-45760	<b>Compliance Test - Sale to Minor (DPU) Dist Ct MLCC Hearing</b>	<b>Violation (Class C) Pending Pending</b>
01/10/08	08-1276	Liquor Inspection (Road Patrol-Swift)	NO VIOLATIONS



Michigan Department of Consumer & Industry Services  
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)  
7150 Harris Drive - P.O. Box 30005  
Lansing, Michigan 48909-7505  
Phone (517) 322-1390 ~ FAX (517) 322-6347

**VIOLATION REPORT**  
(Authorized by P.A.58 of 1998)

\* This report is not to be faxed or electronically submitted - an original signature is required\*

\* Officers please obtain License No., Bus. ID and File # directly from the liquor license \*

License No. Class C 132719-2007 Business ID 46076 156076 File # D70082/D132.5

1. Name of Licensee May Department Store Co 2. Doing Business As Macy's

3. Mailing Address (street, city, zip code) 500 West Fourteen Mile Road; Troy 48083

4. Township \_\_\_\_\_ 5. County Oakland

6. Type of License(s) & Permit(s) Class C

7. Date of Violation: Thursday 12/13/07 6:25  AM or  PM  
(DAY) (DATE) (HOUR)

8. Violation Type:  Minor  
 Intoxicated Person  After hours sales/consumption  
 Gambling  Fighting (must be inside licensed premises)  
 Controlled Substances  Failure to Cooperate  
 Prohibited Conduct OTHER: \_\_\_\_\_

if MINOR: Birth date: \_\_\_\_\_ Was this a DECOY ?  Yes  No If no, you MUST answer below:  
If above minor violation was NOT a decoy describe enforcement action taken:

**COPY OF APPEARANCE TICKET MUST BE ATTACHED**

9. Submit Report Below or Indicate Attached Report # 07-45760

\* REMINDER, PLEASE MAIL THIS REPORT TO THE ADDRESS ABOVE.\*

Officer Signature [Signature] Name and Title (print) Officer Joseph Morgan

Officer Signature \_\_\_\_\_ Name and Title (print) \_\_\_\_\_

Department Name Troy Police Department Phone # 248-524-3431

WITNESSES

1. Name \_\_\_\_\_ Address 500 W Big Beaver Rd; Troy MI 48084

Will testify to: Purchase - Amstel Light

2. Name Joseph Jacobs Address 510 Beaver Ave; Royal Oak MI 48073

Will testify to: Sold alcohol to minor

3. Name Leotis Prater Address 500 W Fourteen Mile; Troy MI 48083

Will testify to: Supervisor

4. Name \_\_\_\_\_ Address \_\_\_\_\_

Will testify to:

5. Name \_\_\_\_\_ Address \_\_\_\_\_

Will testify to:

EVIDENCE

Location Held (Explain): Business - bottle of Amstel Light

# Call For Service

CFS Number: 070045760

Date: 12/5/2007

## Call For Service

---

CFS Number 070045760  
Date 12/5/2007  
Dispatcher 00445 - Kalef, Sam  
Call Source 0 - Telephone  
Received 2:49:42 PM  
Dispatched 2:55:19 PM  
Arrived  
Cleared 2:55:23 PM  
Location 500 W Fourteen Mile Rd  
City, State, Zip TROY, MI 48083  
Jurisdiction  
Grid  
Sector  
Map 0 - N/A  
X Coordinate 4103071  
Y Coordinate 0115653

Complainant  
Address 500 W Fourteen Mile Rd  
City, State, Zip TROY, MI 48083  
Phone  
Call type  
Reported Offense C3309 - Liquor Inspection  
Verified Offense 4102 - Liquor Violation - Sell  
Tow Company  
Vehicle  
Vehicle License  
Disposition N - No Report  
Priority  
Classification  
Agency TR - Troy PD  
Case 0700011839

### Officers

00080 - Daniels, Timothy  
Notes - C3309 LIQUOR INSPECT

00445 - 14:49:42 Original Location : MACY'S - CLASS C

# Troy PD Arrest Report

Case No. 0700011839  
Report No. 0700011839.1  
Report Date: 12/13/2007

Troy PD  
500 W Big Beaver  
Troy, MI 48084  
248 524-3477

1

Page 1 of 3

unSubject: 4102 - Liquor Violation - Sell

Case Report Status	I - In Process	Entered On	12/13/2007 9:18:15 PM	Reporting Officer	
Agency County	63 - Oakland	Entered By	00065 - Morgan, Joseph	00080 - Daniels, Timothy	
Agency City/Township	84 - Troy	Verified On		Assisted By	
Occurred On	12/13/2007 6:25:00 PM	Verified By		Agency Assisted	
Or Between		Approved On		Call for Service #	
Business Name		Approved By		700045760	
Location	500 W Fourteen Mile Rd	Related Cases			
CSZ	TROY, MI 48083	Disposition	Arrest		
Census/Geo Code		Excp. Clear Reason			
Jurisdiction		Excp. Clear Date			
Grid		Reporting Agency	Troy PD		
Sector		Report Type	Arrest Report		
Map	0 - N/A	Division	Patrol		
Call Source	Telephone	Notified			
Vehicle Activity		Related Cases			
Dir. Veh. Traveling					
Cross Street					
Means					
Motive					

Report Narrative 2007-45760

Writer, Officer Morgan, and Student Enforcement Aide \_\_\_\_\_, went to Macy's located at 500 W. 14 Mile to conduct an L.C.C. inspection. \_\_\_\_\_ had no identification with him, it was being held at the Police Department. \_\_\_\_\_ entered Macy's and sat at the bar. \_\_\_\_\_ spoke to Macy's waiter Joseph Jacobs. \_\_\_\_\_ ordered a bottle of Amstel Light beer from Jacobs. Jacobs never asked \_\_\_\_\_ for identification or what his d.o.b. was. Jacobs served \_\_\_\_\_ a bottle of Amstel Light beer and walked away.

I spoke to Leotis Prater, Kitchen manager. I explained the situation to Prater and advised him what would be required of the restaurant. I issued a citation to Jacobs for "Fail to inquire as to Age." (citation #710338) I gathered the required information to complete an L.C.C. violation report. The bottle of Amstel Light was retained by Macy's.

Store Management was also advised of this incident.

## Offense Detail: 4102 - Liquor Violation - Sell

Offense Description	4102 - Liquor Violation - Sell	Location Type	21 - Restaurant	No. Prem. Entered	
IBR Code	90G - Liquor Law Violations	Offense Completed?	Yes	Entry Method	
IBR Group	B	Hate/Bias	00 - None (No Bias)	Type Security	
Crime Against	SO	Domestic Violence	No	Tools Used	
Offense File Class	41002 - LIQUOR VIOLATIONS -OTHER				
PACC					
Local Code					
Using					
Criminal Activity					
Force Level					

# Troy PD Arrest Report

Case No. 0700011839  
 Report No. 0700011839.1  
 Report Date: 12/13/2007

Troy PD  
 500 W Big Beaver  
 Troy, MI 48084  
 248 524-3477

**2**

Weapons

## Arrestee A1: Jacobs, Joseph Patrick

Arrestee Number	<b>A1</b>	DOB		Place of Birth	
Name	<b>Jacobs, Joseph Patrick</b>	Age	<b>49</b>	SSN	
Aliases		Sex	<b>M - Male</b>	DLN	
Alert(s)		Race	<b>W - White</b>	DL State	<b>MI - Michigan</b>
Address	<b>510 BEAVER ST</b>	Ethnicity	<b>U - Unknown</b>	DL Country	
CSZ	<b>Royal Oak, MI 48073</b>	Ht.		Occupation/Grade	
MO		Wt.		Employer/School	
Attire		Eye Color		Employer Address	
Habitual Offender Status		Hair Color		Employer CSZ	
		Hair Style		Res. County	
		Hair Length		Res. Country	
		Facial Hair		Resident Status	<b>C - Resides in the County but not the community where the offense occurred</b>
		Complexion			
		Build			
		Teeth			

Phone/Email  
Type

Description

Supplemental IDs  
ID Type

ID Number

ID Issuer

Name

Physical Characteristics  
Type

Descriptor

Description

Arrest No. **710338**  
 Arrest Type **S - Summoned/Cited**  
 FBI No.  
 Criminal Tracking Number CTN  
 Transaction Control Number TCN  
 Person Control Number PCN  
 State No.  
 Armed With **01 - Unarmed**  
 Multi. Clearance **N - Not Applicable**  
 Multi. Clearance Offense  
 Prev. Suspect No.  
 Notified Name

Arrested For **4102 - Liquor Violation - Sell**  
 Count **1**  
 Fingerprints  
 Photos  
 Miranda Read  
 Miranda Waived  
 Number of Warrants  
 Juvenile Disposition  
 Adult Present  
 Detention Name

Booked On  
 Booked Location  
 Released Location  
 Released On  
 Released By  
 Release Reason  
 Held For  
 Date/Time Arrested **12/13/2007 6:25:00 PM**  
 Arrest Location

# Troy PD Arrest Report

Case No. 0700011839  
Report No. 0700011839.1  
Report Date: 12/13/2007

Troy PD  
500 W Big Beaver  
Troy, MI 48084  
248 524-3477

**3**

Page 3 of 3

## Witness W1:

Witness Code

Name

Aliases

Alert(s)

Address **500 W BIG BEAVER RD**  
CSZ **Troy, MI 48084**

Attire

DOB  
Race **M - Male**  
**W - White**  
Ethnicity  
Hi.  
Wt.  
Eye Color  
Hair Color  
Facial Hair  
Complexion

Place of Birth

SSN

DLN

DL State

DL Country

Occupation/Grade

Employer/School

Employer Address

Employer CSZ

Res. County

Res. Country

Resident Status

Testify

Phone/Email  
Type

Description

Supplemental IDs  
ID Type

ID Number

ID Issuer

Name

Witness Notes **Student Enforcement Aide.**

## Other Entity: O1 -- Prater, Leotis

Entity No. **O1**

Entity Type **I - Person Interview**

Name **Prater, Leotis**

AKA

Alert(s)

Address **500 W FOURTEEN MILE RD**  
CSZ **Troy, MI 48083**

Complexion

Attire

DOB  
Age  
Sex **M - Male**  
**B - Black**  
Race  
Ethnicity  
Hi.  
Wt.  
Eye Color  
Hair Color  
Facial Hair

Place of Birth

SSN

DLN

DLN State

DLN Country

Occupation/Grade

Employer/School

Employer Address

Employer CSZ

Res. County

Res. Country

Resident Status

Phone/Email  
Type

Description

Supplemental IDs  
ID Type

ID Number

ID Issuer

Name

Entity Notes **Kitchen Manger at Macy's. I advised him of the situation.**

**NARRATIVE REPORT  
 WITNESS STATEMENT**

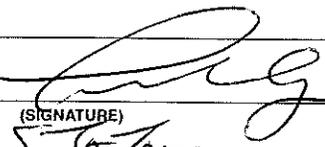
SUPP  CORR  DELETE

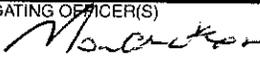
01	DATE 12/13/07	DAY Thu	SHIFT 02	PLAT 919	BADGE 1 65	BADGE 2	INCIDENT STATUS <input type="checkbox"/> CLR ARREST <input type="checkbox"/> UNF <input type="checkbox"/> CLR EXCEPT <input type="checkbox"/> INACT	PRIM CLASS	YEAR 07	INCIDENT # 7576A
----	------------------	------------	-------------	-------------	---------------	---------	---	------------	------------	---------------------

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I entered Macy's Oakland Mall Restruant at 6:25p.m.  
 I sat at the bar and requested an Amstel light.  
 The bartender ~~did~~ asked me for either ~~for~~ ID or D/O/B.  
 He then served me the drink. And walked away.  
 I waited till the officer arrived and gave the  
 man a ticket.

X:

Taken By: 

Place: 5th St  
 INVESTIGATING OFFICER(S)  


Date: 12/30 Time: 2:15

REVIEWED BY | ASSIGNED TO / BADGE | ATTENTION TO

State of Michigan  
Uniform Law Citation

Ticket No. 710338

Victim Involved

US DOT #

Incident No. 2007-45760

Dept. No. 98

The People of:  the State of Michigan  
 Township  City  Village  County

Local Use/Arrest No.

Detection Device

OF TROY

BAC

Name (First, Middle, Last) Joseph Patrick Jacobs  
Street 510 BEAVER AVE  
City Troy State MI Zip Code 48063  
Vehicle Plate No. \_\_\_\_\_ Year \_\_\_\_\_ State \_\_\_\_\_ Vehicle Description (Year, Make, Color) \_\_\_\_\_ Veh. Type \_\_\_\_\_

THE PERSON NAMED ABOVE, in violation of  Local Ordinance  State Law  Administrative Rule  
UPON 500 W. 14-MILE  
AT OR NEAR Mary's  
WITHIN  CITY  VILLAGE  TOWNSHIP OF TROY  
COUNTY OF OAKLAND

Type	MCL Cite/PACC Code/Ordinance	Description (include any bond amount collected on each charge)	DID THE FOLLOWING Charge No.
<input type="checkbox"/> C/I <input type="checkbox"/> Warn <input type="checkbox"/> Authorization pend.			
<input checked="" type="checkbox"/> Misd <input type="checkbox"/> Fug <input type="checkbox"/> Fel <input type="checkbox"/> Waiv	<u>98-10-11</u>	<u>FAIL TO INQUIRE AS TO AGC</u>	<u>1</u>
<input type="checkbox"/> C/I <input type="checkbox"/> Warn <input type="checkbox"/> Authorization pend.			2
<input type="checkbox"/> Misd <input type="checkbox"/> Fug <input type="checkbox"/> Fel <input type="checkbox"/> Waiv			3

TO THE COURT: Do not arraign on a felony charge until an authorized complaint is filed.

Offense Code(s) \_\_\_\_\_  
Key for Type: C/I = Civil Infraction Misd = Misdemeanor Fel = Felony Warn = Warning Fug = Fugitive  
Waiv = Violation for Which Fines/Costs May be Waived Authorization pend. = Authorization pending

Remarks:

CHECK IF APPROPRIATE  Damage to Property  Local Court Bond \$  
 Vehicle Impounded  Injury  License Posted in Lieu of Bond  
 Traffic Crash  Death  Appearance Certificate  
Person in Active Military Service  Yes  No  None

SEE DATE BELOW. SEE BACK OF CITATION FOR EXPLANATION AND INSTRUCTIONS

Appearance Date on or before 12-26-07 8:30AM

Hearing Date (if applicable) on \_\_\_\_\_

Juvenile Traffic Misd. (Court will Notify)  Formal Hearing Required. (Court will Notify)  Contact Court

In the 52-4 DISTRICT Court of OAKLAND COUNTY

Court Address & Phone Number  
520 W. BIG BEAVER RD.  
TROY, MI 48084  
PHONE (248) 528-0400

I served a copy of the civil infraction complaint upon the defendant (or owner/occupant by posting if applicable).  
I declare under the penalties of perjury that the statements above are true to the best of my information, knowledge, and belief.

Complainant's Signature and receipt (if applicable) \_\_\_\_\_

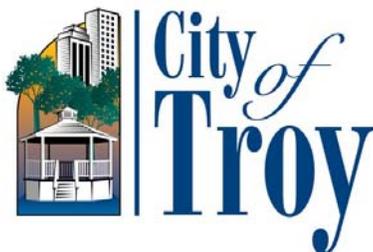
Officer's Name (printed) Joe [Signature] Month 12 Day 13 Year 07

Agency ORI \_\_\_\_\_ Officer's ID No. 65

Ticket No. 710338

Name

Case No.



## CITY COUNCIL ACTION ITEM

Date March 7, 2008

TO: Phillip L. Nelson, City Manager

FROM: Tonni L. Bartholomew, City Clerk

SUBJECT: **Resolution to Reconsider Board and Commission Appointments of January 9, 2006**

### Background:

- City Council made a motion to appoint Frank J. Howrylak to the Board of Review with a term expiring on January 31, 2009. However, at the time of the vote, a minimum 6 member affirmative vote was not secured. The requirement for the 6 affirmative votes was due to the fact that Frank J. Howrylak is the father of a sitting Councilmember and in situations of this nature fall under City Charter 5.1 (b) requirements. As part of the same vote, appointments were made to the Planning Commission. The Planning Commission appointments did not have the same minimum vote requirement. Due to the unique circumstances, the votes should have been separated and voted on independently.

The flaw in voting should be corrected now that this discrepancy has been discovered. It is the recommendation of City Administration that it is in the best interest of the City to reconsider the motion, separate the motion and vote on each of the appointments. Resolutions have been provided to accomplish the recommendation.

### Financial Considerations:

- The member of the Board of Review received financial compensation associated with service to the Board.

### Legal Considerations:

- There could be legal implications since both Boards/Commissions have made decisions.

### Policy Considerations:

- There are no policy considerations associated with this item.

### Options:

- Attached are resolutions for Council's convenience. The first resolution is the Reconsideration motion. The second resolution provides for the separation of the votes and the third and fourth resolutions are the separated motions.

The Reconsideration resolutions will require an affirmative vote of 4 members of Council for passage. The resolution for appointment to the Board of Review will require an affirmative vote of 6 members of Council.

**A. RECONSIDERATION MOTION:**

RESOLVED, That Resolution #2006-01-007, moved by Schilling and seconded by Beltramini, as it appears below be **RECONSIDERED** by City Council:

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

Board of Review

Appointed by Mayor, Council Approval (3) – 3 years

Frank J. Howrylak Term Expires 01/31/09

Planning Commission

Appointed by Mayor, Council Approval (9) - 3 Year Terms

Robert M. Schultz Term Expires 12/31/08

Thomas Strat Term Expires 12/31/08

Mary Kerwin Term Expires 12/31/08

Yes: Beltramini, Howrylak, Lambert, Stine, Schilling

No: Broomfield, Fleming

MOTION CARRIED

Yes:

No:

Absent:

**B. SEPARATION RESOLUTION:**

Suggested Resolution

Resolution #2008-03-

Moved by

Seconded by

RESOLVED, That active motion be **SEPARATED** as follows:

Resolution #2006-01-007

Moved by Schilling

Seconded by Beltramini

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

Board of Review

Appointed by Mayor, Council Approval (3) – 3 years

Frank J. Howrylak Term Expires 01/31/09

AND

Resolution #2006-01-007

Moved by Schilling

Seconded by Beltramini

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

Planning Commission

Appointed by Mayor, Council Approval (9) - 3 Year Terms

Robert M. Schultz Term Expires 12/31/08

Thomas Strat Term Expires 12/31/08

Mary Kerwin Term Expires 12/31/08

Yes:

No:

Absent:

**C. BOARD OF REVIEW APPOINTMENT:**

Resolution #2006-01-007  
Moved by Schilling  
Seconded by Beltramini

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

Board of Review

Appointed by Mayor, Council Approval (3) – 3 years

Frank J. Howrylak Term Expires 01/31/09

Yes:

No:

**D. PLANNING COMMISSION APPOINTMENTS:**

Resolution #2006-01-007  
Moved by Schilling  
Seconded by Beltramini

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

Planning Commission

Appointed by Mayor, Council Approval (9) - 3 Year Terms

Robert M. Schultz Term Expires 12/31/08

Thomas Strat Term Expires 12/31/08

Mary Kerwin Term Expires 12/31/08

Yes:

No:



## CITY COUNCIL ACTION REPORT

March 7, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian Murphy, Assistant City Manager/ Economic Development Services  
Mark Stimac, Director of Building and Zoning

SUBJECT: Adjustment to Plumbing Permit Fees

### Background:

- In the Zucker report on the development approval/permit process, one of their highest priority recommendations was to adjust fees for services to cover expenses. In reviewing the budget of the Building Department we find that in recent years the revenues generated by plumbing permit and inspection fees have not met the expenditures of that portion the department's work. This shortfall was included in the overall department shortfall of \$825,000 in the 2006/2007 fiscal year, as well as the estimated \$500,000 deficit in the fiscal year ending July 2008. Recently, Council approved revisions to the Building Permit fees to try and offset this shortfall.

In our review of fees we also noted that the revenue generated by Plumbing Permit fees was short of expenditures. A review of surrounding cities showed that our fees were substantially lower than similar communities. We are proposing to increase the Plumbing Permit fees from \$8.00 per fixture to \$10.00 per fixture.

We are also revising the format of the Plumbing Permit Fees Schedule to clarify the chart and remove some of the arcane language to make it more user friendly.

### Financial Considerations:

- We have estimated that these fee increases will generate an additional \$15,000 in plumbing permit fees based upon the amount of work that was permitted in the 2007 calendar year.

### Legal Considerations:

- Permit fees are allowed to be set by City Council to cover expenditures per Public Act 230 of 1972

Policy Considerations:

- Increasing the permit fees to cover expenses will reduce the burden of the Building Department's activities on the general taxpayer. (Goal II)

Options:

- City Council can increase fees to more closely cover expenditures.
- City Council can deny the increase in fees.

**PLUMBING PERMIT FEE SCHEDULE**

Description	Current Fee	Proposed Fee
Stacks/Conductors	\$10.00	No Change
Sink (any description)	<del>\$ 8.00</del>	<u>\$10.00</u>
Bath <u>tub</u>	<del>\$ 8.00</del>	<u>\$10.00</u>
Water Closet	<del>\$ 8.00</del>	<u>\$10.00</u>
<del>Lavatory</del>	<del>\$ 8.00</del>	N/A
Water Heater	<del>\$ 8.00</del>	<u>\$10.00</u>
Water Heater (replacement)	\$25.00	No Change
Laundry <del>Tray or</del> Stand Pipe	<del>\$ 8.00</del>	<u>\$10.00</u>
Floor Drain	<del>\$ 8.00</del>	<u>\$10.00</u>
<del>Ejector Pump or Water Lift</del>	<del>\$ 8.00</del>	<u>\$10.00</u>
Drinking Fountain	<del>\$ 8.00</del>	<u>\$10.00</u>
Grease <del>Trap-Interceptor</del>	<del>\$ 8.00</del>	<u>\$10.00</u>
Urinal	<del>\$ 8.00</del>	<u>\$10.00</u>
<del>Bar Sink—Soda Fountain (each opening)</del>	<del>\$ 8.00</del>	N/A
Shower <del>Trap or w/Pan</del>	<del>\$ 8.00</del>	<u>\$10.00</u>
Dishwashing Machine	<del>\$ 8.00</del>	<u>\$10.00</u>
Humidifier	<del>\$ 8.00</del>	<u>\$10.00</u>
Garbage Disposal	<del>\$ 8.00</del>	<u>\$10.00</u>
Sump or Interceptor	<del>\$ 8.00</del>	<u>\$10.00</u>
Hose Bibs	<del>\$ 5.00</del>	<u>\$ 8.00</u>
Water <del>Treatment Device Softener/Filter</del>	\$10.00	No Change
<del>Washing Machine</del>	<del>\$ 8.00</del>	N/A
<del>Special Fixture</del>	<del>\$ 8.00</del>	N/A
<del>Refrigeration Connection</del>	<del>\$ 8.00</del>	N/A
Dental Chairs	<del>\$ 8.00</del>	<u>\$10.00</u>
<del>Surgical Cuspidor</del>	<del>\$ 8.00</del>	N/A
Building Main to Sewer	\$20.00	No Change
Inside <u>Sub Soil Drains System</u>	\$15.00	No Change
Roof Sump	\$10.00	No Change
<del>Underground—Slab—Separate Inspection</del>	<del>\$ 9.00</del>	N/A
Miscellaneous Fixtures	<del>\$ 8.00</del>	<u>\$10.00</u>
<u>Back Water Valve</u>	N/A	<u>\$10.00</u>
<u>Backflow Prevention Device</u>	N/A	<u>\$10.00</u>
<u>Medical Gas (per opening)</u>	N/A	<u>\$10.00</u>
Water Distribution (see below):		
$\frac{3}{4}$ " = \$15.00		1-1/2" = \$30.00
1" = \$20.00		2" = \$30.00
1-1/4" = \$25.00		2-1/2" = \$45.00
		3" = \$55.00
		4" = \$63.00
		Over 4" = \$75.00
Minimum Permit Fee	\$25.00	N/A
Special Inspection (per hour)	<del>\$30.00</del> /hour	<u>\$50.00</u> /hour
Addition to permit before Inspection – Regular Fee		
Addition to permit after Inspection – Minimum Fee		
Cancellation of Permit - 25% of Permit Fee/\$10.00		

Minimum		
<u>Contractor Registration Fee (per year)</u>	\$1.00 /year	\$5.00 /year

## Plumbing Permit Fee Comparison

<b>Community</b>	<b>Per Fixture</b>	<b>Application Fee</b>	<b>Inspection Fee</b>
Madison Heights	\$0	\$20	\$65
Novi	\$5	\$30	\$30
State of Michigan	\$5	\$50	\$30
Rochester Hills	\$6	\$30	None
Troy (Current)	\$8	None	None
Farmington Hills	\$9	None	None
Sterling Heights	\$10	None	None
Farmington	\$10	None	None
Southfield	\$15	None	None
Troy (Proposed)	\$10	None	None



## CITY COUNCIL ACTION REPORT

DATE: February 27, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Final Preliminary Plat Approval (Extension) – Beachview Estates Subdivision, West Side of Beach, South of Long Lake – Section 18

### Background:

- The petitioner is proposing an 8-unit subdivision on a 5.55 acre parcel.
- Final Preliminary Plat Approval was granted by City Council on May 8, 2006. The petitioner submitted a written request for an extension, as per Section 303.C.2 of the Subdivision Control Ordinance.
- The petitioner entered into a Subdivision Agreement with the City on May 8, 2006. The petitioner holds a valid Wastewater Systems Permit, Water System Construction Permit, Inland Lakes and Streams Permit and Wetlands Protection Permit from the MDEQ. The proprietor submitted to the City Clerk a letter of credit for the escrow deposits and cash fees for the public improvements.

### Financial Considerations:

- There are no financial considerations for this item.

### Legal Considerations:

- City Council has the authority to extend Final Preliminary Plat Approval.

Policy Considerations:

- Approval of the extension would be consistent with City Council Goal III (Retain and attract investment while encouraging redevelopment).

Options:

- City Council can approve or deny the request to extend Final Preliminary Approval.

Attachments:

1. Maps.
2. Letter from petitioner dated February 21, 2008.
3. Subdivision Agreement.
4. Detailed Summary of Required Escrow Deposits, Cash Fees and Deposits.

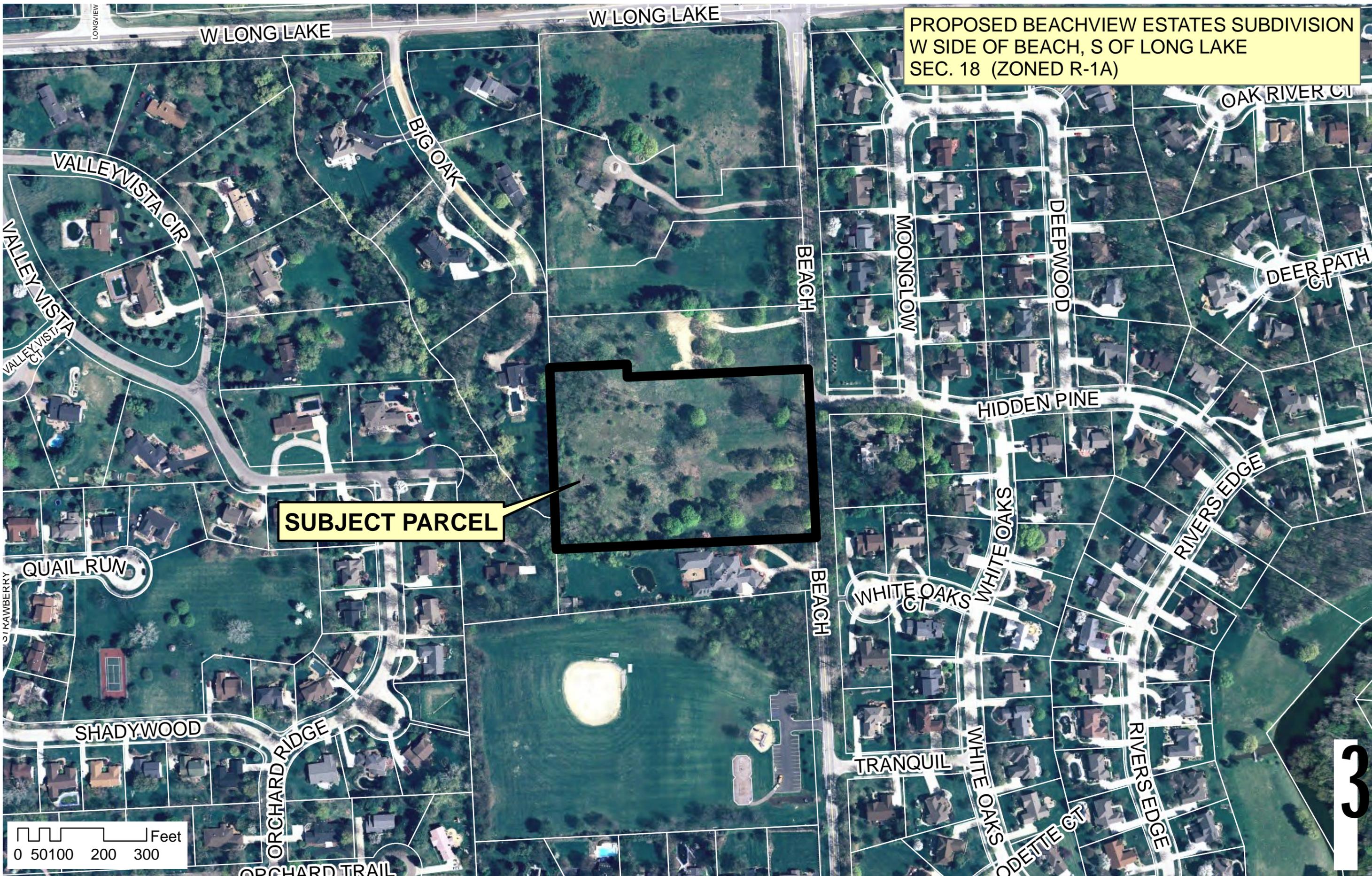
Prepared by RBS/MFM

cc: Applicant  
File /Beachview Estates Subdivision



PROPOSED BEACHVIEW ESTATES SUBDIVISION  
W SIDE OF BEACH, S OF LONG LAKE  
SEC. 18 (ZONED R-1A)

SUBJECT PARCEL



0 50 100 200 300 Feet

3

**SITE BENCHMARK**  
 SET P.K. IN SOUTHWEST  
 FACE OF UTILITY POLE  
 ELEV. = 805.23

**REFERENCE BENCHMARKS**

1. NORTH CORNER OF WEST WINGWALL OF BRIDGE AT BEACH RD. AND ROUGE RIVER CROSSINGS.  
 ELEV. = 773.83 U.S.G.S. DATUM
2. ARROW ON HYDRANT 600' NO. OF BRIDGE AT BEACH RD. AND ROUGE RIVER - EAST SIDE OF BEACH, OPPOSITE RED FOX TRAIL.  
 ELEV. = 781.02 U.S.G.S. DATUM
3. ARROW ON HYDRANT 1200' NO. OF BRIDGE AT BEACH RD. AND ROUGE RIVER.  
 ELEV. = 787.84 U.S.G.S. DATUM

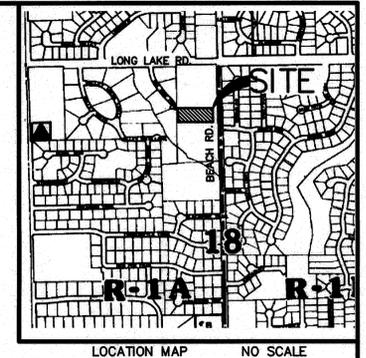
**ZONING REQUIREMENTS**  
 -ZONED R 1A (USE LOT AVERAGING)  
 -MINIMUM LOT AREA = 19,602 S.F.  
 -MINIMUM AVERAGE LOT AREA = 21,780 S.F.  
 -MINIMUM LOT WIDTH AT BLDG. SETBACK = 108 FEET (135' FOR CORNER LOTS)  
 -MINIMUM SIDE SETBACK = 15 FEET  
 -MINIMUM FRONT SETBACK = 40 FEET  
 -MINIMUM REAR SETBACK = 45 FEET  
 -MINIMUM LOT AREA PROVIDED = 19,613 S.F.  
 -AVERAGE LOT AREA PROVIDED = 21,790 S.F.

**NOTES:**

1. THE SANITARY SEWER SYSTEM WILL OUTLET TO AN EXISTING 8" SEWER ON THE WEST SIDE OF BEACH ROAD.
2. THE WATER SYSTEM WILL CONNECT TO THE EXISTING 16" WATER MAIN ON THE EAST SIDE OF BEACH ROAD.
3. STORMWATER WILL BE COLLECTED IN AN UNDERGROUND SYSTEM AND DETAINED IN A DETENTION BASIN ON THE SOUTH SIDE OF THE PROPERTY WHICH WILL HAVE A RESTRICTED OUTLET TO THE UNNAMED STREAM AT THE SOUTHWEST CORNER OF THE SITE.
4. PAVEMENT SHALL BE 28' WD. BACK TO BACK, 7" THICK PORTLAND CEMENT CONCRETE WITH A 4" INTEGRAL, MOUNTABLE CURB AND GUTTER.
5. SOIL EROSION CONTROL WILL BE PROVIDED PER THE O.C.D.C. AND CITY OF TROY REQUIREMENTS.
6. IMPROVEMENTS IN THE BEACH ROAD RIGHT-OF-WAY WILL BE DONE IN ACCORDANCE WITH THE CITY OF TROY DESIGN STANDARDS.
7. EXISTING AND PROPOSED 100 YEAR FLOOD PLAIN LIMITS SHOWN AS COMPUTED IN A HYDRAULIC STUDY PREPARED BY SPALDING-DEDECKER ASSOCIATES, INC., DATED APRIL 3, 2000 AND ACCEPTED BY THE CITY OF TROY ENGINEERING DEPARTMENT IN A LETTER DATED APRIL 6, 2000.
8. THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY HAS DETERMINED THAT IT DOES NOT HAVE JURISDICTION OVER THE FLOODPLAIN IN THIS AREA IN A LETTER DATED FEBRUARY 13, 1999.

COUNTRYSIDE ESTATES #1 (L.95,P.27) LOT 22 20-18-126-011

COUNTRYSIDE ESTATES SUBDIVISION (L.82,P.9) LOT 14 20-18-126-010



**LEGEND**

EXISTING	PROPOSED
○ IRON RECORDED	○ SEC. CORNER RECORDED
● IRON FOUND	● SEC. CORNER FOUND
⊙ IRON SET	⊙ RECORDED
⊙ NAIL FOUND	⊙ MEASURED
⊙ NAIL & CAP SET	⊙ CALCULATED
⊙ MONUMENT RECORDED	
⊙ MONUMENT FOUND	
⊙ MONUMENT SET	

**EXISTING**

- DEM (H) 1/4" CH - ELEC. PHONE OR CABLE TV O.H. LINE, POLE & GUY WIRE
- CATV - UNDERGROUND CABLE TV
- MT - MET. LTD. - TELEPHONE O.H. CABLE, SPACING BOX & MANHOLE
- DE - US - ELECTRIC O.H. CABLE & MANHOLE
- 6" G - GAS MAIN & VALVE
- WATERMARK, HYD. GATE VALVE, TAPPING SLEEVE & VALVE
- SANITARY SEWER, CLEANOUT & MANHOLE
- STORM SEWER, CLEANOUT & MANHOLE
- COMBINED SEWER & MANHOLE
- CATCH BASIN
- INLET (NO INCOMING LINES)
- YARD DRAIN (2" DIA. & SMALLER)
- POST INDICATOR VALVE
- WATER SERVICE SHUTOFF, HYDRANT VALVE BOX
- MANHOLE
- UNIDENTIFIED STRUCTURE
- POINT ELEVATION (AT TERMINAL OR END OF LEADER) AS BUILT ELEVATION
- CONTOUR LINE
- FENCE
- GUARD RAIL
- STREET LIGHT
- SIGN
- SAND BACKFILL
- CONC. CONCRETE
- ASPH. ASPHALT

**REFERENCE DRAWINGS**

SANITARY SEWER CITY OF TROY, JOB #88-4-011 DATED 1/4/90

**LEGAL DESCRIPTION**

Part of the northwest 1/4 of Section 18, T. 2 N., R. 11 E., City of Troy, Oakland County, Michigan, commencing at the North 1/4 corner of Section 18; thence along the north/south 1/4 line S 00°00'25" E, 838.80 feet to the Point of Beginning; thence continuing S 00°00'25" E, 391.05 feet; thence N 89°52'48" W, 607.22 feet to a point on the east line of "Countryside Estates No. 1" (L. 95, P. 27); thence along said line and also the east line of "Countryside Estates" (L. 82, P. 9) N 00°49'00" E, 421.49 feet; thence S 89°50'25" E, 180.00 feet; thence S 00°49'00" W, 30.00 feet; thence S 89°50'25" E, 421.59 feet to the Point of Beginning, containing 5.55 acres and subject to the rights of the public and of any governmental unit in any part of the land taken, used or deeded for road purposes and subject to easements and restrictions of record.



BEACH ROAD (43'-1/2 R.O.W.)

OAK RIVER SUBDIVISION #2 (L. 184,P. 1-3) LOT 91 20-18-203-005

OAK RIVER SUBDIVISION #1 (L. 171,P. 5-8) LOT 1 20-18-202-001

**CAUTION !!!**

THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.



CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, THE CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION AND COMPLETE RESPONSIBILITY FOR THE SAFETY OF ALL PERSONS AND PROPERTY. THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.

NO.	DATE	REVISIONS (Description)
1	4-28-06	REVISED PER CITY OF TROY COMMENTS
2	9-16-05	REVISED PER CITY OF TROY COMMENTS
3	8-9-05	FINAL PRELIMINARY PLAT SUBMITTAL

**CHOICE PROPERTIES, INC.**  
 755 WEST BIG BEAVER RD., SUITE 1275  
 TROY, MICHIGAN 48064 (248)382-4150

**FINAL PRELIMINARY PLAT**  
**BEACHVIEW ESTATES SUBDIVISION**  
 A PART OF THE N.W. 1/4 OF SECTION 18, T-2N., R-11E.  
 CITY OF TROY, OAKLAND COUNTY, MICHIGAN

DES. JBT/JC SUR. RS SCALE 1" = 40' JOB NO. 97192  
 DN. CAT P.M. MJM DATE 4-18-00 DWG. NO. P-1

**PROFESSIONAL ENGINEERING ASSOCIATES**

2430 Rochester Ct. Suite 100  
 Troy, MI 48063-1872  
 (248) 689-9090



Shouhayib Investment Co.  
Choice Development Corp.

Choice Properties, Inc.  
Choice Marketing, Inc.

FEB 25 2008

February 21, 2008

Mr. Mark Miller, AICP/PCP  
Planning Director  
Troy Planning Department  
City of Troy  
500 W. Big Beaver Road  
Troy, Michigan 48084

Re: Beachview Estates  
Final Preliminary Plat Approval  
Renewal

Dear Mr. Miller:

On behalf of Choice Properties, I would like to request that the Final Preliminary Plat Approval be renewed consistent with the requirements of the Troy Zoning Ordinance.

Thank you for your consideration of this request. If I need to address any additional concerns regarding this matter, please call me.

Sincerely,

David Donnellon, AIA,ALCP

Cc: Mr. Kamal Shouhayib, Choice Properties  
Mr. Jerney Carnahan, PEA, Inc.

SUBDIVISION AGREEMENT

Resolution 2006-0  
May 8, 2006

THIS AGREEMENT is entered into and executed this 8 day of May, <sup>2006</sup>~~19~~,  
between the CITY OF TROY, a Michigan municipal corporation, party of the first part, hereinafter  
referred to as "City", and Beachview Estates LLC  
755 W. Big Beaver, Suite 1275, Troy, MI 48084

party of the second part, hereinafter referred to as the "Owner".

**WITNESSETH:**

**WHEREAS** the Owner is the owner of certain real property described as follows: (See  
attached Exhibit "A")

and

**WHEREAS** the Owner desires to plat same into a Single Family subdivision  
and to erect 8 Homes thereon, for which development there is required the  
installation of certain necessary public improvements, hereinafter described and specified, and

**WHEREAS** the Owner desires to install at his own expense all of the necessary  
improvements, and

**WHEREAS** the City has expended and will be required to expend time and effort in  
reviewing the various plans, specifications and other documents, and in the field inspection  
involved in the development process.

**NOW, THEREFORE**, in consideration of the mutual covenants hereinafter contained, it  
is hereby mutually agreed by these parties as follows:

The Owner agrees that he has submitted a proposed plat of the Beachview Estates  
subdivision embracing the above described property, and that he will as a condition precedent to

the terms and conditions of this Agreement promptly proceed with all the necessary steps to accomplish the recording of the said proposed plat; further, that as a part of said platting procedure, he has filed with the City Clerk cash deposits, escrow deposits, certified check, or irrevocable bank letter of credit to guarantee the installation of the public improvements in said proposed subdivision as required by the City and outlined in the "Detailed Summary of Required Deposits", attached to this Agreement as Exhibit "B".

## II

The Owner represents and agrees that he has familiarized himself with the Subdivision Regulations as contained in Chapter 41 of the Troy City Code, the Engineering Design Standards and Landscape Design Standards, and with all other policies of the City Council which relate to the installation of subdivision improvements.

## III

The Owner agrees that he will at his own expense furnish and install all of the public improvements specified in the attached Exhibit "B", in accordance with the plans and specifications furnished by the Owner to the City and approved by the City of Troy, the Michigan Department of Natural Resources, the Michigan Department of Health, and all other governmental agencies which may have jurisdiction, and in accordance with any and all other applicable laws and regulations of the City of Troy, County of Oakland, and State of Michigan. Said improvements shall be installed within a period of two years from the date of Final Approval of the Preliminary Plat of Beachview Estates Subdivision by the City Council.

## IV

The Owner further represents that the estimated costs set opposite the various public improvements in the attached Exhibit "B" are to the best of his information, knowledge, and belief the correct estimated costs for each of such public improvements.

Council. Failure to comply with this provision shall suspend the approval of improvement construction plans by the City, and the Owners right to proceed with the processing of Beachview Estates Subdivision, until such time as a new "Detailed Summary of Required Deposits" is prepared, indicating any revisions in the estimated costs of required subdivision improvements, and reflecting any change in the Engineering Design Standards, since the inception of this Agreement. This revised information shall then become Exhibit "B", superseding that initially attached to this Agreement. The deposits or guarantees referred to in Paragraph I shall then be revised to cover the costs indicated in Exhibit "B" as revised.

### VIII

The Owner agrees that he will maintain all streets located within the subdivision in which the improvements are to be installed in a reasonably safe and passable condition during the course of the work contemplated. The Owner further agrees and understands that no Building Permits, except those for builders "models" (the maximum number of which is established by City Building Department Policy in effect at the inception of this Agreement), shall be issued or sought for issuance until the street improvements called for by this Agreement have been completed and accepted by the City; further, all improvements constructed by the Owner in public right-of-ways or streets or alleys shall become the property of the City of Troy immediately upon the acceptance of said improvements by the City; further, this contract shall not be deemed to have been fully consummated and completed, until such time as the City has formally accepted the improvements to be made. "Acceptance" of subdivision improvements by the City shall be in accordance with established City administrative procedures in effect at the inception of this Agreement.

### IX

The parties hereto understand and agree that all of the improvements herein referred to are at the expense of the Owner, and that there shall be no liability or obligation on the part of

## V

The Owner agrees to pay all engineering, inspection, and other administrative costs of the City occasioned by the assignment of City Engineers, Inspectors, and other personnel to the construction work to be performed pursuant to this Agreement, provided however, that such costs shall be limited to either the flat rate or percentage customarily applied by the City to such matters as a firm City policy in existence at the inception of this Agreement, plus direct costs clearly chargeable to the construction work contemplated hereunder.

## VI

Before proceeding with any of the work contemplated herein, the Owner will provide liability, property damage, and workmen's compensation insurance in amounts at least equal to that required by City specifications or standards in existence at the inception of this Agreement, naming the City as "Additionally Insured", protecting the City against any and all claims for damages to persons or property resulting from the installation of any of the public improvements herein contemplated, and true and accurate copies of said insurance policies will be filed with the City Manager. Higher levels of insurance coverage may be required by the City Manager when he determines that unique features of the particular improvement project, such as exceptional difficulty or hazards involved in construction, warrant such additional coverage. Any contractor or subcontractor employed by the Owner must be acceptable to the City, and before any contractor or subcontractor shall commence work on any of the improvements contemplated herein, such contractor or subcontractor must be approved by the City Manager.

## VII

The Owner agrees that contracts covering the installation of all required subdivision improvements, with the exception of paving, shall be let within ninety (90) days from the date of Final Approval of the Preliminary Plat of Beachview Estates Subdivision by the City

the City to create any special assessment districts or to process any special assessments in reimbursement of the Owner.

X

The terms of this Agreement shall be coterminous with that of the Final Approval of the Preliminary Plat Beachview Estates Subdivision by the City Council, that being two (2) years from the date of said approval. A certified copy of the City Council Resolution granting such approval, and thus indicating the subject time period, is attached to this Agreement as Exhibit "C".

At the end of this time period, the subject Final Preliminary Plat Approval the approval of subdivision improvement construction plans, and this Agreement shall be terminated. Any extension of this time period, as in the case of the Final Preliminary Plat Approval, shall require the approval of the City Council. Prior to consideration, by the City Council, of any extension, revised estimates of costs of any required subdivision improvements not as yet completed shall be prepared, Exhibit "B" shall be revised accordingly, and revised deposits or guarantees shall be submitted by the Owner to the City.

XI

The Provisions and conditions of this Agreement constitute a covenant running with the land and shall be binding upon the heirs, successors, and assigns of the parties hereto, for the term of the Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate on the day, month, and year first above appearing. By the execution of this Agreement, the City is authorized to record same in the office of the Oakland County Clerk and Register of Deeds.

WITNESSES

*Laura Campbell*  
Laura Campbell  
*Charlene McComb*  
Charlene McComb

*Keuda R. Herberts*

APPROVED:

*St. Vardetto*  
City Engineer  
*John Smith*  
City Manager  
*L. J. Bell*  
City Attorney

CITY OF TROY

By: *Louise Schilling*  
Mayor  
By: *Jonni Bartholomew*  
City Clerk  
By: Beachview Estates, LLC  
Owner  
By: Choice Development Corporation, Mg  
By: *[Signature]*  
Kamal H. Shouhayib, President  
By: *Joseph P. Limbardo - Vice President*

**RECEIVED**

AUG 15 2005

**ENGINEERING**

LEGAL DESCRIPTION  
OF  
PROPERTY

EXHIBIT "A"

Part of the northwest  $\frac{1}{4}$  of Section 18, T.2 N., R. 11 E., City of Troy, Oakland County, Michigan, commencing at the North  $\frac{1}{4}$  corner of Section 18: thence along the north/south  $\frac{1}{4}$  line S.  $00^{\circ}00'25''$  E, 838.80 feet to the Point of Beginning: thence continuing S  $00^{\circ}00'25''$  E, 391.05 feet; thence N  $89^{\circ}52'48''$  W, 607.22 feet to a point on the east line of "Countryside Estates No. 1" (L. 95. P. 27): thence along said line and also the east line of "Countryside Estates" (L. 82. P. 9) N  $00^{\circ}49'00''$  E, 421.49 feet; thence S  $89^{\circ}50'25''$  E, 180.00 feet; thence S  $00^{\circ}49'00''$  W, 30.00 feet; thence S  $89^{\circ}50'25''$  E, 421.59 feet to the Point of Beginning. Containing 5.55 acres and subject to the rights of the public and of any governmental unit in any part of the land taken, used or deeded for road purposes and subject to easements and restrictions of record.

EXHIBIT "B"

Detailed Summary of Required Escrow Deposits or Performance Bond, Cash Fees & Deposits  
 Beachview Estates  
 8 Units - Section 18

**ESCROW DEPOSITS or PERFORMANCE BOND:**

Sanitary Sewers	\$22,650
Water Mains	\$32,960
Storm Sewers	\$42,168
Rear Yard Drains	\$35,424
Pavement - CONCRETE	\$31,136
Grading	\$10,925
Detention Basin	\$3,000
Soil Erosion Control Measures	\$2,035
Monuments and Lot Corner Irons	\$430
Temporary Access Road	\$1,500
Improvement of Park or Open Space	\$5,000
Deceleration and/or Passing Lane - MAJOR ROAD	\$5,600
Sidewalks - ON SITE	\$5,400
Sidewalks - OFF SITE	\$1,275
Deposit for the Repair of Damage to Existing Public Streets Used for Access	\$6,000

**TOTAL ESCROW DEPOSITS (REFUNDABLE):** \$205,503

+  
\$20,551  
cash

**CASH FEES (NON-REFUNDABLE):**

Water Main Testing and Chlorination	\$650 ✓
Street Name and Traffic Signs	\$504 ✓
Maintenance of Detention Basin (20 year)	\$19,620
Soil Erosion and Sedimentation Control Permits	\$514 ✓
Testing Services	\$3,083 ✓
Engineering Review and Inspection	\$15,639 ✓

**TOTAL CASH FEES (NON-REFUNDABLE):** \$40,009

*40,010*

**CASH DEPOSITS (REFUNDABLE):**

Sidewalk Closures	\$324 ✓
Deposit for Maintenance & Cleaning of Ex. Public Streets Used for Access	\$2,000 ✓
Landscape Deposit	\$21,613
Punchlist & Restoration Deposit	\$3,309

**TOTAL CASH DEPOSITS (REFUNDABLE):** \$27,246

\$87,806  
Total  
cash

# CASH RECEIPT

## CITY OF TROY

FUND \_\_\_\_\_

Date 7-8 Yr 05

M CHOICE DEVELOPMENT

Address \_\_\_\_\_

DESCRIPTION	AMOUNT
ESCROW DEPOSIT	20,551.00
WATER MAIN TESTING	650 -
SIGNS	504 -
NOTICE of DETENTION BARN	19,620 -
SOIL EROSION	514 -
TESTING	3083 -
Eng. Review	15,639 -
Cash Deposits	27,246 -
<b>✓ #3177 = 87,806.<sup>00</sup> Total</b>	<b>87,807 -</b>

All claims and returned goods MUST be accompanied by this receipt.

Clk 1<sup>00</sup>  
No D557158

PAID

Rec'd by \_\_\_\_\_

ORIGINAL - 8 2005

VALID RECEIPT ONLY WHEN STAMPED "PAID"

CITY OF TROY  
TREASURER'S OFFICE

# Fidelity and Deposit Company

Home Office

OF MARYLAND

Baltimore, MD. 21203

## License and/or Permit Bond

BCND NO. LPM8788012

KNOW ALL MEN BY THESE PRESENTS:

That we, CHOICE DEVELOPMENT CORP as Principal, and FIDELITY AND DEPOSIT COMPANY OF MARYLAND, incorporated under the laws of the State of Maryland, with principal office P.O. Box 1227, Baltimore, Maryland 21203, as Surety, are held and firmly bound unto THE CITY OF TROY, 500 W. Big Beaver Rd, Troy, MI 48084, as Obligee, in the penal sum of Two hundred and five thousand, five hundred and three and no/100 Dollars, (\$205,503.) lawful money of the United States, for which payment, well and truly be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly, by these presents.

WHEREAS, the above bounden Principal has obtained or is about to obtain from the said Obligee a license or permit for developing 8 units at Section 18, Beachview Estates and the term of said license or permit is as indicated opposite the block checked below:

Beginning the    day of    1999, and ending the    day of    2000.

x Continuous, beginning the 15<sup>th</sup> day of July 2005.

WHEREAS, the Principal is required by law to file with THE CITY OF TROY a bond for the above indicated term and conditioned as hereinafter set forth.

NOW THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, That if the above bounden Principal as such licensee or permittee shall indemnify said Obligee against all loss, costs, expenses or damage to it caused by said Principal's non-compliance with or breach of any laws, statutes, ordinances, rules or regulations pertaining to such license or permit issued to the Principal, which said breach or non-compliance shall occur during the term of this bond, then this obligation shall be void, otherwise to remain in full force and effect.

PROVIDED, that if this bond is for a fixed term, it may be continued by Certificate executed by the Surety hereon; and

PROVIDED FURTHER, that regardless of the number of years this bond shall continue or be continued in force and of the number of premiums that shall be payable or paid, the Surety shall not be liable hereunder for a larger amount, in the aggregate, than the amount of this bond, and

PROVIDED FURTHER, that if this is a continuous bond and the Surety shall so elect, this bond may be cancelled by the Surety as to subsequent liability by giving thirty (30) days notice in writing to said Obligee.

Signed, sealed and dated the 8th day of July, 2005.

By \_\_\_\_\_

FIDELITY AND DEPOSIT COMPANY OF MARYLAND

By Irene Basso  
Irene Basso

Irene Basso  
Attorney-in-Fact



## CITY COUNCIL ACTION REPORT

March 11, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services  
 Susan A. Leirstein, Purchasing Director  
 Steven J. Vandette, City Engineer *[Signature]*  
 Larysa Figol, Sr. Right of Way Representative *[Signature]*

SUBJECT: Standard Purchasing Resolution 8: Best Value Award – Sale of Real Estate – John R Garden Subdivision

### Background

- On November 14, 2005, City Council authorized the Real Estate and Development department, in conjunction with the Purchasing department to advertise by sealed bid the sale of surplus property identified as Parcel #20, Sidwell #20-26-429-045. (CC Resolution #2005-11-512-E14)
- The Real Estate department received a request to purchase a vacant parcel of land owned by the City of Troy, located in Section 26, on the west side of John R, south of Brinston. The original request came from Mr. Kevin Morrow, owner of the property to the north, and currently the location of Creative Kitchen and Bath. The owner has stated he wishes to acquire this property for the expansion of parking facilities.
- The City parcel is 82' x 110' and is zoned M-1. Setback requirements make this parcel unbuildable and it would be of most use to the surrounding property owners. City staff contacted the surrounding owners to inquire as to their interest in acquiring the property.
- In addition to the property owner to the north, JOT Investment Company, the owner of the property to the west indicated their interest in acquiring the City-owned parcel. Staff spoke with the representative of JOT Investment Company, but they did not divulge any future plans for the use of the parcel.
- On February 29, 2008, bids were publicly opened and read for the sale of real estate located in John R Garden subdivision. 111 bidders were notified via the MITN system; of which 42 viewed the document and (2) potential bidders walked-in to pickup the documents. Two bids were received from this process. In addition, advertisements were placed in the Observer and Gazette newspapers.
- The City originally acquired this property as part of the John R Widening Project.
- The Parks and Recreation Advisory Board has reviewed this vacant parcel and found little value as a possible park site, and recommended disposal.

March 11, 2008

To: Phillip L. Nelson, City Manager  
Re: Best Value Award – Sale of Real Estate

### **Financial Considerations**

- A summary appraisal of the property was prepared by Kimberly Harper, State Licensed Real Estate Appraiser and Larysa Figol, Limited Real Estate Appraiser, dated November 1, 2007, which showed no change in the estimated market value of \$18,000.00.
- One bid was received from Orfeo Guerrieri and Antonio Melaragni, owners of the property to the west, in the amount of \$30,000.00. There were no exceptions included in the purchase of the property.
- The second bid was from William K. Morrow, as Trustee, owner of the property to the north, in the amount of \$25,101.00. There was an exception noted in the bid; that the purchase is "subject to an environmental Phase One to be paid for by the purchaser. Closing date as referenced on page #2, Item #5 – 60 days of the sale award date."

### **Legal Considerations**

- The City reserves the right to award the bid to the highest responsible purchaser meeting specifications, or in whatever manner is deemed to be in the City's best interest; to reject the highest bid that has major deviations from the specifications, to accept a lower bid that has only minor deviations.

### **Policy Considerations**

- Sale of this City-owned surplus property will return the parcel to the tax roll and bring additional revenues, as well as encourage investment and business expansion. (Goals II and III)

### **Options**

- City Council has the option to award this sale to the highest bidder or to the lowest bidder.

Opening Date -- 02/29/08  
 Date Prepared -- 03/12/08 (sl)

CITY OF TROY  
 BID TABULATION  
 JOHN R GARDEN SUBDIVISION - 4 LOTS

ITB-COT 08-03

VENDOR NAME:	Orfeo Guerrieri & Antonio Melaragni	William K Morrow As Trustee DTD 7/6/87
<b>REAL ESTATE SALE</b>		
DESCRIPTION Tax ID# 20-26-429-045	PRICE	PRICE
Property at John R Garden Subdivision I offer:	\$ 30,000.00	\$ 25,101.00
Minimum Bid \$18,000.00	Check # 891180798-3	078919248
Size: 82 ft x 110 ft (10% of offer)	\$ 3,000.00	\$ 2,600.00
SIGNATURE PAGE: Attached	Yes	Yes
TERMS:	As Stated	As Stated
EMAIL ADDRESS:	castlemarkhomes@yahoo.com	strykelax@aol.com
EXCEPTIONS:	Blank	Subject to an environmental phase one to be paid for by the purchaser. Closing date as referenced on page #2, Item #5 60 days of the sale award date.
ACKNOWLEDGEMENT: Yes or No	Yes	Yes

**PROPOSAL:** Sale of real estate (4 Lots) located in John R Garden Subdivision  
 West side of John R between Larchwood and Brinston

ATTEST:  
 Cheryl Stewart  
 Larysa Figol  
 Linda Bockstanz

Susan Leirstein CPPB  
 Purchasing Director



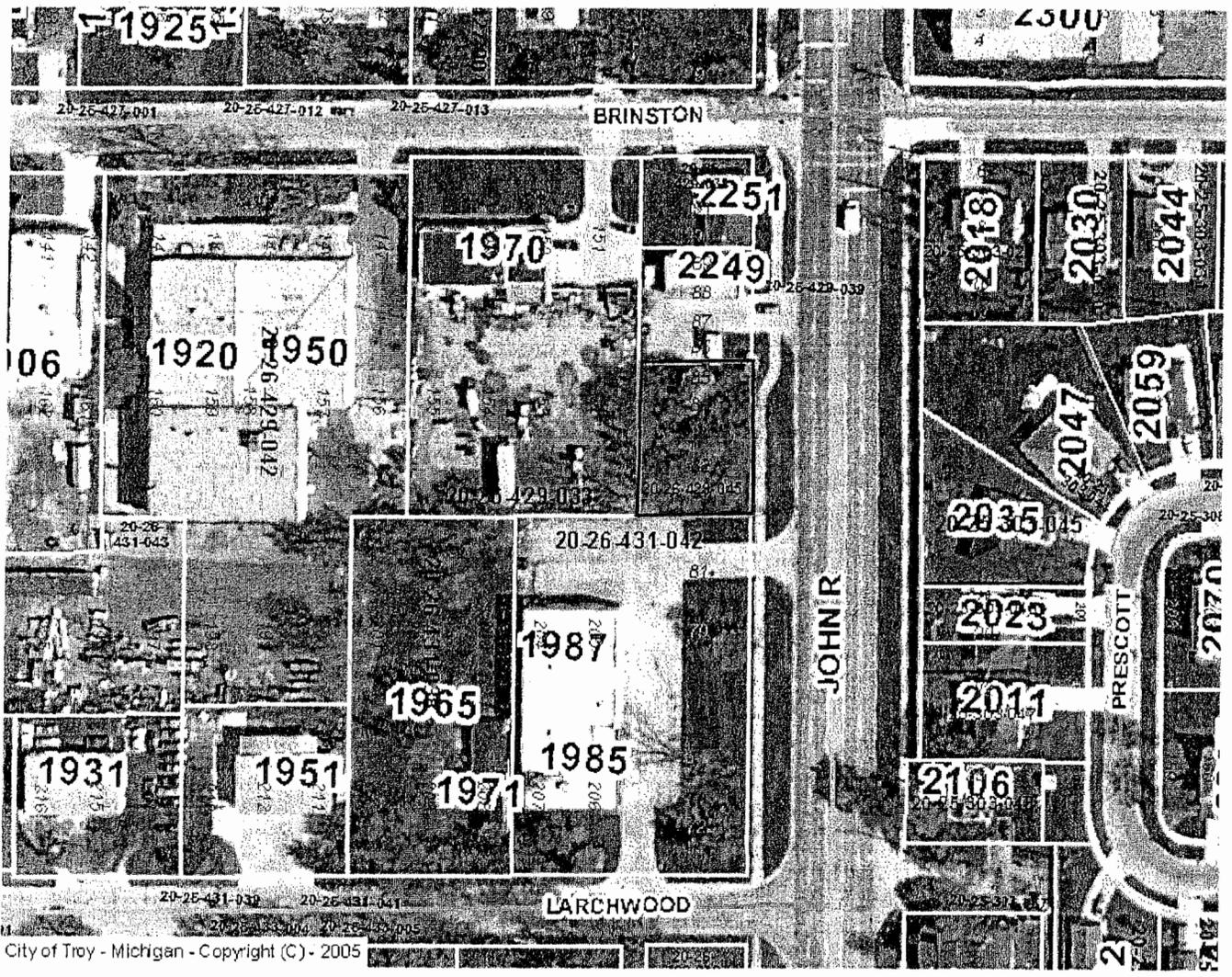
City of  
Troy

## Property Profile

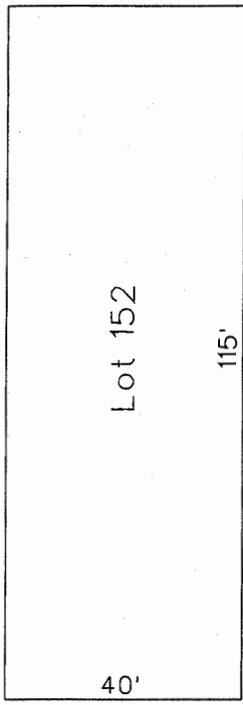
88-20-26-429-045



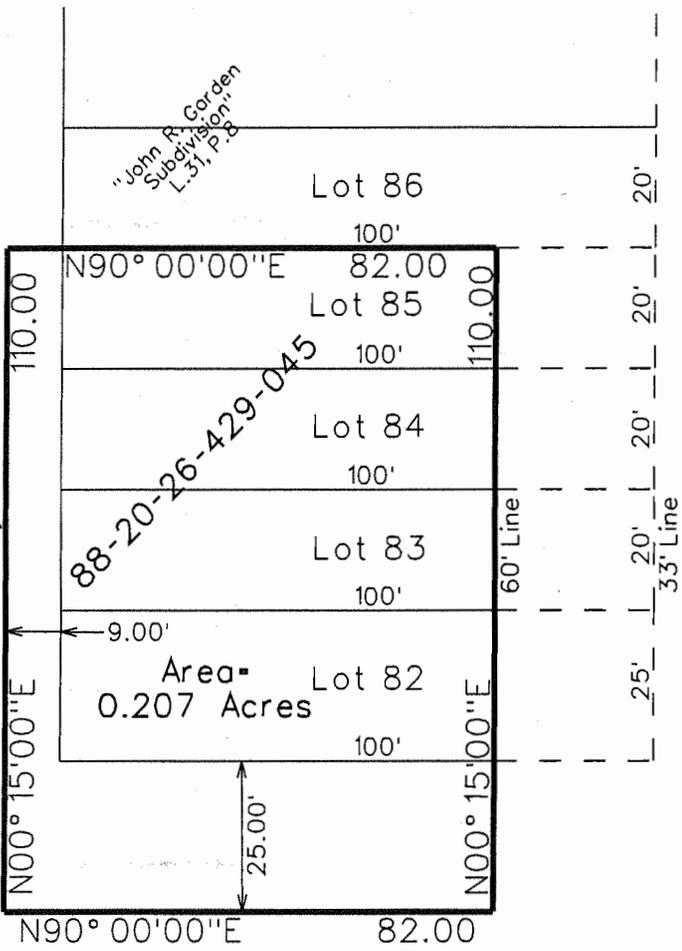
<b>Location:</b>	West side of John R between Larchwood & Brinston
<b>Size:</b>	9,020 Sq. Ft.
<b>Zoning:</b>	M-1
<b>Last Appraisal Date:</b>	11/1/07
<b>Appraisal Value:</b>	\$18,000
<b>Remarks:</b>	Combining with abutting property will attain highest & best land use
<b>Status:</b>	Authorization to sell #2005-11-512
<b>Parks &amp; Rec Advisory Board Review</b>	No potential park use, recommend disposal



City of Troy - Michigan - Copyright (C) - 2005

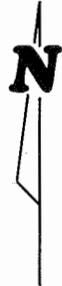


Public Alley (18' Wide Vacated)

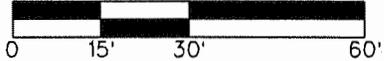


John R. Road

Kelly St. (50' Wide Vacated)



Graphic Scale: 1"=30'



CITY OF TROY  
OAKLAND COUNTY, MICHIGAN

Property Sketch  
\*88-20-26-429-045

SCALE	DRAWN BY	CHECKED	FILE
HOR. 1"=30'	NAME GJB III	NAME	See Above
VER.	DATE 01-24-08	DATE	VIEW *1

DOCUMENT PREPARED BY  
George J. Ballard III  
LAND SURVEYOR

CONTRACT No.  
DATE REV.

STEVEN J. VANDETTE  
CITY ENGINEER

SHEET No.  
10F1

JOB No.

It is the consensus of this legislative body that the application **BE RECOMMENDED** "above all others" for issuance.

Yes: All-7

**(b) Agreement**

Resolution #2005-11-510b  
Moved by Beltramini  
Seconded by Stine

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

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy hereby **APPROVES** an agreement with AG SPORTS, INC. to transfer ownership of a 2005 Class C Licensed Business with Dance-Entertainment Permit, Outdoor Service (1 area) and 3 bars; request new Official Permit (Food) to be located at 2511 Livernois, Troy, MI 48084, Oakland County, from Premier Sports, L.L.C. "above all others"; and the Mayor and City Clerk are **AUTHORIZED TO EXECUTE** the document, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-7

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**E-7 Payment of 2006 Membership Dues – National League of Cities**

Resolution #2005-11-511  
Moved by Stine  
Seconded by Fleming

RESOLVED, That the invoice in the amount of \$5,953.00 for 2006 membership dues to the National League of Cities is **APPROVED** for payment.

Yes: Beltramini, Broomfield, Fleming, Lambert, Stine, Schilling  
No: Howrylak

**MOTION CARRIED**

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**E-14 Authorization to Publish and Solicit for Public Sealed Bid – Sale of 3 Surplus Parcels**

Resolution #2005-11-512  
Moved by Lambert  
Seconded by Broomfield



RESOLVED, That the Real Estate and Development Department, in conjunction with the Purchasing Department is **AUTHORIZED** to advertise to sell by sealed bid to the highest

bidder, at or above the minimum bid value established as the appraised value, the following surplus parcels:

<u>Parcel #</u>	<u>Sidwell#</u>	<u>Appraised Value</u>	<u>Type Property</u>
15	20-23-351-001 & 002	\$ 20,000.00	Vacant B-2
17	20-23-354-048	\$ 90,000.00	Vacant B-3
20	20-26-429-045	\$18,000.00	Vacant M-1

Yes: All-7

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

**REGULAR BUSINESS:**

F-1 **Appointments to Boards and Committees:** a) Mayoral Appointments: No Appointments Scheduled; b) City Council Appointments: Southeastern Michigan Council of Governments (SEMCOG)

(a) Mayoral Appointments – No Appointments Scheduled

(b) City Council Appointments

Resolution  
Moved by Stine  
Seconded by Fleming

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

**Southeastern Michigan Council of Governments (SEMCOG)**

Appointed by Council - (1 Council Member) – 2 years

Robin Beltramini

Term Expires 11/14/07

**Vote on Resolution to Amend**

Resolution #2005-11-513  
Moved by Lambert  
Seconded by Broomfield

RESOLVED, That the Resolution to appoint a Delegate to the Southeastern Michigan Council of Governments (SEMCOG) be **AMENDED** by **INSERTING** Mark Miller as the alternate delegate.

Yes: All-7

(b) **Vote on City Council Appointments to SEMCOG as Amended**

Resolution #2005-11-514



**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
Christopher J. Forsyth, Assistant City Attorney  
**DATE:** March 12, 2008  
**SUBJECT:** Alcohol Sales on Golf Courses

---

The food and beverage service sub-contractors for Sanctuary Lake and Sylvan Glen Golf Course have requested permission to operate a beverage cart on the golf course proper. This would be prohibited by Troy's current ordinance provisions in Chapter 30. However, at the December 17, 2007 regular meeting, City Council expressed a willingness to explore amendments to the City ordinances to accommodate the sub-contractor's requests, which may also lead to additional use of the golf courses, and also possibly increased revenue for the City.

The Liquor Advisory Committee discussed the requested revision to Chapter 30, and recommended a modification that would limit the allowable sales on a beverage cart to only those beverages that contain less than 21 percent of alcohol by volume (essentially beer and wine). This recommendation has been incorporated into Version A, which is attached. A broader version of possible revisions to Chapter 30 is also included for your consideration, where the sub-contractor could sell any type of alcoholic beverage, including beer, wine, and spirits, from the beverage cart.

If Council is inclined to modify Chapter 30 to allow for a beverage cart on the golf course proper, then the Agreements with each of the sub-contractors must also be revised. Proposed revisions to these Agreements are also attached for your consideration and/or action. The first version of these amendments incorporates the Liquor Advisory Committee's recommendation to preclude the sale of spirits on the golf courses. Version B removes this limitation. Proposed resolutions are included in the Agenda Booklet.

If you have any questions, please let us know.

Version A: Incorporating Liquor Advisory Committee's Recommendation

CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 30 OF THE CODE  
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 30, Municipal Golf Course(s), of the Code of the City of Troy.

Section 2. Amendment

Chapter 30, Section 10, shall be amended as follows:

10. The City's sub-contractor has the ability to sell ~~up to two beers per golfer, which the golfer can then take onto the Golf Course for consumption~~ alcoholic beverages on the Golf Course, as long as the following conditions are satisfied:
  - a. The sub-contractor has the exclusive right to sell food and beverages on the Golf Course, pursuant to a lease or other agreement with the City, and the sub-contractor is in compliance with the terms of the lease or other agreement.
  - b. The sub-contractor has received a license to sell the alcohol from the Michigan Liquor Control Commission, and is compliant with the Administrative Rules and Regulations, and federal, state, and local laws concerning the sale of alcohol.
  - c. Alcoholic beverages sold on the Golf Course proper shall be limited to beer, wine, and other alcoholic beverages that contain less than 21% alcohol by volume. ~~No alcohol can be sold on the Golf Course proper.~~

Section 3. Savings

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

accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

\_\_\_\_\_  
Louise E. Schilling, Mayor

\_\_\_\_\_  
Tonni Bartholomew. City Clerk

**VERSION A: INCORPORATING LIQUOR ADVISORY COMMITTEE'S  
RECOMMENDATION**

**THIRD ADDENDUM TO LEASE AGREEMENT**

THIS AGREEMENT entered into on \_\_\_\_\_, 2008, between the CITY OF TROY, a Michigan Municipal Corporation, whose address is 500 W. Big Beaver Road, Troy Michigan, 48084, hereinafter referred to as the "City," and Gallatin, Inc. d/b/a Camp Ticonderoga, 2405 Rock Valley Road, Metamora, Michigan 48445 hereinafter referred to as the "Operator";

**RECITALS**

- A. On December 18, 1995, The City and Operator entered into a lease in which the City leased to the Operator certain premises to be used and occupied for the purposes stated in the lease, located at 5725 Rochester Road, Troy, Oakland County, Michigan, and adjacent to Sylvan Glen Golf Course.
- B. On May 1, 2000 the City and Operator agreed to *A Second Addendum to the Lease*. This addendum provided in paragraph (3) three "As a result of City Council's resolution on March 29, 1999, Lessee shall be permitted to sell to golfers a maximum of two (2) beers per golfer from the clubhouse on Lessor's premises for consumption on the Golf Course provided Lessee secures the necessary licenses from the Michigan Liquor Control Commission ("MLCC")"
- C. On March 17, 2008 the Troy City Council passed an amendment to Chapter 30, Golf Courses, of the City Code of Ordinances that repeals the March 29, 1999 resolution, and authorizes the City's sub-contractor permission to sell alcoholic beverages on the City's golf courses.
- D. Operator desires to serve alcoholic beverages on the Sylvan Glen Golf Course proper through use of a beverage cart.

NOW, THEREFORE, the City and Operator agree to the following terms and conditions as an addendum to the Agreement Food Service at Sylvan Glen Golf Course:

- 1. Definitions. The following terms in this Addendum to the Agreement are defined as follows:
  - A. "Alcoholic beverages" shall mean beer, wine, and other alcoholic beverages that contain less than 21% of alcohol by volume.
  - B. "Golf Course" shall mean Sylvan Glen Golf Course.
- 2. Sale of Alcoholic Beverages

- A. Paragraph (3) three of the *Second Addendum to the Lease* is hereby deleted.
  - B. Operator shall be permitted to sell alcoholic beverages on the Golf Course proper through use of one (1) beverage cart, which shall be purchased or leased by the Operator.
3. Rent
- A. The Operator's monthly rent shall be upwardly adjusted \$300 for the remainder of the lease in addition to the previous lease terms, in consideration of the Operator's increased opportunity for revenue.
4. Other
- A. The Operator is ultimately responsible for compliance with all federal, state and local laws related to the sale, distribution, use, or possession of alcohol, and the administrative rules, procedures, and guidelines as provided by the Michigan Liquor Control Commission including, but not limited to, obtaining or maintaining the necessary license(s) or permit(s), which allow for the operation of the beverage cart on the Golf Course.
  - B. Any employee operating the beverage cart must be trained to operate it in a safe manner. The operator or restaurant manager will train all operators of the beverage cart. The operator shall keep records of all training, and shall make such records available for review by the City upon request.
  - C. The Operator has the responsibility of determining the routing and hours of operation for the beverage cart. However, the City may adjust the routing or hours of operation in the event of severe weather or other environmental conditions after consultation with the Operator.
  - D. Storage of the beverage cart is the sole responsibility of the Operator. If the Operator chooses, the Operator may store the beverage cart with the golf carts during the golf season. Off season, the Operator is responsible for beverage cart storage. Storage of the beverage cart inventory is also the sole responsibility of the Operator. The City has no liability or responsibility for damages to the beverage cart during storage.
  - E. Operator shall offer sandwiches, snacks, water and other nonalcoholic beverages in addition to alcoholic beverages, for sale on the beverage cart.
  - F. It is understood that the purchase of the beverage cart is an investment with unknown return. Therefore, should the City cancel or otherwise terminate the ability of the operator to sell alcoholic beverages on the course before the end of the golf season in the year 2010, the City will purchase and take possession of the beverage cart. This does not

including food and beverage inventory, which is the sole responsibility of the Operator. The cost for the beverage cart will be the Operator's documented cost of acquisition minus depreciation based on the rules and regulations published by the IRS Act 1986 as amended. The Operator shall also have the discretion to remove the cart and waive payment as set out herein. If the City purchases the beverage cart, then payment shall be made within 60 days after receipt of documentation setting forth the Operator's cost, minus depreciation. Should the Operator lease the beverage cart, the City will have no obligation under this section.

- G. The City does not make guarantee of player load or other guarantee of revenue.
- H. All other terms of the executed lease agreement remain in effect, and are incorporated herein by reference.
- I. This agreement shall commence on April 1, 2008 or as soon as reasonably possible after that date.

CITY OF TROY, a Michigan Municipal Corporation

By: \_\_\_\_\_  
Louise E. Schilling, Mayor

By: \_\_\_\_\_  
Tonni Bartholomew, City Clerk

STATE OF MICHIGAN )

)ss

COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me on \_\_\_\_\_, 2008 by Louise E. Schilling, the Mayor of the City of Troy, a Michigan municipal corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan

My commission expires:

STATE OF MICHIGAN )

)ss

COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me on \_\_\_\_\_, 2008 by Tonni L. Bartholomew, the City Clerk of the City of Troy, a Michigan municipal corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan

My commission expires:

Gallatin, Inc. d/b/a Camp Ticonderoga

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF MICHIGAN )

)ss

COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me on \_\_\_\_\_, 2008 by \_\_\_\_\_, the \_\_\_\_\_ of Gallatin, Inc. d/b/a Camp Ticonderoga

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan

My commission expires:

**VERSION A: INCORPORATING LIQUOR ADVISORY COMMITTEE'S  
RECOMMENDATION**

**ADDENDUM TO AGREEMENT FOOD SERVICE AT SANCTUARY LAKE GOLF  
COURSE**

THIS AGREEMENT entered into on \_\_\_\_\_, 2008, between the CITY OF TROY, a Michigan Municipal Corporation, whose address is 500 W. Big Beaver Road, Troy Michigan, 48084, hereinafter referred to as the "City," and Kosch Special Events, L.L.C., a Michigan Limited Liability Company, whose address is 1450 E. South Street, Troy Michigan 48085, as the Food Service Provider for Sanctuary Lake Golf Course, hereinafter referred to as the "Operator";

**RECITALS**

- A. On April 16, 2007, The City and Operator executed an agreement entitled: *Agreement Food Service At Sanctuary Lake Golf Course*. Pursuant to Paragraph 8, section (D) of this agreement, "The Operator agrees that there shall be no sales of alcohol on the Sanctuary Lake Golf Course proper, but that the Operator, if licensed to do so by the Michigan Liquor Control Commission, may sell up to two beers per golfer at the Club House or the Outside Grill, which the golfer can then take onto the golf course for consumption."
- B. On March 17, 2008 the Troy City Council approved an amendment to Chapter 30, Golf Courses, of the City Code of Ordinances that authorizes the City's sub-contractor to sell alcoholic beverages on the City's golf courses.
- C. Operator desires to serve alcoholic beverages on the Sanctuary Lake Golf Course proper through use of a beverage cart.

NOW, THEREFORE, the City and Operator agree to the following terms and conditions as an addendum to the Agreement *Food Service At Sanctuary Lake Golf Course*:

- 1. **Definitions.** The following terms in this Addendum to the Agreement are defined as follows:
  - A. "Alcoholic beverages" shall mean beer, wine, and other alcoholic beverages that contain less than 21% of alcohol by volume.
  - B. "Golf Course" shall mean Sanctuary Lake Golf Course.
- 2. **Sale of Alcoholic Beverages**
  - A. Paragraph 8 section (D) of *Agreement Food Service At Sanctuary Lake Golf Course* is hereby deleted, as of the effective date of amendments to Chapter 30 of the City of Troy Ordinances that allow for the sale of alcohol on the Golf Course proper.

- B. Effective as of the date of the above referenced amendments to Chapter 30, Operator, as the City's subcontractor, shall be permitted to sell alcoholic beverages on the Golf Course proper through use of one (1) beverage cart, which shall be purchased or leased by the Operator.

3. Revenue Plan and Return Schedule

- A. The revenue plan and return schedule as set forth in the April 16, 2007 executed agreement remains the same. All monies received from the operation of the beverage cart will be paid to Operator.
- B. The revenue generated from the beverage cart sales shall become part of the Operator's gross revenue.

4. Other

- A. The Operator is ultimately responsible for compliance with all federal, state and local laws related to the sale, distribution, use, or possession of alcohol, and the administrative rules, procedures, and guidelines as provided by the Michigan Liquor Control Commission including, but not limited to, obtaining or maintaining the necessary license(s) or permit(s), which allow for the operation of the beverage cart on the Golf Course.
- B. Any employee operating the beverage cart must be trained to operate it in a safe manner. The operator or restaurant manager will train all operators of the beverage cart. The operator shall keep records of all training, and shall make such records available for review by the City upon request.
- C. The Operator has the responsibility of determining the routing and hours of operation for the beverage cart. However, the City may adjust the routing or hours of operation in the event of severe weather or other environmental conditions after consultation with the Operator.
- D. Storage of the beverage cart is the sole responsibility of the Operator. If the Operator chooses, the Operator may store the beverage cart with the golf carts during the golf season. Off season, the Operator is responsible for beverage cart storage. Storage of the beverage cart inventory is also the sole responsibility of the Operator. The City has no liability or responsibility for damages to the beverage cart during storage.
- E. Operator shall offer sandwiches, snacks, water and other nonalcoholic beverages in addition to alcoholic beverages, for sale on the beverage cart.
- F. It is understood that the purchase of the beverage cart is an investment with unknown return. Therefore, should the City cancel or otherwise terminate the ability of the operator to sell alcoholic beverages on the course before the end of the golf season in the year 2010, the City will

purchase and take possession of the beverage cart. This does not including food and beverage inventory, which is the sole responsibility of the Operator. The cost for the beverage cart will be the Operator's documented cost of acquisition minus depreciation based on the rules and regulations published by the IRS Act 1986 as amended. The Operator shall also have the discretion to remove the cart and waive payment as set out herein. If the City purchases the beverage cart, then payment shall be made within 60 days after receipt of documentation setting forth the Operator's cost, minus depreciation. Should the Operator lease the beverage cart, the City will have no obligation under this section.

G. The City does not make any guarantee of player load or other guarantee of revenue.

H. All other terms of the April 16, 2007 executed agreement remain in effect, and are incorporated herein by reference.

I. This agreement shall commence on April 1, 2008 or as soon as reasonably possible after that date.

IN WITNESS WHEREOF, the parties hereto have executed this Addendum Agreement as of the day and year first above written.

CITY OF TROY, a Michigan Municipal Corporation

By: \_\_\_\_\_  
Louise E. Schilling, Mayor

By: \_\_\_\_\_  
Tonni Bartholomew, City Clerk

STATE OF MICHIGAN )

)ss

COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me on \_\_\_\_\_, 2008 by Louise E. Schilling, the Mayor of the City of Troy, a Michigan municipal corporation, on behalf of the corporation.

\_\_\_\_\_

Notary Public, \_\_\_\_\_ County, Michigan

My commission expires:

STATE OF MICHIGAN )

)ss

COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me on \_\_\_\_\_, 2008 by Tonni L. Bartholomew, the City Clerk of the City of Troy, a Michigan municipal corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan

My commission expires:

Kosch Special Events L.L.C., a

Michigan Limited Liability Company

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MICHIGAN )

)ss

COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me on \_\_\_\_\_, 2008 by \_\_\_\_\_, the \_\_\_\_\_ of Kosch Special Events, L.L.C., a Michigan Limited Liability Company

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan

My commission expires:

Version B

CITY OF TROY  
AN ORDINANCE TO AMEND  
CHAPTER 30 OF THE CODE  
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 30, Municipal Golf Course(s), of the Code of the City of Troy.

Section 2. Amendment

Chapter 30, Section 10, shall be amended as follows:

10. The City's sub-contractor has the ability to sell ~~up to two beers per golfer, which the golfer can then take onto the Golf Course for consumption~~ alcoholic beverages on the Golf Course, as long as the following conditions are satisfied:
  - a. The sub-contractor has the exclusive right to sell food and beverages on the Golf Course, pursuant to a lease or other agreement with the City, and the sub-contractor is in compliance with the terms of the lease or other agreement.
  - b. The sub-contractor has received a license to sell the alcohol from the Michigan Liquor Control Commission, and is compliant with the Administrative Rules and Regulations, and federal, state, and local laws concerning the sale of alcohol.
  - ~~c. No alcohol can be sold on the Golf Course proper.~~

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

\_\_\_\_\_  
Louise E. Schilling, Mayor

\_\_\_\_\_  
Tonni Bartholomew, City Clerk

## VERSION B

### THIRD ADDENDUM TO LEASE AGREEMENT

THIS AGREEMENT entered into on \_\_\_\_\_, 2008, between the CITY OF TROY, a Michigan Municipal Corporation, whose address is 500 W. Big Beaver Road, Troy Michigan, 48084, hereinafter referred to as the "City," and Gallatin, Inc. d/b/a Camp Ticonderoga, 2405 Rock Valley Road, Metamora, Michigan 48445 hereinafter referred to as the "Operator";

#### RECITALS

- A. On December 18, 1995, The City and Operator entered into a lease in which the City leased to the Operator certain premises to be used and occupied for the purposes stated in the lease, located at 5725 Rochester Road, Troy, Oakland County, Michigan, and adjacent to Sylvan Glen Golf Course.
- B. On May 1, 2000 the City and Operator agreed to *A Second Addendum to the Lease*. This addendum provided in paragraph (3) three "As a result of City Council's resolution on March 29, 1999, Lessee shall be permitted to sell to golfers a maximum of two (2) beers per golfer from the clubhouse on Lessor's premises for consumption on the Golf Course provided Lessee secures the necessary licenses from the Michigan Liquor Control Commission ("MLCC")"
- C. On March 17, 2008 the Troy City Council passed an amendment to Chapter 30, Golf Courses, of the City Code of Ordinances that repeals the March 29, 1999 resolution, and authorizes the City's sub-contractor permission to sell alcoholic beverages on the City's golf courses.
- D. Operator desires to serve alcoholic beverages on the Sylvan Glen Golf Course proper through use of a beverage cart.

NOW, THEREFORE, the City and Operator agree to the following terms and conditions as an addendum to the Agreement Food Service at Sylvan Glen Golf Course:

- 1. Definitions. The following terms in this Addendum to the Agreement are defined as follows:
  - A. "Alcoholic beverages" shall mean beer, wine, and spirits.
  - B. "Golf Course" shall mean Sylvan Glen Golf Course.
- 2. Sale of Alcoholic Beverages
  - A. Paragraph (3) three of the *Second Addendum to the Lease* is hereby deleted.

- B. Operator shall be permitted to sell alcoholic beverages on the Golf Course proper through use of one (1) beverage cart, which shall be purchased or leased by the Operator.

3. Rent

- A. The Operator's monthly rent shall be upwardly adjusted \$300 for the remainder of the lease, in addition to the previous lease terms, in consideration of the Operator's increased opportunity for revenue.

4. Other

- A. The Operator is ultimately responsible for compliance with all federal, state and local laws related to the sale, distribution, use, or possession of alcohol, and the administrative rules, procedures, and guidelines as provided by the Michigan Liquor Control Commission including, but not limited to, obtaining or maintaining the necessary license(s) or permit(s), which allow for the operation of the beverage cart on the Golf Course.
- B. Any employee operating the beverage cart must be trained to operate it in a safe manner. The operator or restaurant manager will train all operators of the beverage cart. The operator shall keep records of all training, and shall make such records available for review by the City upon request.
- C. The Operator has the responsibility of determining the routing and hours of operation for the beverage cart. However, the City may adjust the routing or hours of operation in the event of severe weather or other environmental conditions after consultation with the Operator.
- D. Storage of the beverage cart is the sole responsibility of the Operator. If the Operator chooses, the Operator may store the beverage cart with the golf carts during the golf season. Off season, the Operator is responsible for beverage cart storage. Storage of the beverage cart inventory is also the sole responsibility of the Operator. The City has no liability or responsibility for damages to the beverage cart during storage.
- E. Operator shall offer sandwiches, snacks, water and other nonalcoholic beverages in addition to alcoholic beverages, for sale on the beverage cart.
- F. It is understood that the purchase of the beverage cart is an investment with unknown return. Therefore, should the City cancel or otherwise terminate the ability of the operator to sell alcoholic beverages on the course before the end of the golf season in the year 2010, the City will purchase and take possession of the beverage cart. This does not include food and beverage inventory, which is the sole responsibility of the Operator. The cost for the beverage cart will be the Operator's documented cost of acquisition minus depreciation based on the rules and



STATE OF MICHIGAN )

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COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me on \_\_\_\_\_, 2008 by Tonni L. Bartholomew, the City Clerk of the City of Troy, a Michigan municipal corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan

My commission expires:

Gallatin, Inc. d/b/a Camp Ticonderoga

By: \_\_\_\_\_

Its: \_\_\_\_\_

STATE OF MICHIGAN )

)ss

COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me on \_\_\_\_\_, 2008 by \_\_\_\_\_, the \_\_\_\_\_ of Gallatin, Inc. d/b/a Camp Ticonderoga

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan

My commission expires:

**VERSION B**

**ADDENDUM TO AGREEMENT FOOD SERVICE AT SANCTUARY LAKE GOLF COURSE**

THIS AGREEMENT entered into on \_\_\_\_\_, 2008, between the CITY OF TROY, a Michigan Municipal Corporation, whose address is 500 W. Big Beaver Road, Troy Michigan, 48084, hereinafter referred to as the "City," and Kosch Special Events, L.L.C., a Michigan Limited Liability Company, whose address is 1450 E. South Street, Troy Michigan 48085, as the Food Service Provider for Sanctuary Lake Golf Course, hereinafter referred to as the "Operator";

**RECITALS**

- A. On April 16, 2007, The City and Operator executed an agreement entitled: *Agreement Food Service At Sanctuary Lake Golf Course*. Pursuant to Paragraph 8, section (D) of this agreement, "The Operator agrees that there shall be no sales of alcohol on the Sanctuary Lake Golf Course proper, but that the Operator, if licensed to do so by the Michigan Liquor Control Commission, may sell up to two beers per golfer at the Club House or the Outside Grill, which the golfer can then take onto the golf course for consumption."
- B. On March 17, 2008 the Troy City Council approved an amendment to Chapter 30, Golf Courses, of the City Code of Ordinances that authorizes the City's sub-contractor to sell alcoholic beverages on the City's golf courses.
- C. Operator desires to serve alcoholic beverages on the Sanctuary Lake Golf Course proper through use of a beverage cart.

NOW, THEREFORE, the City and Operator agree to the following terms and conditions as an addendum to the Agreement *Food Service At Sanctuary Lake Golf Course*:

- 1. Definitions. The following terms in this Addendum to the Agreement are defined as follows:
  - A. "Alcoholic beverages" shall mean beer, wine, and spirits.
  - B. "Golf Course" shall mean Sanctuary Lake Golf Course.
- 2. Sale of Alcoholic Beverages
  - A. Paragraph 8 section (D) of *Agreement Food Service At Sanctuary Lake Golf Course* is hereby deleted, as of the effective date of amendments to Chapter 30 of the City of Troy Ordinances that allow for the sale of alcohol on the Golf Course proper.

- B. Effective as of the date of the above referenced amendments to Chapter 30, Operator, as the City's subcontractor, shall be permitted to sell alcoholic beverages on the Golf Course proper through use of one (1) beverage cart, which shall be purchased or leased by the Operator.

3. Revenue Plan and Return Schedule

- A. The revenue plan and return schedule as set forth in the April 16, 2007 executed agreement remains the same. All monies received from the operation of the beverage cart will be paid to Operator.
- B. The revenue generated from the beverage cart sales shall become part of the Operator's gross revenue.

4. Other

- A. The Operator is ultimately responsible for compliance with all federal, state and local laws related to the sale, distribution, use, or possession of alcohol, and the administrative rules, procedures, and guidelines as provided by the Michigan Liquor Control Commission including, but not limited to, obtaining or maintaining the necessary license(s) or permit(s), which allow for the operation of the beverage cart on the Golf Course.
- B. Any employee operating the beverage cart must be trained to operate it in a safe manner. The operator or restaurant manager will train all operators of the beverage cart. The operator shall keep records of all training, and shall make such records available for review by the City upon request.
- C. The Operator has the responsibility of determining the routing and hours of operation for the beverage cart. However, the City may adjust the routing or hours of operation in the event of severe weather or other environmental conditions after consultation with the Operator.
- D. Storage of the beverage cart is the sole responsibility of the Operator. If the Operator chooses, the Operator may store the beverage cart with the golf carts during the golf season. Off season, the Operator is responsible for beverage cart storage. Storage of the beverage cart inventory is also the sole responsibility of the Operator. The City has no liability or responsibility for damages to the beverage cart during storage.
- E. Operator shall offer sandwiches, snacks, water and other nonalcoholic beverages in addition to alcoholic beverages, for sale on the beverage cart.
- F. It is understood that the purchase of the beverage cart is an investment with unknown return. Therefore, should the City cancel or otherwise terminate the ability of the operator to sell alcoholic beverages on the course before the end of the golf season in the year 2010, the City will

purchase and take possession of the beverage cart. This does not including food and beverage inventory, which is the sole responsibility of the Operator. The cost for the beverage cart will be the Operator's documented cost of acquisition minus depreciation based on the rules and regulations published by the IRS Act 1986 as amended. The Operator shall also have the discretion to remove the cart and waive payment as set out herein. If the City purchases the beverage cart, then payment shall be made within 60 days after receipt of documentation setting forth the Operator's cost, minus depreciation. Should the Operator lease the beverage cart, the City will have no obligation under this section.

- G. The City does not make any guarantee of player load or other guarantee of revenue.
- H. All other terms of the April 16, 2007 executed agreement remain in effect, and are incorporated herein by reference.
- I. This agreement shall commence on April 1, 2008 or as soon as reasonably possible after that date.

IN WITNESS WHEREOF, the parties hereto have executed this Addendum Agreement as of the day and year first above written.

CITY OF TROY, a Michigan Municipal Corporation

By: \_\_\_\_\_  
Louise E. Schilling, Mayor

By: \_\_\_\_\_  
Tonni Bartholomew, City Clerk

STATE OF MICHIGAN     )

)ss

COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me on \_\_\_\_\_, 2008 by Louise E. Schilling, the Mayor of the City of Troy, a Michigan municipal corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan

My commission expires:

STATE OF MICHIGAN )

)ss

COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me on \_\_\_\_\_, 2008 by Tonni L. Bartholomew, the City Clerk of the City of Troy, a Michigan municipal corporation, on behalf of the corporation.

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan

My commission expires:

Kosch Special Events L.L.C., a

Michigan Limited Liability Company

By: \_\_\_\_\_  
Its: \_\_\_\_\_

STATE OF MICHIGAN )

)ss

COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me on \_\_\_\_\_, 2008 by \_\_\_\_\_, the \_\_\_\_\_ of Kosch Special Events, L.L.C., a Michigan Limited Liability Company

\_\_\_\_\_  
Notary Public, \_\_\_\_\_ County, Michigan

My commission expires:

A Regular Meeting of the Troy City Council was held Monday, March 3, 2008, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Pastor Tom Lancaster – Woodside Bible 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:**

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**A-1 No Presentations**

**CARRYOVER ITEMS:**

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**B-1 No Carryover Items**

**PUBLIC HEARINGS:**

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**C-1 No Public Hearings**

**POSTPONED ITEMS:**

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**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**

Resolution #2008-03-076  
Moved by Beltramini  
Seconded by Eisenbacher

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 60-foot public road right-of-way, as submitted on Design Sheet #7 of the City Council packet and that the recommended design standards, as put forth by the Planning Commission, be studied and adhered to whenever possible within the R-1D zoning district, being 3.376 acres in size; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **REQUIRES** that verification of no endangered species or an endangered species permit be secured from the MDNR prior to final approval of the site condominium plan.

Yes: All-7

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

**REGULAR BUSINESS:**

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

**(a) Mayoral Appointments**

Resolution #2008-03-077

Moved by Schilling

Seconded by Beltramini

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

**Brownfield Redevelopment Authority**

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

Robert D. Swartz

Term Expires 04/30/11

Philip Sanzica

Term Expires 04/30/11

James K. Campbell

Term Expires 04/30/11

**Economic Development Corporation**

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

Robert Gigliotti

Term Expires 04/30/14

Yes: All-7

**(b) City Council Appointments**

Resolution

Moved by Howrylak

Seconded by Beltramini

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

**Advisory Committee for Senior Citizens**

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

David S. Ogg Term Expires 04/30/11

Josephine Rhoads Term Expires 04/30/11

Frank Shier Term Expires 04/30/11

**Charter Revision Committee**

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

Mark R. Solomon Term Expires 04/30/11

Cynthia A. Wilsher Term Expires 04/30/11

**Library Advisory Board**

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

Heather Eisenbacher Term Expires 04/30/11

Audre Zembrzuski Term Expires 04/30/11

**Personnel Board**

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

Deborah L. Baughman Term Expires 04/30/11

**Vote on Resolution to Amend**

Resolution #2008-03-078

Moved by Beltramini

Seconded by Fleming

RESOLVED, That Troy City Council hereby **STRIKES** “Heather Eisenbacher” as a nominee for reappointment to the Library Advisory Board pursuant to a conflict with *Section 5.16 - Anti-Nepotism of the City Charter* due to her spousal relationship with Council Member Eisenbacher.

Yes: All-7

**Vote on Resolution to Amend**

Resolution #2008-03-079  
 Moved by Beltramini  
 Seconded by Kerwin

RESOLVED, That Troy City Council hereby **AMENDS** the resolution for *City Council Appointments* by **INSERTING** "David Lambert" as a nominee for the Board of Zoning Appeals with a term ending April 30, 2011.

Yes: All-7

**(b) Vote on City Council Appointments as Amended**

Resolution #2008-03-080  
 Moved by Howrylak  
 Seconded by Beltramini

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

**Advisory Committee for Senior Citizens**

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

David S. Ogg Term Expires 04/30/11

Josephine Rhoads Term Expires 04/30/11

Frank Shier Term Expires 04/30/11

**Board of Zoning Appeals**

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

David Lambert Term Expires 04/30/11

**Charter Revision Committee**

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

Mark R. Solomon Term Expires 04/30/11

Cynthia A. Wilsher Term Expires 04/30/11

**Library Advisory Board**

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

Audre Zembrzuski Term Expires 04/30/11

**Personnel Board**

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

Deborah L. Baughman

Term Expires 04/30/11

Yes: All-7

**E-2 Planning Department Proposed Fee Increases**

Resolution #2008-03-081

Moved by Kerwin

Seconded by Fleming

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

Item	Current Fee	Proposed Fee
P.U.D. Consultant Fees	Direct reimbursement of <b>ALL</b> Planning Consultant	No change
P.U.D. Consultant Fees	Direct reimbursement of <b>ALL</b> 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: All-7

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

Resolution #2008-03-082

Moved by Beltramini

Seconded by Howrylak

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:

<b><u>MUSEUM / Education Programs:</u></b>		
<b><i>*Troy School District Programs</i></b>	<b>CURRENT</b>	<b>PROPOSED</b>
½ Day, per student	<del>\$3.00</del>	\$3.50
Full Day, per student	<del>\$5.00</del>	\$5.50
<b><i>*Out of District Programs</i></b>		
½ Day, per student	<del>\$4.00</del>	\$4.50
Full Day, per student	<del>\$6.00</del>	\$6.50
<b><i>*Day Care/Private School Programs</i></b>		
½ Day, per child	<del>\$4.00</del>	\$4.50
Full Day, per child	<del>\$6.00</del>	\$6.50

<b>*Student residents of Troy will be accorded the Troy School District Fee.</b>			
<b><u>MUSEUM / Facility Rentals:</u></b>			
	<b>Village Grounds &amp; Buildings (Excludes Church)</b>	<b>Village Grounds &amp; Church</b>	
<b><u>Wedding Ceremony Fees:</u></b>			
	<b>CURRENT/PROPOSED</b>	<b>CURRENT/PROPOSED</b>	
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	
<b><u>Fee for Wedding Photos on the Green:</u></b>			
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	
<b><u>Rental Fees for Meetings and Occasional Events:</u></b>			
<b><u>Location</u></b>	<b><u>Troy Org.</u></b>	<b><u>Non-Profit Org.</u></b>	<b><u>Non-Troy Org.</u></b>
<b>Museum Building</b>	\$50.00 per hr / No Change	\$50.00 per hr / No Change	\$100.00 per hr / No Change
<b>Village Green</b>	\$50.00 per hr / No Change	\$50.00 per hr / No Change	\$100.00 per hr / No Change

Yes: All-7

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

Resolution  
 Moved by Fleming  
 Seconded by Eisenbacher

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:

<b>FIRE DEPARTMENT FEES (Chapter 93)</b>	
Permit Fee: Exhibit, Craft, Trade Show	<del>\$50.00</del> \$60.00
Permit Fee: For public display and the retail display & sale of fireworks	<del>\$100.00</del> \$125.00
<b>Hazardous Material Permit Fees</b>	
<b>Based on Quantity &amp; Form</b>	
0-1,000 LBS.; 0-100 CU. FT; 0-330 GAL	<del>\$150.00</del> \$175.00
1,001-20,000 LBS; 101-6,000 CU.FT; 331-990 GAL	<del>\$300.00</del> \$350.00
20,001+ LBS.; 6,001 + CU. FT.; 991 + GAL	<del>\$600.00</del> \$700.00
<b>Permit Fees cover initial plan review and 2 inspections</b>	
<b>Note:</b> Subsequent plan reviews and inspections of the same system shall apply to each inspector performing the re-inspection	<del>\$50.00</del> \$60.00

<b>Sprinkler Systems</b>	
<b>Riser(s) &amp; Sprinkler Heads:</b>	
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 <del>\$0.50</del> \$.060 per head over 500	
<b>Standpipes</b>	\$50.00** \$60.00
**Base Fee plus <del>\$5.00</del> \$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

<b>Fire Alarm and Detection Systems</b>	
<b>Device:</b>	
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
<b>Planning Department Fees (Chapter 41)</b>	
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

**Vote on Resolution to Amend**

Resolution #2008-03-083  
 Moved by Beltramini  
 Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **AMENDS** the resolution for by **INSERTING** “and said fee revisions shall apply to applications submitted after April 1, 2008” **AFTER** “below”.

Yes: All-7

**Vote on Resolution as Amended**

Resolution #2008-03-084  
 Moved by Fleming  
 Seconded by Eisenbacher

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, and said fee revisions shall apply to applications submitted after April 1, 2008:

<b>FIRE DEPARTMENT FEES (Chapter 93)</b>	
Permit Fee: Exhibit, Craft, Trade Show	<del>\$50.00</del> \$60.00
Permit Fee: For public display and the retail display & sale of fireworks	<del>\$100.00</del> \$125.00
<b>Hazardous Material Permit Fees</b>	
<b>Based on Quantity &amp; Form</b>	
0-1,000 LBS.; 0-100 CU. FT; 0-330 GAL	<del>\$150.00</del> \$175.00
1,001-20,000 LBS; 101-6,000 CU.FT; 331-990 GAL	<del>\$300.00</del> \$350.00
20,001+ LBS.; 6,001 + CU. FT.; 991 + GAL	<del>\$600.00</del> \$700.00
<b>Permit Fees cover initial plan review and 2 inspections</b>	
<b>Note:</b> Subsequent plan reviews and inspections of the same system shall apply to each inspector performing the re-inspection	<del>\$50.00</del> \$60.00

<b>Sprinkler Systems</b>	
<b>Riser(s) &amp; Sprinkler Heads:</b>	
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 <del>\$0.50</del> \$.060 per head over 500	
<b>Standpipes</b>	
	\$50.00** \$60.00
**Base Fee plus <del>\$5.00</del> \$7.00 per hose connection	
<b>Fire Pump</b>	
	\$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
<b>Total Flooding Agent Extinguishing System</b>	
	\$100.00***\$125.00
***Plus Appropriate Detection System Fee	
<b>Permit Fees: Subsequent Plan Reviews and Inspections of the Same System</b>	
	\$50.00 \$60.00

<b>Fire Alarm and Detection Systems</b>	
<b>Device:</b>	
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
<b>Additional Fees</b>	
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
<b>Planning Department Fees (Chapter 41)</b>	
Subdivision Tentative Preliminary Plat	<del>\$500 plus \$10.00 per lot</del> \$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: All-7

**E-5 Traffic Committee Recommendations – February 20, 2008**

Resolution #2008-03-085  
 Moved by Eisenbacher  
 Seconded by Kerwin

**(a) No Changes at Candace and Carlson Park**

RESOLVED, 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 #87-4-P be **ISSUED** for 15-minute and 2-hour parking restrictions at the Troy Public Library, as shown on the attached sketch.

Yes: All-7

**CONSENT AGENDA:**

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

Resolution #2008-03-086  
 Moved by Beltramini  
 Seconded by Fleming

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items F-2 & F-6, which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes: All-7

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

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**F-4 Standard Purchasing Resolutions**

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

Resolution #2008-03-086-F-4a

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**

Resolution #2008-03-086-F-4b

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)**

Resolution #2008-03-086-F-4c

RESOLVED, That the Troy City Council hereby authorizes participation in the National Intergovernmental Purchasing Alliance Program (NIPA) and for administration to approve like purchases in aggregate 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.

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**F-5 Donation of Obsolete Self-Contained Breathing Apparatus**

Resolution #2008-03-086-F-5

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

Resolution #2008-03-086-F-7

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.

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**F-8 Renewal of Membership in the Traffic Improvement Association (TIA) of Oakland County**

Resolution #2008-03-086-F-8

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.

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**F-9 Amber Creek East Apartments v. City of Troy**

Resolution #2008-03-086-F-9

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.

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

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**F-2 Approval of City Council Minutes**

Resolution #2008-03-087

Moved by Howrylak

Seconded by Broomfield

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 corrected.

Yes: All-7

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**F-6 Library HVAC Rooftop Replacement Units**

Resolution #2008-03-088

Moved by Eisenbacher

Seconded by Beltramini

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.

Yes: All-7

The meeting **RECESSED** at 8:52 PM.

The meeting **RECONVENED** at 9:02 PM.

**MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:**

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**G-1 Announcement of Public Hearings: None Submitted**

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**G-2 Memorandums: None Submitted**

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

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**H-1 Recommendation to Amend City Council Rules of Procedures Rule Number 15 – Appointments – Referred by Council Member Broomfield**

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Resolution #2008-03-089

Moved by Broomfield

Seconded by Beltramini

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 nomination.

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: All-7

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**H-2 Resolution for Responsible Support of the New Troy Library – Referred by Council Member Eisenbacher**

Resolution

Moved by Eisenbacher

Seconded by Fleming

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.

**Vote on Resolution to Amend**

Resolution #2008-03-090

Moved by Howrylak

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **AMENDS** the resolution by **INSERTING** “or expanded” in the seventh paragraph **AFTER** “new”.

Yes: All-7

**Pending Proposed Resolution as Amended**

Resolution  
Moved by Eisenbacher  
Seconded by Fleming

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 or expanded 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.

**Proposed Resolution to Postpone**

Resolution

Moved by Beltramini

Seconded by Schilling

RESOLVED, That Troy City Council hereby **POSTPONES** the proposed resolution for *Responsible Support of the New Troy Library – Referred by Council Member Eisenbacher* indefinitely.

**Vote on Resolution to Amend Postponement Resolution by Substitution**

Resolution #2008-03-091

Moved by Beltramini

Seconded by Schilling

RESOLVED, That Troy City Council hereby **AMENDS** the resolution to postpone the proposed resolution for *Responsible Support of the New Troy Library – Referred by Council Member Eisenbacher* by **STRIKING** it in its entirety and **SUBSTITUTING** it with “RESOLVED, That Troy City Council hereby **POSTPONES** the proposed resolution for *Responsible Support of the New Troy Library – Referred by Council Member Eisenbacher* until such time City Council requests that the item be placed on the agenda.”

Yes Beltramini, Fleming, Kerwin, Schilling

No: Broomfield, Eisenbacher, Howrylak

**MOTION CARRIED****Vote on Postponement Resolution as Amended by Substitution**

Resolution #2008-03-092

Moved by Beltramini

Seconded by Schilling

RESOLVED, That Troy City Council hereby **POSTPONES** the proposed resolution for *Responsible Support of the New Troy Library – Referred by Council Member Eisenbacher* until such time City Council requests that the item be placed on the agenda.

Yes Fleming, Kerwin, Schilling, Beltramini

No: Broomfield, Eisenbacher, Howrylak

**MOTION CARRIED****COUNCIL COMMENTS:**

Mayor Schilling referred to the positive article which appeared in the *Tribune* in regard to the newly initiated Customer Solutions Department adding that this service is another example of how the city is continuing its efforts to enhance customer service in the community.

Mayor Schilling commented on the outstanding success of the annual *Taste of Troy* event in support of the *Boys & Girls Club* and praised the hard work of the volunteers working on this endeavor.

Council Member Beltramini reported that SEMCOG has expanded their information center and noted that she has distributed a palm card to each Council Member listing some of the available SEMCOG services. She added that SEMCOG is also sponsoring a series of seminars known as SEMCOG Universities and that the April session is about the *Transfer of Development Rights*. Council Member Beltramini suggested that this session may be beneficial in the development of the city's Future Land Use Plan.

Council Member Beltramini would like to invite the Environmental Club from Smith Middle School to provide a presentation and asked that it be added to the next City Council meeting agenda.

Council Member Kerwin would also like to invite the Environmental Club to a future study session.

Council Member Kerwin read aloud the letter of appreciation received from Nancy Negohosian, Vice President of HMS Products regarding response time and the quality of Troy's police officers and city services.

Council Member Broomfield requested that City Management contact the Executive Director speaking on behalf of MADD in regard to their request to hold an activity at Boulan Park. Council Member Fleming believes a compromise can be made in this situation.

Council Member Beltramini is somewhat concerned in regard to MADD's request in that some of the activities may be detrimental to the park. Council Member Beltramini does not believe Troy's citizens should be held liable for any damages that may incur.

Mayor Schilling understands that one problem was that the applicant did not meet the Troy resident requirement and added that perhaps a county park would better meet the needs of their event. The Mayor clarified that Administration's denial was about the applicant not meeting application requirements and not about being unsupportive of the endeavors of the group.

Council Member Broomfield believes this would be an opportunity for the city to be "business friendly" and that an event like this would bring a lot of exposure to the city in terms of people visiting restaurants, etc. She views it as a win-win situation and would like City Administration to sit down with MADD and try to come to a compromise.

**REPORTS:**

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**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  
Noted and Filed
- 

**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  
Noted and Filed
- 

**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  
Noted and Filed
- 

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

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**J-5 Calendar**

Noted and Filed

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

Noted and Filed

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

Noted and Filed

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

Noted and Filed

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**STUDY ITEMS:**

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**K-1 No Study Items Submitted**

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**PUBLIC COMMENT: Address of “K” Items**

**CLOSED SESSION:**

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L-1 Closed Session: No Closed Session Requested

**ADJOURNMENT**

The meeting **ADJOURNED** at 10:42 PM.

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Louise E. Schilling, Mayor

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Tonni L. Bartholomew, MMC  
City Clerk



## CITY COUNCIL ACTION REPORT

March 3, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Proclamation: National Community Development Week March 24-30, 2008

### Background:

- The week of March 24 – 30, 2008 has been designated as National Community Development Week by the National Community Development Association to celebrate the Community Development Block Grant program. The City receives a direct allocation from the CDBG program annually to provide resources for a wide variety of community development activities that principally benefit out low and moderate income residents including the elderly and disabled. This valued program has made a tremendous contribution to the viability of the infrastructure, public services and economic vitality of our community.

### Financial Considerations:

- There are no financial considerations associated with this item.

### Legal Considerations:

- There are no legal considerations associated with this item.

### Policy Considerations:

- The proposed Proclamation is consistent with City Council Goal 1 (Enhance the livability and safety of the community), Goal 4 (Effectively and professionally communicate internally and externally) and Goal 5 (Maintain relevance of public infrastructure to meet changing public needs.)

### Options:

- It is recommended that Council designate the week of the week of March 24 through March 30, 2008 as Community Development Block Grant Week.

**PROCLAMATION**  
**Community Development Block Grant Week**  
**March 24 – 30, 2008**

**WHEREAS**, the week of March 24-30, 2008 has been designated as National Community Development Week by the National Community Development Association to celebrate the Community Development Block Grant program; and

**WHEREAS**, the Community Development Block Grant program has as its primary objective the development of viable urban communities by providing decent housing, a suitable living environment and expanding economic opportunities, principally for person of low- and moderate-income; and

**WHEREAS**, the City of Troy receives a direct allocation from the Community Development Block Grant program annually to provide resources for a wide variety of community development activities that principally benefit low and moderate income persons, including the elderly and disabled; and

**WHEREAS**, in our community and in communities throughout the nation, 34 years of Community Development Block Grant program funding has developed a strong network of relationships among local governments, residents, businesses and non-profit organizations.

**BE IT RESOLVED**, that this community urges Congress and the Administration to recognize the outstanding work being done locally and nationally by the Community Development Block Grant program by supporting increased funding for the program in FY 2009.

**PROCLAMATION  
CELEBRATING 20 YEARS  
THE BUSINESS ADVISORY GROUP, LLC**

**WHEREAS, The Business Advisory Group, LLC** was founded 20 years ago on March 6, 1988 by Terry Socall in his Troy home. Terry Socall's business has grown over the years and he continues to serve as the company's President and CEO; and

**WHEREAS,** Terry Socall rented his first outside office space in 1997 and now has offices in the Liberty Center on Big Beaver; and

**WHEREAS,** Helping new businesses get started, and helping existing businesses become more profitable – “from concept to success” – are the goals of **The Business Advisory Group, LLC**; and

**WHEREAS, The Business Advisory Group, LLC** conducts business throughout the United States, but has chosen to remain headquartered in Troy; and

**WHEREAS, The Business Advisory Group, LLC** is involved in the Troy community as a member of the Troy Chamber of Commerce, with employees on the Hospitality Committee and serving as Ambassadors; and as a member of Automation Alley, with employees on the Membership and Technology Business Committees;

**NOW, THEREFORE, BE IT RESOLVED,** That the Troy City Council does hereby congratulate **The Business Advisory Group, LLC** on its **20<sup>th</sup> Anniversary** and recognizes its impact upon our community as they serve as a steadfast and dedicated business in the City of Troy;

**BE IT FURTHER RESOLVED,** That the City Council joins the citizens of this community in appreciation and celebration of the **20<sup>th</sup> Anniversary** of **The Business Advisory Group, LLC** in the City of Troy.

Presented this 17<sup>th</sup> day of March 2008.

**PROCLAMATION  
CELEBRATING 50 YEARS  
TROY YOUTH ASSISTANCE**

**WHEREAS**, The Troy City Commission passed a resolution on March 27, 1958 providing for a **Child and Youth Assistance Committee** in the City of Troy and nominated 25 citizens representing schools, law enforcement, churches and the community to the committee; and

**WHEREAS**, Sponsored by Judge Arthur E. Moore of the Oakland County Juvenile Court, the committee was formed to work with children, authorities and families on a pre-juvenile delinquent basis; and

**WHEREAS**, Mayor Frank Costello selected the committee members and told them their job was to prevent youngsters from becoming court cases and asked the committee to work closely with educators, law enforcement authorities, religious leaders and parents to protect rather than prosecute; and

**WHEREAS**, In 1971, **Troy Youth Assistance** began an employment service staffed by volunteers. They called upon local residents and business owners who had job opportunities such as babysitting, office work, housecleaning and yard work with hourly rates ranging from \$.75 to \$1.50 for Troy teenagers; and

**WHEREAS**, The mission of **Troy Youth Assistance** is to strengthen youth and families and to reduce the incidence of delinquency, abuse and neglect through community involvement. Volunteers work with professional staff to develop enriching programs aimed at enhancing family and community relationships; and

**WHEREAS**, Over the years **Troy Youth Assistance** has achieved many milestones, including successful and innovative fund raising campaigns; overseeing teens managing the Boulan Park Concession Stand; hosting teen dances; starting a banquet in 1973 to honor Troy young people who volunteer their time and energy in helping others; awarding camp scholarships to deserving youth; and recruiting volunteers to mentor young people for their Mentors P.L.U.S. program; and

**WHEREAS**, Throughout their 50 year history, **Troy Youth Assistance** has maintained a fine reputation for delivering tremendous value throughout the community. TYA has conducted surveys on family education programming as well as hosted valuable educational workshops for parents on a variety of topics including communicating with teens; developing responsible behavior in teens; and active, effective parenting; and

**NOW, THEREFORE, BE IT RESOLVED** That the Troy City Council does hereby congratulate **Troy Youth Assistance** on its **50<sup>th</sup> Anniversary** and recognizes its impact upon thousands and thousands of young people since 1958;

**BE IT FURTHER RESOLVED**, That the City Council joins the citizens of this community in appreciation and celebration of **Troy Youth Assistance's 50th Anniversary**.

Presented this 17<sup>th</sup> day of March 2008.



## CITY COUNCIL ACTION REPORT

February 26, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration  
Susan A. Leirstein, Purchasing Director  
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Standard Purchasing Resolution 1: Award to Low Bidder-Aboveground Fuel Storage – Sanctuary Lake Golf Course

### **Background**

- Bids were received and publicly read on February 11, 2008, for supplying all labor, materials, and equipment to install aboveground fuel storage capabilities for Sanctuary Lake Golf Course.
- 45 vendors were notified via the Michigan Intergovernmental Trade Network (MITN) system. Two (2) vendors returned bids. One vendor, R. W. Mercer Company, 2322 Brooklyn Road, Jackson, MI 49203 submitted the lowest total bid of \$39,975.00.
- Since the bids were opened, an unknown state requirement was discovered. In order for the project to proceed, a remote bottom fill system must be installed at an additional cost of \$5,600.00. The total estimated cost of the project is \$45,575.00 including the additional cost, and is still less than the second bidder.

### **Financial Considerations**

- Funds for the aboveground fuel storage installation project will be available in the Sanctuary Lake capital account #888.7974.130

### **Legal Considerations**

- ITB-COT 07-47 Aboveground Fuel Storage Tank was competitively bid as required by Chapter 7 of the City Code.
- All bidders were given the opportunity to respond with their level of interest in supplying all labor, materials, and equipment to install one (1) aboveground fuel storage tank at Sanctuary Lake Golf Course.
- Award is contingent upon contractor's submission of proper insurance, bonds, and any other specified requirements.

February 26, 2008

To: Phillip L. Nelson, City Manager

Re: Bid Award – Aboveground Fuel Storage Tank

### **Policy Considerations**

- Replacing the temporary fuel storage with a permanent aboveground fuel storage tank will provide the staff and public a safe, more attractive site (Goal I).
- Increasing fuel storage capacities will free up staff to concentrate on other areas of golf operations (Goal II).
- Aboveground fuel storage will now comply with all Federal, State, and Municipal Rules and Regulations (Goal V).

### **Options**

- City management and the Golf Division of the Parks and Recreation department recommend awarding a contract to provide and install one (1) aboveground fuel storage tank at Sanctuary Lake Maintenance Facility to the lowest bidder, R.W. Mercer Company of Jackson, MI for an estimated total cost of \$45,575.00 at prices contained in the bid tabulation opened February 11, 2008 and subsequent letter dated February 25, 2008.

VENDOR NAME:

\*\*

**R.W. Mercer  
 Company**

Oscar W. Larson  
 Company

CHECK #:

742850274

705905024

CHECK AMOUNT:

10%

\$ 3,997.50

\$ 4,700.00

**PROPOSAL: TO FURNISH ALL LABOR, MATERIALS, AND EQUIPMENT TO INSTALL A NEW ABOVEGROUND FUEL STORAGE TANK AT SANCTUARY LAKE MAINTENANCE FACILITY IN ACCORDANCE WITH SPECIFICATIONS**

**COMPLETE FOR THE SUM OF:**

\$ 39,975.00

\$ 47,000.00

MANUFACTURED BY:

Steel Tank Institute

Fireguard

STYLE/MODEL:

Fireguard, Double Wall Steel

1,000 Gallon (600/400)

FUEL TANK DIMENISIONS:

Blank

107"L X 62"W x 48"H

**COST BREAKDOWN:**

Marked as

A

1.0

**SCHEDULE OF VALUES:**

Marked as

B

2.0

**CONTACT INFORMATION:**

Hours of Operation  
 24 Hr Phone No.

8:00am to 5:00pm  
 (517) 787-2960

7:00am to 5:00pm  
 (248) 620-0070

**INSURANCE:**

Can Meet  
 Cannot Meet

XX

XX

**SITE INSPECTION:**

Y/N  
 Date

Yes

Yes

1/25/2008

2/1/2008

**COMPLETION DATE:**

June 15, 2008

Can Meet  
 Cannot Meet

XX

XX

Work to Commence - # of days ARO

25

60

**PROGRESS PAYMENTS:**

Blank

Blank

**TERMS:**

Net 10

Net 10

**WARRANTY:**

1Yr-Parts; 90 Days/Labor  
 Manufacturers Warranty

2 years

**EXCEPTIONS:**

**LISTED IN BID**

Not Included: Dewatering

N/A

Hauling/disposal of contaminated soil

Masonry Wall Stiffening

Bumper Poles & Union Labor

**ACKNOWLEDGEMENT:**

Y/N

Yes

Yes

**ELECTRICAL DIAGRAM**

Y/N

Yes

Yes

**TWO FORMS: Non-Collusion Affidavit & Legal Status**

Yes

Yes

**ADDENDUM #1 & #2**

Y/N

Yes - #2

No

NO BID:

Phoenix Environmental, Inc.

**\*\* DENOTES LOW BIDDER**

**ATTEST:**

Diane Fisher

Danny McDonald

Linda Bockstanz

Susan Leirstein CPPB

Purchasing Director



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2322 BROOKLYN ROAD • P.O. BOX 180 • JACKSON, MI 49204 • PHONE (517) 787-2960 • FAX (517) 787-8111

February 25, 2008

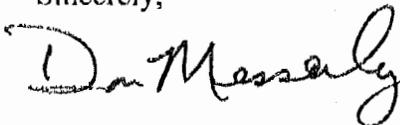
Danny T. McDonald  
Superintendent of Greens  
City of Troy  
1442 East South Blvd.  
Troy, MI 48085

**RE: Sanctuary Lake Maintenance Facility – Tank Fill Connections**

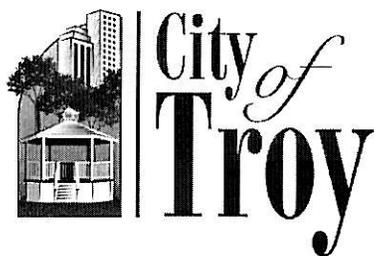
Dear Danny:

This letter is to confirm our conversation last week. Per the State of Michigan DEQ, the filling connections for the tank need to be outside the block wall enclosure. The additional cost for this work: (2) bottom fill assembly, misc. pipe and labor, will be \$5,600.00.

Sincerely,



Dan Messerly  
R.W. Mercer Co.



## CITY COUNCIL ACTION REPORT

March 10, 2008

TO:  Phillip L. Nelson, City Manager

FROM: Mary Redden, Administrative Assistant to the City Manager 

SUBJECT: Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Renewals Over \$10,000 - Michigan Municipal League

### Background:

- The Michigan Municipal League (MML), a state association of cities and villages, is a nonpartisan, nonprofit association working cooperatively to strengthen the quality of municipal government and administration.
- Benefits of membership include advocacy of municipal issues and low-cost education about effective and efficient governance.

### Financial Considerations:

- Funds are available in City Council's membership and dues account, 102.7958.

### Legal Considerations:

- There are no legal considerations associated with membership in the League.

### Policy Considerations:

- Annual membership with the MML provides support for all City goals.

### Options:

- Payment of the attached invoice is recommended for annual dues in the amount of \$12,252. These dues cover the time period of May 1, 2008 through April 30, 2009.



michigan municipal league

MICHIGAN MUNICIPAL LEAGUE  
MEMBERSHIP RENEWAL INVOICE

2007 - 2008

**Troy**

ID: 492

Date: 02/11/2008

Membership Period: 05/01/2008 - 04/30/2009

	2007 - 2008
* MML Dues	10,043
** Environmental Assessment	1,205
*** Legal Defense Fund	1,004
	<hr/>
	\$12,252

**Total Due By May 01, 2008 :**  
**\$12,252**

**Please sign, date and return one invoice copy with your payment.**

Make checks payable to the Michigan Municipal League and mail to the address below. Thank you.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\* For a detailed analysis of your MML dues, go to [www.mml.org/pdf/dues05.pdf](http://www.mml.org/pdf/dues05.pdf) or call 734-669-6350. MML dues include annual subscriptions to the Michigan Municipal Review for your officials at \$12.00 per subscription, which is 50% of the regular subscription rate.

\*\* The purpose of the EAA is to fund the Environmental Affairs Service (EAS) and its advocacy for the municipal point of view on environmental, public works and infrastructure issues at the state and federal levels. The EAS Limited one-on-one assistance to MML members concerning environmental protection mandates, transportation and public works activities is also available.

\*\*\* The Legal Defense Fund is an optional charge. The purpose of the Fund is to provide specialized legal assistance to member municipalities in cases that have significant statewide impact.

Michigan Municipal League  
P.O. Box 7409  
Ann Arbor MI 48106-7409  
800.653.2483

# The League is the one clear voice.



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The Michigan Municipal League is the one clear voice for Michigan communities. Through advocacy at the state and federal level, we proactively represent municipalities to help them sustain highly livable, desirable, and unique places within the state. We create and offer our members services and events that range from traditional to cutting edge, in order to help educate and inspire them to remain focused on their passion for the area they represent. Since 1899, we have been here fighting for change, helping each member thrive, and creating a better Michigan. One community at a time.

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## A D V O C A C Y



# The League is fighting for Michigan's future.



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Since the late 1960s, the Michigan Municipal League has maintained a full-time advocacy presence at the state Capitol in Lansing through the League's State and Federal Affairs Division. This division monitors, analyzes and articulates the municipal viewpoint on many bills that are introduced during each two-year legislative session.

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## **We help fund Michigan's communities.**

Michigan's communities have already absorbed serious reductions in community funding. The MML advocates the use of tax dollars for critical services that citizens rely on most. Local communities are the economic backbone of our state and we see their viability as essential for a strong Michigan. Revenue sharing must be thought of as an investment—an investment in the future of our communities, leading to an investment in the vitality of the state.

## **We spur economic development.**

Investing in Michigan's urban areas is paramount to the revitalization of Michigan. Built-out communities need assistance in redeveloping their infrastructure. Jobs come to areas with infrastructure, services and a high quality of life. Employers want their employees to have access to vibrant downtowns, entertainment, good schools, good health care and all the amenities that come with an exciting and alive community. Policymakers need to refocus economic development resources and initiatives towards these developed communities. The MML is working to provide strong communities as the centerpiece of a highly desirable state.

## **Transportation and Infrastructure**

Good roads and bridges, efficient public transit and infrastructure systems are critical to the health of Michigan's economy and the vitality of our hometowns. Businesses looking to locate or stay in Michigan consider the quality of infrastructure as a determining factor. The MML targets transportation and infrastructure resources to Commerce Centers. The League works with members of Michigan's congressional delegation and all transportation interests to ensure that Michigan's transportation and infrastructure systems are effectively funded.

## **Environmental Protection**

As both "regulated" entities and "regulators," Michigan's cities and villages support strong, adequately funded environmental protection initiatives. The League is committed to working with all interested parties on legislation to protect sources of groundwater from contamination, to give the state a greater voice in regulating solid waste imports and to implement the voter-approved Clean Water Bond. The MML is also working with Congress and the U.S. EPA to promote the wise use of our tax dollars to enhance environmental quality.

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## Publications & Online Help

An ever-increasing number of the League's publications, including *Michigan Municipal Review* magazine and the Municipal Yellow Pages, are available to members online free of charge. The members-only section of the League's website provides a host of topical data, sample resolutions, ordinances and policies and links to dozens of related resources. More than 2,000 individual visitors tap into the resources at [www.mml.org](http://www.mml.org) every week.

## Fiscal Database

The League's fiscal database includes 20 years of data on local revenues and expenditures, millage rates, state-shared revenue, taxable values, state equalized values and Act 51/Transportation revenues and expenditures. As a member, you can request reports tailored to your needs free of charge.

## Executive Search

The League offers executive search services to facilitate one of the most important processes undertaken by an elected body - selecting effective leadership for the organization.

## Wage & Salary Survey

The results of the League's annual wage and salary survey are available online through a database that members may search by a number of criteria. A benefits section provides a comprehensive overview of compensation packages.

## Elected Officials Academy

The EOA is a voluntary program designed to encourage elected officials to pursue education in topics critical to governing their community, and to participate in a variety of leadership roles. Officials are recognized as they complete each of the three levels in the Academy. Participation in these core activities provides officials with tools they need to make sound decisions affecting their community's future.

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EDUCATION / RESOURCES

← ← ← ←

# The League is helping you every day.



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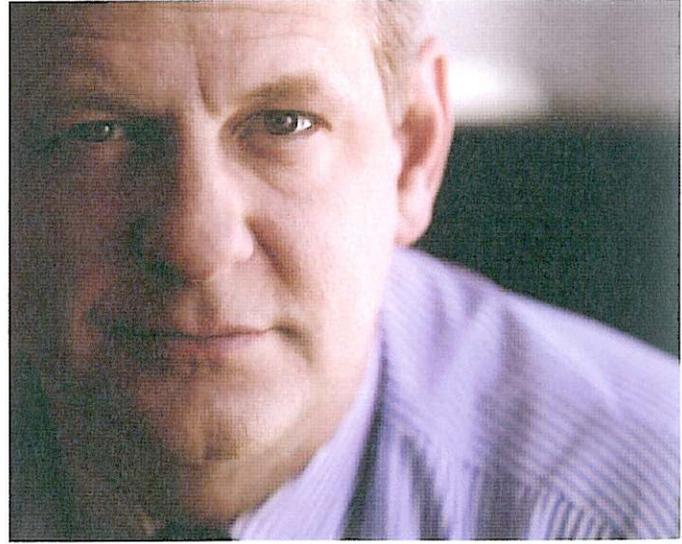
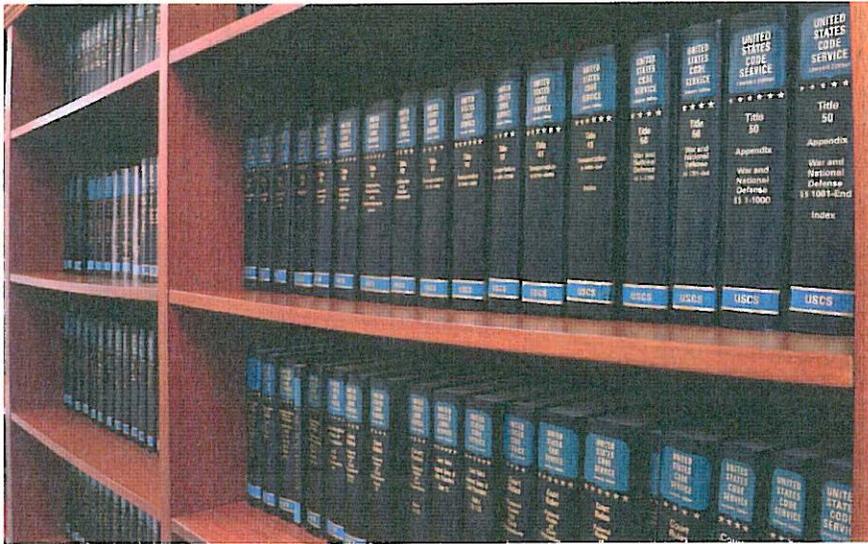
Any staff member or elected or appointed official in a member community may call the MML for information and receive a password to access the member section at [www.mml.org](http://www.mml.org). Whenever there's a question, the League is there.

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INSURANCE / LITIGATION

# The League is protecting in every way.



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The League has evolved over the years, fulfilling the crucial needs of our members. Through legal assistance and insurance programs, the League is here to help fight for your rights and protect you in numerous ways.

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## Municipal Litigation Center

The Legal Affairs Division works collaboratively with the Michigan Association of Municipal Attorneys (MAMA), the only chartered section of the League. Training institutes and seminars are provided to member municipal attorneys.

## Legal Assistance

The MML attorneys are there to help you work through your most challenging issues. Although they do not issue formal opinions, MML attorneys are available to consult with your municipal attorney on legal topics facing your municipality.

## Legal Defense Fund

The Legal Defense Fund is used to assist in litigation and other legal matters involving a community, the outcome of which could have statewide significance. Membership in the Defense Fund is open to communities that pay a modest annual fee. Resources of the Fund are extended in cases which would have a considerable impact on Michigan municipal law and would affect the organization, operation, powers, duties or financing of Michigan's communities.

## Risk Management Services

The Risk Management Services Division administers two statewide municipal insurance programs: the Michigan Municipal League Workers' Compensation Fund, and the Michigan Municipal League Liability and Property Pool. The mission of Risk Management Services is to provide a long-term, stable, cost-effective insurance alternative for members and associate members of the Michigan Municipal League.

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## Advocacy of Municipal Issues

- Legislative Link E-Newsletter – a weekly rundown of legislative activity
- Action Alerts and Issue Advisories – updates on information that just can't wait
- Media Relations – talking points/sample press releases are given on topical items
- Municipal Litigation Center – advocacy of municipal issues in trial courts
- MML staff lobby the Legislature and executive branch daily on issues impacting members

## Information and Education

- Inquiry service – you ask, we answer
- E-Books
- Records Management Handbook
- Elected Officials Academy membership
- Member rates for the annual Convention, Legislative Conference and workshops
- One copy of the Directory of Michigan Municipal Officials
- Several copies of the *Michigan Municipal Review*
- Member rates for Classified Ads on the Michigan Municipal League's website
- Onsite outreach
- Municipal Manager Pool Listing

## Access to the member-protected area of the MML website:

- Wage and Salary Data
- Fiscal Database Information
- Municipal Yellow Pages
- Sample Ordinances and Policies
- One Pager Plus

## Access to Insurance programs and Employee Benefits Services:

- MML Workers' Compensation Fund
- MML Liability and Property Pool
- MML Sponsored BCBSM Program
- Michigan Employee Benefits Services
- Unemployment Compensation Fund

## Access to services at the member rate:

- Human Resources Consulting
- Commercial Driver's License Drug and Alcohol Testing Consortium
- Legal Defense Fund
- Environmental Affairs

## Leadership Opportunities

- Ability to vote at the annual business meeting
- Ability to hold a League office and to serve on a committee and/or task force

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send an email to [info@mml.org](mailto:info@mml.org) or call 800-653-2483.



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## CITY COUNCIL ACTION REPORT

March 10, 2008

TO: Phillip L. Nelson, City Manager

FROM: Susan A. Leirstein, Purchasing Director  
Charles T. Craft, Chief of Police

SUBJECT: Standard Purchasing Resolution 4: Oakland County Cooperative Agreement – Live Scan

### **Background**

In 1997, the Police Department, through a matching state grant, purchased hardware and software to capture and transmit fingerprints of arrestees electronically. This was the end of inked impressions and paper fingerprint cards and the beginning of biometric data and electronic digital storage. Over the years, the system has been integrated with mugshots and both the hardware and software have been upgraded to keep pace with ever changing technological advancements.

The latest change to the system is the incorporation of a fingerprint scanner that has the ability to scan palm print impressions. Including this biometric data as part of the record further supports the identification of subjects who are incarcerated. Potentially, it could solve crimes when only palm impressions are available for analysis and comparison of palm latent impressions taken from crime scenes. The department also received a new monitor, tower, and enterprise application software that links and transmits mug shot and live scan records to the County and the State.

Oakland County purchased the live scan equipment with federal grant funds. Therefore, it is necessary that they maintain ownership of the equipment for use by the Troy Police Department. There is no cost to Troy or any other participating Oakland County municipality for the purchase of the equipment. Troy and participating communities will only be responsible for the maintenance costs of the new equipment. The County has negotiated agreements for both the software license and the system maintenance with the maker of the equipment. The cost to Troy is \$3,313.00 per year and will remain the same until December 31, 2013, or until canceled or terminated by either party pursuant to Section 7 of the Interlocal Agreement.

March 10, 2008

To: Phillip L. Nelson, City Manager  
Re: Live Scan Agreement with Oakland County

**Financial Considerations**

Funding for this agreement is available in the Research and Technology operating budget account #334.7802.070.

**Legal Considerations**

The City Attorney's Office has reviewed the agreement and agrees with the terms and conditions.

**Policy Considerations**

The identification and arrest of criminals by matching latent prints will be in keeping with the goal of keeping our community and officers safe. (Goal I)

By the County purchasing the system through a grant, the City is only responsible for the maintenance; therefore, the goal of minimizing the cost and increasing the efficiency and effectiveness of City government is met. (Goal II)

**Options**

City management recommends Troy City Council authorize the Live Scan Agreement with Oakland County at a cost of \$3,313.00 per year for maintenance and preventative services for each cabinet style hand scanner system through December 31, 2013.

Reviewed and Approved as to Form:

\_\_\_\_\_  
Lori Grigg Bluhm, City Attorney

**LIVE SCAN AGREEMENT  
BETWEEN  
OAKLAND COUNTY  
AND  
CITY OF TROY**

---

This Agreement is made between Oakland County, a Constitutional Corporation, 1200 North Telegraph, Pontiac, Michigan 48341 and City of Troy 500 West Big Beaver Road Troy, Michigan 48084. In this Agreement, the County and the Political Subdivision may also be referred to individually as "Party" or jointly as "Parties."

**PURPOSE OF AGREEMENT.** Pursuant to the Urban Cooperation Act of 1967, 1967 PA 7, MCL 124.501, *et seq.*, the County and the Political Subdivision enter into this Agreement. The purpose of this Agreement is to delineate the responsibilities and obligations of the Parties regarding use and maintenance of Live Scan Equipment for submission and exchange of Fingerprint Information.

In consideration of the mutual promises, obligations, representations, and assurances in this Agreement, the Parties agree to the following:

1. **DEFINITIONS.** The following words and expressions used throughout this Agreement, whether used in the singular or plural, within or without quotation marks, or possessive or nonpossessive, shall be defined, read, and interpreted as follows:
  - 1.1. **Agreement** means the terms and conditions of this Agreement, the Exhibits attached hereto, and any other mutually agreed to written and executed modification or amendment.
  - 1.2. **Claim** means any alleged loss, claim, complaint, demand for relief or damages, cause of action, proceeding, judgment, deficiency, liability, penalty, fine, litigation, cost, or expense, including, but not limited to, reimbursement for reasonable attorney fees, witness fees, court costs, investigation expenses, litigation expenses, or amounts paid in settlement, which are imposed on, incurred by, or asserted against the County or Political Subdivision, its employees or agents, whether such Claim is brought in law, equity, tort, contract, or otherwise.
  - 1.3. **Contractor** means the vendor selected by the County, pursuant to County purchasing policies and procedures, to provide the Live Scan Equipment and the maintenance services for the Live Scan Equipment.
  - 1.4. **County** means Oakland County, a Municipal and Constitutional Corporation including, but not limited to, all departments, divisions, the County Board of Commissioners, elected and appointed officials, directors, board members,

council members, commissioners, authorities, committees, employees, agents, or any such persons' successors.

- 1.5. **Courts and Law Enforcement Management Information System ("CLEMIS")** means the computer system which provides access to and entry of public safety and law enforcement data and facilitates the exchange of such data between public safety and law enforcement agencies. CLEMIS also provides access to other criminal justice databases. CLEMIS is interfaced to state and federal law enforcement computers systems which maintain records and files essential to the needs of the public safety and law enforcement community.
  - 1.6. **Courts and Law Enforcement Management Information System Division ("CLEMIS Division")** means a division of the Oakland County Department of Information Technology that supports CLEMIS users. The CLEMIS Division provides services such as training for CLEMIS, a help desk, technical support, application development, liaison with the State on technology matters, vendor liaison, CLEMIS administration, project management, and a CLEMIS application backup site.
  - 1.7. **Day** means any calendar day beginning at 12:00 a.m. and ending at 11:59 p.m.
  - 1.8. **Exhibit** means all of the following documents which are fully incorporated into this Agreement:
    - 1.8.1. **Exhibit I**: Software License
    - 1.8.2. **Exhibit II**: Maintenance Agreement
  - 1.9. **Fingerprint Information** means the fingerprint impressions and associated data that is entered into the Live Scan Equipment by the Political Subdivision.
  - 1.10. **Live Scan Equipment (or Equipment)** means cabinet or desktop style handscanner systems including hardware, software, demographic interfaces and software customization as delivered by the Contractor.
  - 1.11. **Maintenance Fees** means the amount of money paid by the Political Subdivision to the County to maintain the Live Scan Equipment pursuant to Section 4 of this Agreement. Maintenance Fees do not include costs for maintenance services not covered by the Maintenance Agreement.
  - 1.12. **Political Subdivision** means City of Troy, including, but not limited to, its Council, departments, divisions, elected and appointed officials, directors, board members, council members, commissioners, authorities, committees, employees, agents, subcontractors, or any such persons' successors.
  - 1.13. **System Manager** means the individual or individuals designated by the Political Subdivision who is the authorized point of contact between the County and the Contractor for receiving/sending of material or Live Scan Equipment related to this Agreement or other issues related to this Agreement.
2. **COUNTY RESPONSIBILITIES**. Subject to the terms and conditions contained in this Agreement, and applicable changes in law, the County shall carry out the following:

- 2.1. The County shall provide Live Scan Equipment, specifically one (1) cabinet style handscanner system, to the Political Subdivision for its use. The County purchased most of the Live Scan Equipment with grant funds; thus, the County shall remain the owner of the Live Scan Equipment, even though it is located at the Political Subdivision.
  - 2.2. In an effort to reduce costs to the Political Subdivision and the County, the County negotiated and executed a single Software License Agreement, Exhibit I, and Maintenance Agreement, Exhibit II, for all Live Scan Equipment purchased by the County.
  - 2.3. The Contractor shall provide the maintenance services for the Live Scan Equipment, not the County, as set forth in the Maintenance Agreement attached as Exhibit II.
  - 2.4. Once the Political Subdivision enters and submits the Fingerprint Information into the Live Scan Equipment, the County will submit the Fingerprint Information to the State of Michigan, pursuant to law. The County shall also store all Fingerprint Information entered and submitted into the Live Scan Equipment at the County.
3. **POLITICAL SUBDIVISION'S RESPONSIBILITIES.**
- 3.1. The Political Subdivision shall use and operate the Live Scan Equipment properly and according to this Agreement and applicable law.
  - 3.2. The Political Subdivision shall comply with the Software License, attached as Exhibit I, and the Maintenance Agreement, attached as Exhibit II.
  - 3.3. In exchange for the use of the Live Scan Equipment, the Political Subdivision shall pay for the maintenance services provided by the Contractor. The Maintenance Fees and the manner of payment are set forth in Section 4 of this Agreement. The Political Subdivision shall be solely responsible to pay for any maintenance services not covered by the Maintenance Agreement, Exhibit II.
  - 3.4. Each Political Subdivision shall identify a System Manager and alternative and notify the County in writing of the System Manager and alternative. The Political Subdivision must notify the County in writing of any changes to the System Manager and alternative within five (5) Days of any change.
  - 3.5. The System Manager shall be the first point of contact for the Political Subdivision when problems occur with the Live Scan Equipment. The System Manager shall be the sole individual responsible for relaying problems with the Live Scan Equipment to the Contractor and/or communicating the need for maintenance to the Contractor.
  - 3.6. The Political Subdivision shall send its employees or agents to training classes regarding Live Scan Equipment as required by the County. The training classes shall be provided to the Political Subdivision at no charge.
  - 3.7. The Political Subdivision shall require that all users of Live Scan Equipment report any problem or unusual activity to the System Manager to enable proper maintenance of the Live Scan Equipment.
  - 3.8. The Political Subdivision shall be solely responsible for entering Fingerprint Information into the Live Scan Equipment for its jurisdiction.

- 3.9. The Political Subdivision shall be solely responsible for ensuring that the Fingerprint Information entered into Live Scan Equipment is accurate, complete, updated, and/or purged as required by law.
  - 3.10. The Fingerprint Information entered into the Live Scan Equipment shall be and remain the data of the Political Subdivision.
  - 3.11. The Political Subdivision shall replace or repair the Live Scan Equipment which is willfully or negligently lost, stolen, damaged, or destroyed and shall be responsible for the costs associated with such replacement or repair, normal wear and tear excepted.
  - 3.12. The Political Subdivision shall not move (from the facility where it is located) the Live Scan Equipment until written notice is given to the County. The Political Subdivision shall not dispose of the Live Scan Equipment without first getting written permission of the County.
  - 3.13. Except as otherwise provided by this Agreement, the Political Subdivision shall be solely responsible for all costs, fines, and fees associated with the use and misuse of the Live Scan Equipment.
4. **FINANCIAL RESPONSIBILITIES.**
- 4.1. The County shall pay the Maintenance Fees to the Contractor annually for the Maintenance Agreement and invoice the Political Subdivision for the amount and in the manner set forth in this section.
  - 4.2. The Political Subdivision shall pay Three Thousand, Three Hundred and Thirteen (\$3,313.00) Dollars in Maintenance Fees annually to the County for four (4) years, for maintenance and preventative services for each cabinet style handscanner system provided to the Political Subdivision by the County. The obligation to pay Maintenance Fees shall begin on May 1, 2009.
  - 4.3. The County shall invoice the Political Subdivision quarterly for the Maintenance Fees. The Maintenance Fees become due to the County upon receipt of such invoice and the Political Subdivision agrees to pay the invoice within forty-five (45) Days of receipt.
  - 4.4. Except as provided in this Agreement, the County is not responsible for any cost, fee, fine or penalty incurred by the Political Subdivision in connection with this Agreement.
  - 4.5. To the maximum extent provided by law, if there is any amount past due under this Agreement, the County, in its sole discretion, has the right to set off that amount from any amount due to the Political Subdivision from the County, including, but not limited to, distributions from the Delinquent Tax Revolving Fund (DTRF).
5. **DURATION OF INTERLOCAL AGREEMENT.**
- 5.1. The Agreement and any amendments hereto shall be effective when executed by both Parties, with resolutions passed by the governing bodies of each Party, and when the Agreement is filed according to MCL 124.510. The approval and terms of this Agreement and any amendments hereto shall be entered in the official minutes of the governing bodies of each Party.
  - 5.2. This Agreement shall remain in effect until December 31, 2013 or until cancelled or terminated by either Party pursuant to Section 7.

6. **ASSURANCES.**
  - 6.1. Each Party shall be responsible for its own acts and the acts of its employees, agents, and subcontractors, the costs associated with those acts, and the defense of those acts.
  - 6.2. Except as otherwise provided by law, the Political Subdivision shall be responsible for Claims that arise out of its use of the Live Scan Equipment
  - 6.3. Neither Party shall be liable to the other Party for any consequential, incidental, indirect, or special damages of any kind in connection with this Agreement.
7. **TERMINATION OR CANCELLATION OF AGREEMENT.**
  - 7.1. Either Party may terminate or cancel this Agreement for any reason upon thirty (30) days notice. The effective date for termination or cancellation shall be clearly stated in the notice.
  - 7.2. Notwithstanding any other provision of this Agreement, if the Political Subdivision ceases to be a member of CLEMIS, this Agreement shall terminate, as of the date the Political Subdivision ceases to be a member of CLEMIS, with no notice required by either Party.
  - 7.3. The Political Subdivision shall not be responsible for payment of Maintenance Fees after the effective date of termination or cancellation of this Agreement.
  - 7.4. Within thirty (30) Days of the effective date of termination or cancellation of this Agreement, the Political Subdivision shall return the Live Scan Equipment to the County.
  - 7.5. The Parties shall not be obligated to pay a cancellation or termination fee, if this Agreement is cancelled or terminated as provided herein.
8. **SUSPENSION OF SERVICES.**
  - 8.1. Upon notice to the Political Subdivision of the County's determination that the Political Subdivision has failed to comply with federal, state, or local law or the requirements contained in this Agreement, the County may immediately suspend this Agreement, provided the notice contains a detailed description of the basis for the determination.
  - 8.2. Upon submission of a written plan or statement by the Political Subdivision to the County addressing each basis listed in the County's notice and the County agrees to such written plan or statement (such agreement shall not be unreasonably withheld), then the Political Subdivision shall be entitled to an immediate reinstatement of the Agreement.
  - 8.3. The right to suspend this Agreement is in addition to the right to terminate or cancel this Agreement contained in Section 7.
  - 8.4. The County shall not incur penalty, expense, or liability if services are suspended under this Section, unless the Agreement is not immediately reinstated as provided in this Section or the County wrongfully suspended the Agreement under this Section.
9. **NO THIRD PARTY BENEFICIARIES.** Except as expressly provided in this Agreement, this Agreement does not and is not intended to create any obligation,

- duty, promise, contractual right or benefit, right to indemnification, right to subrogation, and/or any other right, in favor of any other person or entity.
10. **COMPLIANCE WITH LAWS**. Each Party shall comply with all federal, state, and local laws, statutes, ordinances, regulations, administrative rules, and requirements applicable to its activities performed under this Agreement and applicable to the operation of the Live Scan Equipment.
  11. **DISCRIMINATION**. The Parties shall not discriminate against their employees, agents, applicants for employment, or other persons or entities with respect to hire, tenure, terms, conditions, and privileges of employment, or any matter directly or indirectly related to employment in violation of any federal, state or local law.
  12. **RESERVATION OF RIGHTS**. This Agreement does not, and is not intended to, impair, divest, delegate, or contravene any constitutional, statutory, and/or other legal right, privilege, power, obligation, duty, or immunity of the Parties.
  13. **FORCE MAJEURE**. Each Party shall be excused from any obligations under this Agreement during the time and to the extent that a Party is prevented from performing due to causes beyond such Party's control, including, but not limited to, an act of God, war, fire, strike, labor disputes, civil disturbances, reduction of power source, or any other circumstances beyond the reasonable control of the affected Party. Reasonable notice shall be given to the affected Party of any such event.
  14. **IN-KIND SERVICES**. This Agreement does not authorize any in-kind services, unless previously agreed to by the Parties and specifically listed herein.
  15. **DELEGATION/SUBCONTRACT/ASSIGNMENT**. A Party shall not delegate, subcontract, and/or assign any obligations or rights under this Agreement without the prior written consent of the other Party.
  16. **NO IMPLIED WAIVER**. Absent a written waiver, no act, failure, or delay by a Party to pursue or enforce any rights or remedies under this Agreement shall constitute a waiver of those rights with regard to any existing or subsequent breach of this Agreement. No waiver of any term, condition, or provision of this Agreement, whether by conduct or otherwise, in one or more instances, shall be deemed or construed as a continuing waiver of any term, condition, or provision of this Agreement. No waiver by either Party shall subsequently effect its right to require strict performance of this Agreement.
  17. **SEVERABILITY**. If a court of competent jurisdiction finds a term or condition of this Agreement to be illegal or invalid, then the term or condition shall be deemed severed from this Agreement. All other terms, conditions, and provisions of this Agreement shall remain in full force.
  18. **CAPTIONS**. The section and subsection numbers, captions, and any index to such sections and subsections contained in this Agreement are intended for the convenience of the reader and are not intended to have any substantive meaning. The numbers, captions, and indexes shall not be interpreted or be considered as part of this Agreement. Any use of the singular or plural number, any reference to the male, female, or neuter genders, and any possessive or nonpossessive use in this Agreement shall be deemed the appropriate plurality, gender or possession as the context requires.

19. **NOTICES.** Notices given under this Agreement shall be in writing and shall be personally delivered, sent by express delivery service, certified mail, or first class U.S. mail postage prepaid, and addressed to the person listed below. Notice will be deemed given on the date when one of the following first occur: (1) the date of actual receipt; (2) the next business day when notice is sent express delivery service or personal delivery; or (3) three days after mailing first class or certified U.S. mail.

19.1. If Notice is set to the County, it shall be addressed and sent to:

Oakland County Department of Information Technology,  
Manager of CLEMIS Division,  
1200 North Telegraph Road, Building #49 West,  
Pontiac, Michigan, 48341  
and  
Chairperson of the Oakland County Board of Commissioners,  
1200 North Telegraph,  
Pontiac, Michigan 48341

19.2. If Notice is sent to the Political Subdivision, it shall be addressed to:

City of Troy  
Police Department  
500 West Big Beaver Road  
Troy, Michigan 48084

19.3. Either Party may change the address and/or individual to which Notice is sent by notifying the other Party in writing of the change.

20. **GOVERNING LAW/CONSENT TO JURISDICTION AND VENUE.** This Agreement shall be governed, interpreted, and enforced by the laws of the State of Michigan. Except as otherwise required by law or court rule, any action brought to enforce, interpret, or decide any Claim arising under or related to this Agreement shall be brought in the 6th Judicial Circuit Court of the State of Michigan, the 50th District Court of the State of Michigan, or the United States District Court for the Eastern District of Michigan, Southern Division, as dictated by the applicable jurisdiction of the court. Except as otherwise required by law or court rule, venue is proper in the courts set forth above.
21. **AGREEMENT MODIFICATIONS OR AMENDMENTS.** Any modifications, amendments, rescissions, waivers, or releases to this Agreement must be in writing and agreed to by both Parties. Unless otherwise agreed, the modification, amendment, rescission, waiver, or release shall be signed by the same persons who signed the Agreement or other persons as authorized by the Parties' governing bodies.
22. **RESCISSION OF PREVIOUS INTERLOCAL AGREEMENT.** This Agreement hereby rescinds and supersedes the Live Scan Maintenance Agreement previously entered into between the County and Political Subdivision and this Agreement shall control all matters contemplated therein.

23. **ENTIRE AGREEMENT.** This Agreement represents the entire Agreement and understanding between the Parties. This Agreement supersedes all other oral or written Agreements between the Parties. The language of this Agreement shall be construed as a whole according to its fair meaning and not construed strictly for or against any Party.

The Parties have taken all actions and secured all approvals necessary to authorize and complete this Agreement. The persons signing this Agreement on behalf of each Party have legal authority to sign this Agreement and bind the Parties to the terms and conditions contained herein.

IN WITNESS WHEREOF, \_\_\_\_\_ hereby acknowledges that he has been authorized by a resolution of the \_\_\_\_\_, a certified copy of which is attached, to execute this Agreement on behalf of the Political Subdivision and hereby accepts and binds the Political Subdivision to the terms and conditions of this Agreement.

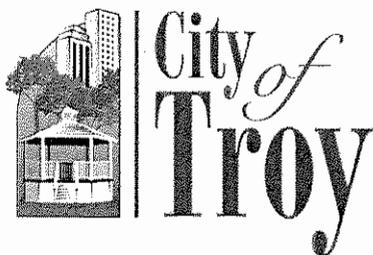
EXECUTED: \_\_\_\_\_ DATE: \_\_\_\_\_  
Louise Schilling, Mayor

\_\_\_\_\_ DATE: \_\_\_\_\_  
Tonni Bartholomew, City Clerk

**IN WITNESS WHEREOF**, Bill Bullard, Jr., Chairperson, Oakland County Board of Commissioners, hereby acknowledges that he has been authorized by a resolution of the Oakland County Board of Commissioners, a certified copy of which is attached, to execute this Agreement on behalf of Oakland County and hereby accepts and binds Oakland County to the terms and conditions of this Agreement.

EXECUTED: \_\_\_\_\_ DATE: \_\_\_\_\_  
Bill Bullard, Jr., Chairperson  
Oakland County Board of Commissioners

WITNESSED: \_\_\_\_\_ DATE: \_\_\_\_\_  
Ruth Johnson, Clerk Register of Deeds  
County of Oakland



## CITY COUNCIL ACTION REPORT

March 4, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services  
Steven J. Vandette, City Engineer  
Patricia A. Petitto, Real Estate Consultant, Greenstar & Associates, LLC

SUBJECT: Request for Acceptance of Regrading and Temporary Construction Permit, John R Road Improvements, Square Lake Road to South Boulevard – Project No. 02.204.5 Parcel #73 – Sidwell #88-20-01-110-001 – John and Nancy Lozenkovski

### Background:

- In connection with the proposed improvements to John R Road, from Square Lake Road to South Boulevard, the Real Estate & Development Department received a Regrading and Temporary Construction Permit from John and Nancy Lozenkovski. This parcel is located at the southeast corner of John R and Stirling, in the northwest ¼ of Section 1.

### Financial Considerations:

- A market study was prepared by Andrew Reed, State Certified Appraiser and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser, and Larysa Figol, Limited Real Estate Appraiser. Staff believes that \$500 for the acquisition of this permit is a justifiable amount.
- Eighty percent of the costs for this project will be reimbursed from Federal funds. Funds for the City of Troy's share are included in the 2007-08 Major Road fund, account number 401479.7989.022045.

### Legal Considerations:

- The format and content of the permit are consistent with documents previously accepted by City Council.

### Policy Considerations:

- The purpose of this project is to relieve congestion, improve safety and improve the flow of traffic. (Goals I and V)

### Options:

- City Management recommends that City Council accept the attached Regrading and Temporary Construction Permit from John and Nancy Lozenkovski so that the City can proceed with the acquisition of this permit.

REGRADING AND TEMPORARY CONSTRUCTION PERMIT

Sidwell # 88-20-01-110-001  
Parcel # 73

John Lozenkovski and Nancy Lozenkovski, husband and wife; survivor of themselves and Zorka Lozenkovski, whose death certificate is attached Grantor(s), whose address is 6118 Brittany Tree Drive, Troy, MI 48085, for and in consideration of Five Hundred and no/100 Dollars (\$500.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, hereinafter called the CITY, whose address is 500 West Big Beaver Road, Troy, Michigan, hereby grants to the CITY, during the construction of and for a period of six (6) Months after completion of John R Road Improvements, from Square Lake Road to South Boulevard (City of Troy Project No. 02.204.5)\*, the right to move men, equipment, and materials on and through, and to store equipment, materials, and excavated matter on the following described property, located in the City of Troy, to-wit:

SEE ATTACHED EXHIBIT "A" FOR PARENT PARCEL LEGAL DESCRIPTION AND DESCRIPTION OF PERMIT AREA

IN FURTHER CONSIDERATION, the premises so disturbed by reason of the exercise of any of the foregoing powers, shall be reasonably restored to its original condition by the City.

\*It is anticipated that construction funding will be available in the 2010 calendar year. However, if construction is delayed this document will be effective during the actual construction year(s) and for a period of six (6) Months after completion of this project.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representative, successors, and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures(s) this 3RD day of MARCH, 2008.

John Lozenkovski (L.S.)  
John Lozenkovski

Nancy Lozenkovski (L.S.)  
\*Nancy Lozenkovski

STATE OF MICHIGAN  
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 3RD day of MARCH, 2008, by John Lozenkovski and Nancy Lozenkovski, husband and wife; survivor of themselves and Zorka Lozenkovski, whose death certificate is attached, to me known to be the same person(s) described in and who executed the within instrument, and who then acknowledged the same to be their free act and deed.

Patricia A. Petitto  
PATRICIA A. PETITTO  
Notary Public, OAKLAND County, Michigan

Acting in OAKLAND County, Michigan

My Commission Expires 12-31-11

Prepared by: Patricia A. Petitto  
500 West Big Beaver  
Troy, MI 48084

Return to: City Clerk, City of Troy  
500 West Big Beaver Road  
Troy, Michigan 48084

**Exhibit "A"**

Section 1, John R Widening Project  
Parcel: 88-20-01-110-001  
Parcel #73

PARENT PARCEL DESCRIPTION:

T2N, R11E, SEC 1 SUPERVISOR'S PLAT OF JOHN ARBOR SUBDIVISION, RECORDED IN L. 6,  
P.56, O.C.R., LOT 78.

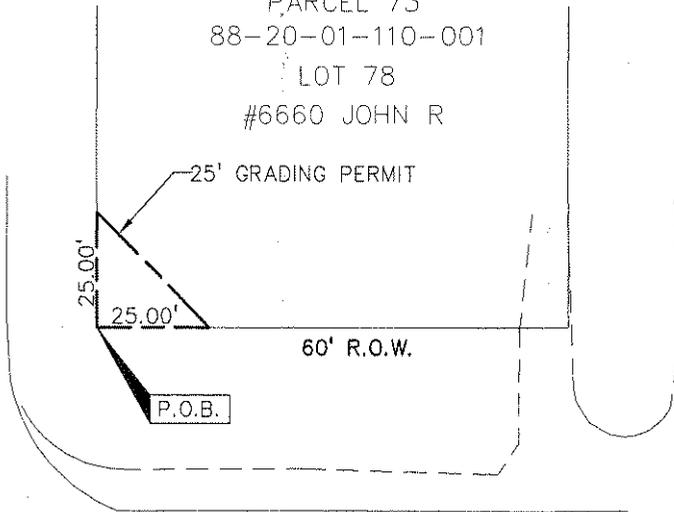
PARCEL 88-20-01-110-001

25' TRIANGULAR GRADING PERMIT:

A 25 FOOT GRADING PERMIT BEGINNING AT THE NORTHWEST CORNER OF LOT 78 OF  
"SUPERVISOR'S PLAT OF JOHN ARBOR SUBDIVISION", AS RECORDED IN L. 6, P. 56 OF  
OAKLAND COUNTY, MICHIGAN RECORDS; THENCE EAST 25 FT ALONG THE NORTH LINE OF SAID  
LOT, THENCE SOUTHWESTERLY TO A POINT ON THE WEST LINE OF SAID LOT, SAID POINT  
BEING 25 FT SOUTH OF THE NORTHWEST LOT CORNER, THENCE NORTH 25 FT ALONG THE WEST  
LINE OF SAID LOT TO THE POINT OF BEGINNING.

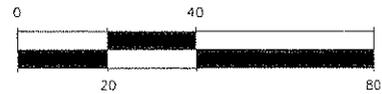
STIRLING ST.  
60 FT. WIDE

PARCEL 73  
88-20-01-110-001  
LOT 78  
#6660 JOHN R



JOHN R ROAD (120' WIDE)

SECTION LINE



GRAPHIC SCALE  
1" = 40' PARCEL 73

ORCHARD, HILTZ & McCLIMENT, INC.  
34000 Plymouth Road  
Livonia, MI, 48150 (734)522-6711



City of  
**Troy**

500 W. Big Beaver Rd.  
Troy, Michigan 48064  
(248) 524-3594  
www.ci.troy.mi.us

6660 JOHN R  
Grading Permit  
Sketch

SCALE:	DRAWN BY:	CHECK BY:	FILE
1" = 40'	MEB	GWC	108-020_GRD
	2-13-06	3-17-06	

4-06 DATE 1 REV.



Document Prepared by  
Professional Engineering  
Associates, Inc.

CONTRACT No.

STEVEN J. VANDETTE  
CITY ENGINEER

SHEET No. 1 of 2  
JOB No. 2002-234



## CITY COUNCIL ACTION REPORT

March 4, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services  
Steven J. Vandette, City Engineer  
Patricia A. Petitto, Real Estate Consultant, Greenstar & Associates, LLC

SUBJECT: Request for Acceptance of Regrading and Temporary Construction Permit, John R Road Improvements, Square Lake Road to South Boulevard – Project No. 02.204.5 Parcel #80 – Sidwell #88-20-01-104-001 – John and Nancy Lozenkovski

### Background:

- In connection with the proposed improvements to John R Road, from Square Lake Road to South Boulevard, the Real Estate & Development Department received a Regrading and Temporary Construction Permit from John and Nancy Lozenkovski. This parcel is located at the southeast corner of John R and Jarman, in the northwest ¼ of Section 1.

### Financial Considerations:

- A market study was prepared by Andrew Reed, State Certified Appraiser and reviewed by Kimberly Harper, Deputy Assessor and State Licensed Appraiser, and Larysa Figol, Limited Real Estate Appraiser. Staff believes that \$2,220 for the acquisition of this permit is a justifiable amount.
- Eighty percent of the costs for this project will be reimbursed from Federal funds. Funds for the City of Troy's share are included in the 2007-08 Major Road fund, account number 401479.7989.022045.

### Legal Considerations:

- The format and content of the permit are consistent with documents previously accepted by City Council.

### Policy Considerations:

- The purpose of this project is to relieve congestion, improve safety and improve the flow of traffic. (Goals I and V)

### Options:

- City Management recommends that City Council accept the attached Regrading and Temporary Construction Permit from John and Nancy Lozenkovski so that the City can proceed with the acquisition of this permit.

REGRAIDING AND TEMPORARY CONSTRUCTION PERMIT

Sidwell #88-20-01-104-001  
Parcel # 80

John Lozenkovski and Nancy Lozenkovski, husband and wife, Grantor(s), whose address is 6118 Brittany Tree, Troy, MI 48085, for and in consideration of Two Thousand, Two Hundred, Twenty and no/100 Dollars (\$2,220.00\*) paid by the CITY OF TROY, a Michigan Municipal Corporation, hereinafter called the CITY, whose address is 500 West Big Beaver Road, Troy, Michigan, hereby grants to the CITY, during the construction of and for a period of six (6) Months after completion of John R Road Improvements, from Square Lake Road to South Boulevard (City of Troy Project No. 02.204.5)\*\*, the right to move men, equipment, and materials on and through, and to store equipment, materials, and excavated matter on the following described property, located in the City of Troy, to-wit:

SEE ATTACHED EXHIBIT "A" FOR PARENT PARCEL LEGAL DESCRIPTION AND DESCRIPTION OF PERMIT AREA

IN FURTHER CONSIDERATION, the premises so disturbed by reason of the exercise of any of the foregoing powers, shall be reasonably restored to its original condition by the City.

\*This amount includes \$500 for the Regrading and Temporary Construction Permit and \$1,720 for the loss of 2 Mulberry Trees.

\*\*It is anticipated that construction funding will be available in the 2010 calendar year. However, if construction is delayed this document will be effective during the actual construction year(s) and for a period of six (6) Months after completion of this project.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representative, successors, and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed their signatures(s) this 3RD day of MARCH, 2007.

John Lozenkovski (L.S.)  
John Lozenkovski

Nancy Lozenkovski (L.S.)  
\*Nancy Lozenkovski

STATE OF MICHIGAN  
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 3RD day of MARCH, 2007, by John Lozenkovski and Nancy Lozenkovski, husband and wife, to me known to be the same person(s) described in and who executed the within instrument, and who then acknowledged the same to be their free act and deed.

Patricia A. Petitto  
PATRICIA A. PETITTO  
Notary Public, OAKLAND County, Michigan

Acting in OAKLAND County, Michigan

My Commission Expires 12-31-11

Prepared by: Patricia A. Petitto  
500 West Big Beaver  
Troy, MI 48084

Return to: City Clerk, City of Troy  
500 West Big Beaver Road  
Troy, Michigan 48084

**Exhibit "A"**

Section 1, John R Widening Project  
Parcel: 88-20-01-104-001  
Parcel #80

PARENT PARCEL DESCRIPTION:

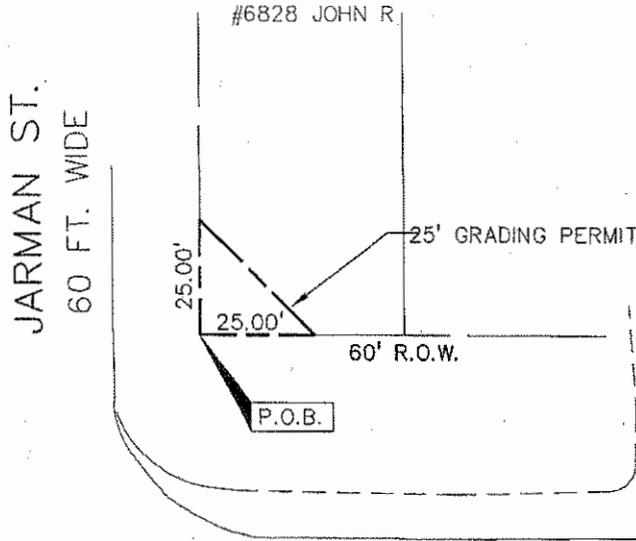
T2N, R11E, SEC 1 SUPERVISOR'S PLAT OF JOHN ARBOR SUBDIVISION, RECORDED IN L. 6,  
P.56, O.C.R., LOTS 272 TO 273, INCLUSIVE.

PARCEL 88-20-01-104-001

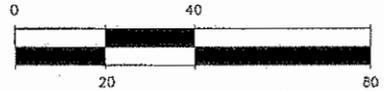
25' TRIANGULAR GRADING PERMIT:

A 25 FOOT GRADING PERMIT BEGINNING AT THE NORTHWEST CORNER OF LOT 273 OF  
"SUPERVISOR'S PLAT OF JOHN ARBOR SUBDIVISION", AS RECORDED IN L. 6, P. 56 OF  
OAKLAND COUNTY, MICHIGAN RECORDS; THENCE EAST 25 FT ALONG THE NORTH LINE OF SAID  
LOT, THENCE SOUTHWESTERLY TO A POINT ON THE WEST LINE OF SAID LOT, SAID POINT  
BEING 25 FT SOUTH OF THE NORTHWEST LOT CORNER, THENCE NORTH 25 FT ALONG THE WEST  
LINE OF SAID LOT TO THE POINT OF BEGINNING.

PARCEL 80  
 88-20-01-104-001  
 LOTS 272 TO 273



JOHN R ROAD (120' WIDE)  
 SECTION LINE



GRAPHIC SCALE  
 1" = 40'

PARCEL 80

*Thomas G. Smith*



ORCHARD, HILTZ & McCLIMENT, INC.  
 34000 Plymouth Road  
 Livonia, MI, 48150 (734)622-6711



City of  
**Troy**

500 W. Big Beaver Rd.  
 Troy, Michigan 48064  
 (248) 524-3594  
 www.ci.troy.mi.us

6828 John Rd  
 Grading Permit  
 Sketch

SCALE:	DRAWN BY:	CHECK BY:	FILE
1" = 40'	JRV	GWC	104-001 GRD
	2-10-06	3-17-06	
CONTRACT No.		SHEET No.	JOB No.
STEVEN J. VANDETTE		1 of 2	2002-234
CITY ENGINEER			

Document Prepared by  
 Professional Engineering  
 Associates, Inc.



## CITY COUNCIL ACTION REPORT

March 10, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance and Administration  
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Agenda Item: Troy Racquet Club Rates

### Background:

- Attached please find a request from Don Pierce, President, Troy Racquet Club, requesting approval of the rates for the 2008-2009 season.
- The lease between the City of Troy and the Troy Racquet Club, LLC requires City Manager or City Council approval of requests for rate changes. Council has historically approved rate change requests.
- No increase is proposed for hourly rates.
- Membership rates have not increased in three years. Increases of less than 10% are proposed to individual and family resident rates. A decrease to the non-resident family rate is proposed. This decrease is proposed to stay market competitive.

### Financial Considerations:

- There are no financial considerations to the City.

### Legal Considerations:

- There are no legal considerations associated with this item.

### Policy Considerations:

- There are no policy considerations.

### Options:

- City management recommends approval of the proposed 2008-2009 rates for the Troy Racquet Club.



*c/o 801 W. Big Beaver Road, Suite 500  
Troy, Michigan 48084  
Telephone: (248) 362-1300  
e-mail: dpierce@dflaw.com*

March 10, 2008

Ms. Carol Anderson, Director  
Department of Parks & Recreation  
City of Troy  
3179 Livernois  
Troy, Michigan 48083

Re: Troy Racquet Club Rates for 2008/2009 Season

Dear Ms. Anderson:

Pursuant to the Lease between the City of Troy and Troy Racquet Club, LLC, we are required to submit requests for rate changes to the City of Troy. Section 7 requires that such requests must be approved by the City Manager or the City Council. In accordance with past practice, we are, therefore, submitting this membership fee increase request to your office for processing in the manner you deem appropriate.

- A. Hourly Court Rates. We propose no increase in the hourly court rates.
- B. Annual Membership Fees. Membership fees have not increased in 3 seasons. We propose the following changes:

	<u>Current Membership Fee</u>		<u>Proposed Fees</u>	
	<u>Resident</u>	<u>Non-Resident</u>	<u>Resident</u>	<u>Non-Resident*</u>
Individual	\$110	\$165	\$120	\$165
Family	170	255	185	225
Junior	40	60	40	60

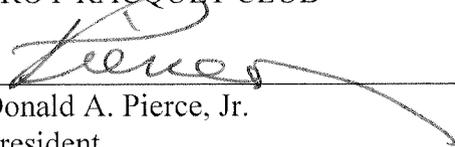
\*Not to exceed, may be less

We propose raising the resident fees by \$10 for individuals and \$15 for families with no increase for juniors. Non-resident fees would remain the same or be lowered (not less than resident rates) for a variety of reasons (economy, gas prices, competitive clubs in the surrounding areas, many groups are mixed resident/non-resident, etc.)

Kindly place this matter on the next available Council agenda, if you would like the matter to be heard by the Council. Thank you.

Very truly yours,

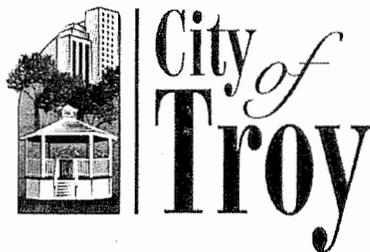
TROY RACQUET CLUB

By:   
Donald A. Pierce, Jr.  
Its: President

**APPROVED  
CITY OF TROY**

By: \_\_\_\_\_ (sign)  
\_\_\_\_\_ (print)

cc: Mr. Stuart Alderman, Superintendent of Recreation  
Ms. Kathy DelDotto,  
Manager, Troy Racquet Club



## CITY COUNCIL ACTION REPORT

March 10, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services  
 Steven J. Vandette, City Engineer  
 Patricia A. Petitto, Real Estate Consultant, Greenstar & Associates, LLC *pap*

SUBJECT: Request for Approval of Relocation Claims, John R Road Improvements  
 Square Lake Road to South Boulevard – Project No. 02.204.5 – Parcel #47B  
 Sidwell #88-20-02-228-037 – Charles E. Kemen, Eric Deentry & Philip Kemen

### Background:

- In connection with the proposed improvements to John R Road, from Square Lake Road to South Boulevard, the Real Estate & Development Department acquired a parcel on the west side of John R Road, between Chancery and South Boulevard in the northeast ¼ of Section 2. This parcel included a 968 square foot single family home, a detached garage and a detached efficiency apartment, all of which will be demolished as part of our project. The single family home includes three male tenants. Two of the tenants have decided to move to Rochester Hills and the third tenant will be moving to Pontiac.

### Financial Considerations:

- Charles E. Kemen has submitted a Relocation Claim for \$2,500, including \$1,750 for a replacement rental supplement and \$750 for moving expenses. Eric Deentry and Philip Kemen have submitted a Relocation Claim for \$5,000, including \$3,500 for a replacement rental supplement and \$1,500 for moving expenses. The replacement rental supplements are based on increased rental costs incurred for renting a comparable replacement dwelling that is decent, safe and sanitary. The moving expenses are based on the number of rooms occupied and are amounts recommended from a moving cost schedule supplied by the State of Michigan.
- Eighty percent of these costs will be reimbursed from Federal funds. Funds for the City of Troy's share are included in the 2007-08 Major Road fund, account number 401479.7989.022035.

### Legal Considerations:

- The Relocation Claims are in compliance with Michigan laws and Federal regulations.

### Policy Considerations:

- The purpose of this project is to relieve congestion, improve safety and improve the flow of traffic. (Goals I and V)

Options:

- City Management recommends that City Council approve the attached Relocation Claims from Charles Kemen, Eric Deentry and Philip Kemen, so that the City can proceed with the relocation of these tenants.

PAP\G\MEMOS TO MAYOR & CC\Kemen, Deentry & Kemen Relocation

# RELOCATION CLAIM

## RESIDENTIAL

Information required by Act 31, P.A. 1970 as amended, and Act 277  
P.A. of 1972, to process payment.

DISPLACEE'S NAME

*CHARLES E. KEMEN*

ACQUIRED PROPERTY ADDRESS AND PHONE

*6753 JOHN R  
TROY, MI 48085  
(248) 765-5312*

REPLACEMENT PROPERTY ADDRESS AND PHONE

*79 LINCOLN  
PONTIAC, MI 48311*

### CONTROLLING DATES

DATE OF MOVE

*3/10/08*

DATE OF FINAL PAYMENT

DATE OF ESTIMATED JUST COMPENSATION DEPOSIT

MUST OCCUPY REPLACEMENT PROPERTY BY:

If Tenant, 12 months after date of move

DATE *3/10/09*

If Secured Owner, 12 months after date of final payment

DATE \_\_\_\_\_

If Unsecured Owner, 12 months after date of estimated just compensation deposit

DATE \_\_\_\_\_

MUST FILE CLAIM FOR PAYMENT BY:

If Tenant, 18 months after date of move

DATE *9/10/09*

If Owner, 18 months after date of move or final payment, whichever is later

DATE \_\_\_\_\_

### RELOCATION PAYMENTS

Replacement Housing Supplement

- 0 -

Incidental Closing Costs

- 0 -

Increased Interest Differential

- 0 -

Replacement Rental Supplement/Purchase Down Payment

*\$1,750*

Moving Expenses

*750*

AMOUNT DUE:

*\$2,500*

MOVE VERIFIED BY MDOT

I/WE AGREE PAYMENT WILL BE SENT TO

*79 LINCOLN, PONTIAC, MI 48311*

I/WE CERTIFY THAT:

1. All information submitted is true and correct.
2. I/We have purchased or rented and occupied, or will purchase or rent and occupy, a replacement dwelling which is decent, safe, and sanitary within the standards prescribed by the Michigan Department of Transportation.
3. I/We have vacated or will vacate the state acquired property.
4. I/We have not submitted any other claim, or received reimbursement from any other source, for expenses itemized on this claim.
5. I/We agree if the amount of compensation is increased in an administrative settlement or condemnation action, the Housing Supplement shall be recalculated based upon the increased compensation award, and any overpayment in the Housing Supplement shall be deducted by the department from the final payment.
6. I/We are a legal resident of the United States.

DISPLACEE'S SIGNATURE

*Charles E. Kemen*

DATE

*3/10/08*

DISPLACEE'S SIGNATURE

DATE

I/We certify that I/we have examined this claim and the substantiating documentation and have found it to conform to the applicable State and Federal laws and the operating procedures of the Michigan Department of Transportation.

RECOMMENDED BY:

*Patricia A. Petitto*

DATE

*3/10/08*

APPROVED BY:

*William J. Hoffman*

DATE

*3/10/08*

CONTROL SECTION

*EDCF 63544*

JOB NO.

*56246*

PARCEL

*#478*

NAME

*KEMEN*

**REPLACEMENT HOUSING SUPPLEMENT**

a) Listing price of comparable dwelling		c) Acquisition price of state acquired dwelling	
b) Sale price of replacement dwelling		d) Lower of "a" or "b" minus "c"	
			AMOUNT DUE: <i>N/A</i>

**INCIDENTAL CLOSING COSTS**

Administrative fee		Mortgage Application fee	
Appraisal fee		Mortgage Insurance*	
Assumption fee		Notary fee	
Certification fee		Overnlight fee	
Closing and/or Escrow fee		Permits	
Credit Report		Processing fee	
Discount Points*		Recording fee	
Document Preparation fee		Survey fee	
Inspections		Tax Service fee	
Legal fee		Title Insurance fee**	
Loan Origination fee*		Underwriting fee	
Mobile Home Title Transfer fee**		Other	
Mobile Home Sales Tax **		Other	
* Limited to balance of existing mortgage    ** limited to listing price of highest comparable			
			AMOUNT DUE: <i>N/A</i>

**INCREASED INTEREST DIFFERENTIAL**

Current Mortgage Balance		New Mortgage Balance	
Current Mortgage Interest Rate		New Interest Rate	
Current Mortgage Payment		New Mortgage Term	
		Mortgage Points	
			AMOUNT DUE: <i>N/A</i>

**REPLACEMENT RENTAL SUPPLEMENT/PURCHASE DOWN PAYMENT**

	PER MONTH	X 42 MONTHS		
a) Comparable rent + utilities			d) Rental Supplement (lower of "a" or "b" minus "c")	<i>\$6,300</i>
b) Replacement rent + utilities	<i>\$555</i>	<i>\$23,310</i>	e) Purchase Down Payment (greater of "d" or \$5,250)	<i>N/A</i>
c) Actual/Economic rent + utilities OR 30% of monthly income	<i>\$405</i>	<i>\$17,010</i>	AMOUNT DUE:	<i>\$1,750</i>

**SELF MOVE - FIXED COST**

# OF ROOMS	PAYMENT	# OF ROOMS OF PERSONAL PROPERTY		
1	\$550.00	<i>1</i>	Living Room	Pole Barn
2	\$800.00	<i>1</i>	Dining Room	Shed
3	\$1,050.00		Family Room	<i>1</i> Attic
4	\$1,150.00	<i>3</i>	Bedrooms	<i>1</i> Basement
5	\$1,300.00	<i>1</i>	Kitchen	Porch
6	\$1,450.00	<i>1</i>	Laundry	<i>1</i> Garage
7	\$1,625.00		Den or Office	Other
8	\$1,750.00			<i>10</i> TOTAL
Each Add. Room	\$250.00			AMOUNT DUE: <i>\$750</i>

*\$2,250 ÷ 3 =*

**SELF MOVE - ACTUAL COST (supported by receipts)**

Equipment cost		Hourly labor rate (capped at industry labor rate)	
Supply cost		AMOUNT DUE:	<i>N/A</i>

**COMMERCIAL MOVE**

Moving company invoice		<i>N/A</i>
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**STORAGE COSTS**

Monthly storage rate		X number of months (limited 12)	AMOUNT DUE: <i>N/A</i>
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# RELOCATION CLAIM

## RESIDENTIAL

Information required by Act 31, P.A. 1970 as amended, and Act 277  
P.A. of 1972, to process payment.

DISPLACEE'S NAME <b>ERIC DEENTRY &amp; PHILIP KEMEN</b>	
ACQUIRED PROPERTY ADDRESS AND PHONE <b>6753 JOHN TROY, MI 48085 (248) 703-3479</b>	REPLACEMENT PROPERTY ADDRESS AND PHONE <b>324 WOODSIDE ROCHESTER HILLS, MI</b>

### CONTROLLING DATES

DATE OF MOVE	DATE OF FINAL PAYMENT	DATE OF ESTIMATED JUST COMPENSATION DEPOSIT
--------------	-----------------------	---

### MUST OCCUPY REPLACEMENT PROPERTY BY:

If Tenant, 12 months after date of move	DATE
If Secured Owner, 12 months after date of final payment	DATE _____
If Unsecured Owner, 12 months after date of estimated just compensation deposit	DATE _____

### MUST FILE CLAIM FOR PAYMENT BY:

If Tenant, 18 months after date of move	DATE
If Owner, 18 months after date of move or final payment, whichever is later	DATE _____

### RELOCATION PAYMENTS

Replacement Housing Supplement	- 0 -
Incidental Closing Costs	- 0 -
Increased Interest Differential	- 0 -
Replacement Rental Supplement/Purchase Down Payment	\$ 3,500
Moving Expenses	\$ 1,500
<b>AMOUNT DUE:</b>	<b>\$ 5,000</b>

MOVE VERIFIED BY MDOT

I/WE AGREE PAYMENT WILL BE SENT TO  
**6753 JOHN R, TROY, MI 48085 - CALL FIRST**

### I/WE CERTIFY THAT:

- All information submitted is true and correct.
- I/We have purchased or rented and occupied, or will purchase or rent and occupy, a replacement dwelling which is decent, safe, and sanitary within the standards prescribed by the Michigan Department of Transportation.
- I/We have vacated or will vacate the state acquired property.
- I/We have not submitted any other claim, or received reimbursement from any other source, for expenses itemized on this claim.
- I/We agree if the amount of compensation is increased in an administrative settlement or condemnation action, the Housing Supplement shall be recalculated based upon the increased compensation award, and any overpayment in the Housing Supplement shall be deducted by the department from the final payment.
- I/We are a legal resident of the United States.

DISPLACEE'S SIGNATURE <i>[Signature]</i>	DATE <b>3-10-08</b>	DISPLACEE'S SIGNATURE <i>[Signature]</i>	DATE <b>3-10-08</b>
---	------------------------	---	------------------------

I/We certify that I/we have examined this claim and the substantiating documentation and have found it to conform to the applicable State and Federal laws and the operating procedures of the Michigan Department of Transportation.

RECOMMENDED BY: <i>Patricia A. Pettito</i>	DATE <b>3/10/08</b>	APPROVED BY: <i>[Signature]</i>	DATE <b>3/10/08</b>
CONTROL SECTION <b>EDCF 63544</b>	JOB NO. <b>56246</b>	PARCEL <b>#47B</b>	NAME <b>DEENTRY / KEMEN</b>

**REPLACEMENT HOUSING SUPPLEMENT**

a) Listing price of comparable dwelling		c) Acquisition price of state acquired dwelling	
b) Sale price of replacement dwelling		d) Lower of "a" or "b" minus "c"	
			AMOUNT DUE: <i>N/A</i>

**INCIDENTAL CLOSING COSTS**

Administrative fee		Mortgage Application fee	
Appraisal fee		Mortgage Insurance*	
Assumption fee		Notary fee	
Certification fee		Overnight fee	
Closing and/or Escrow fee		Permits	
Credit Report		Processing fee	
Discount Points*		Recording fee	
Document Preparation fee		Survey fee	
Inspections		Tax Service fee	
Legal fee		Title Insurance fee**	
Loan Origination fee*		Underwriting fee	
Mobile Home Title Transfer fee**		Other	
Mobile Home Sales Tax **		Other	

\* Limited to balance of existing mortgage    \*\* limited to listing price of highest comparable

AMOUNT DUE: *N/A*

**INCREASED INTEREST DIFFERENTIAL**

Current Mortgage Balance		New Mortgage Balance	
Current Mortgage Interest Rate		New Interest Rate	
Current Mortgage Payment		New Mortgage Term	
		Mortgage Points	

AMOUNT DUE: *N/A*

**REPLACEMENT RENTAL SUPPLEMENT/PURCHASE DOWN PAYMENT**

	PER MONTH	X 42 MONTHS		
a) Comparable rent + utilities			d) Rental Supplement (lower of "a" or "b" minus "c")	<i>\$9,450</i>
b) Replacement rent + utilities	<i>\$1,035</i>	<i>\$43,470</i>	e) Purchase Down Payment (greater of "d" or \$5,250)	<i>N/A</i>
c) Actual/Economic rent + utilities OR 30% of monthly income	<i>\$810</i>	<i>\$34,020</i>	AMOUNT DUE:	<i>\$3,500</i>

**SELF MOVE - FIXED COST**

# OF ROOMS	PAYMENT	# OF ROOMS OF PERSONAL PROPERTY		
1	\$550.00	<i>1</i>	Living Room	Pole Barn
2	\$800.00	<i>1</i>	Dining Room	Shed
3	\$1,050.00		Family Room	<i>1</i> Attic
4	\$1,150.00	<i>3</i>	Bedrooms	<i>1</i> Basement
5	\$1,300.00	<i>1</i>	Kitchen	Porch
6	\$1,450.00	<i>1</i>	Laundry	<i>1</i> Garage
7	\$1,625.00		Den or Office	Other
8	\$1,750.00			<i>10</i> TOTAL
Each Add. Room	\$250.00			AMOUNT DUE: <i>\$1,500</i>

*\$2,250 ÷ 3 x 2*

**SELF MOVE - ACTUAL COST (supported by receipts)**

Equipment cost		Hourly labor rate (capped at industry labor rate)	
Supply cost		AMOUNT DUE:	<i>N/A</i>

**COMMERCIAL MOVE**

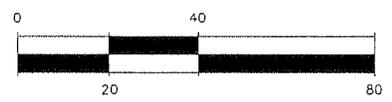
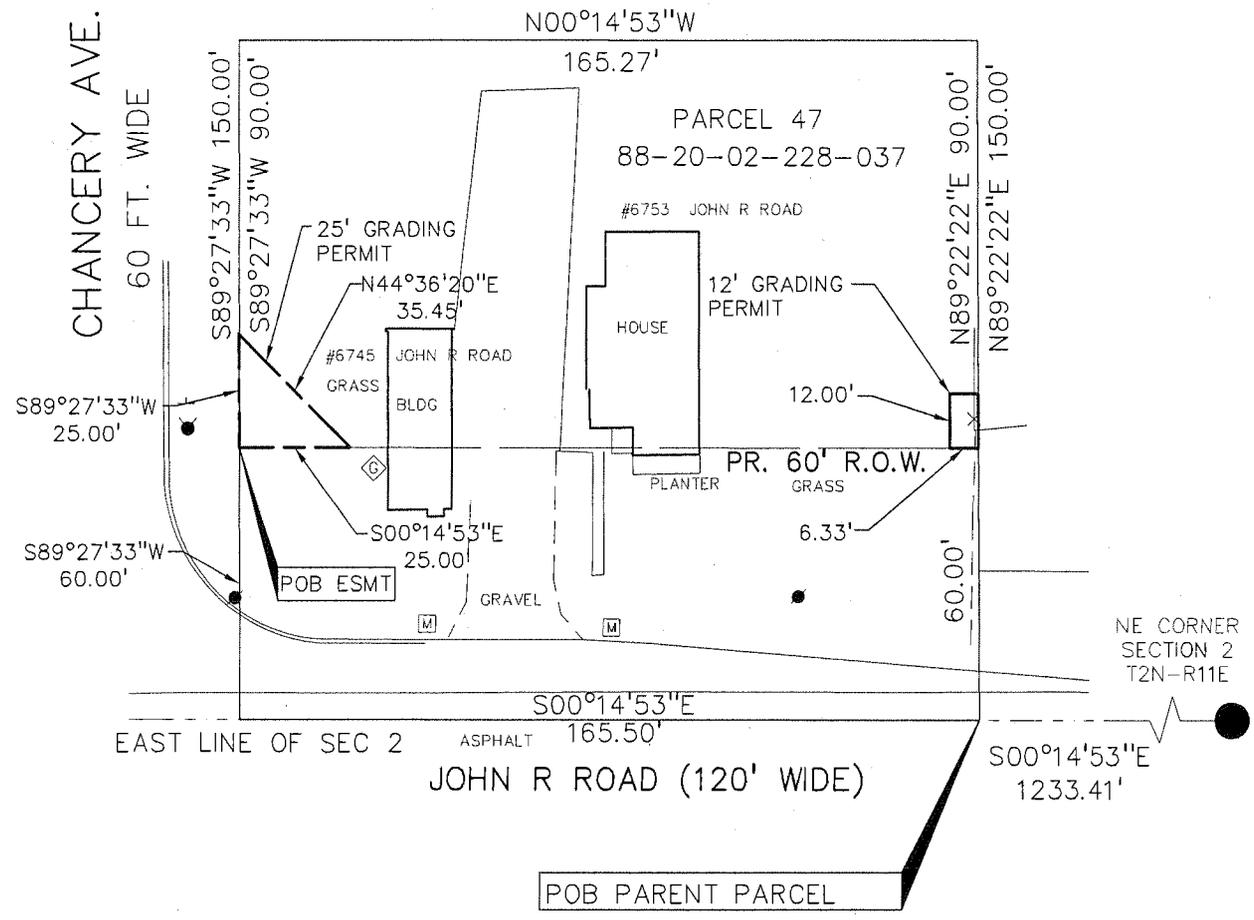
Moving company invoice			<i>N/A</i>
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**STORAGE COSTS**

Monthly storage rate		X number of months (limited 12)	AMOUNT DUE: <i>N/A</i>
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CHANCERY AVE.  
60 FT. WIDE



ORCHARD, HILTZ & McCLIMENT, INC.  
34000 Plymouth Road  
Livonia, MI. 48150 (734) 522-6711

 City of Troy  
500 W. Big Beaver Rd.  
Troy, Michigan 48084  
(248) 524-3594  
www.ci.troy.mi.us

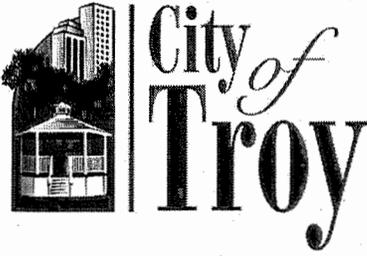
6745 & 6753 John R  
Grading Permit  
Sketch

SCALE: 1" = 40'	DRAWN BY: JRV	CHECK BY: GWC	FILE 228-037 GRD
	2-10-06	3-17-06	

4-06 DATE  
1 REV.

 Document Prepared by  
Professional Engineering  
Associates, Inc.

CONTRACT No.	STEVEN J. VANDETTE CITY ENGINEER	SHEET No. 1 of 2	JOB No. 2002-234
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## CITY COUNCIL ACTION REPORT

March 7, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Asst. City Manager/Economic Dev. Services  
 Steve Vandette, City Engineer *SV*  
 John K. Abraham, Traffic Engineer *JK*

SUBJECT: Traffic Signal Maintenance Agreement  
 Kirts and Livernois

### Background:

- The RCOC requests a City Council resolution approving the attached cost agreement and a copy of the signed agreement for their files. This signal is being modernized as a part of the road construction project last year. The signal improvements were postponed until this year so that there would be no additional delays to the road project last year. Signal modernization includes new controllers, other equipment, and also ADA compliance items for the intersection.

### Financial Considerations:

- Average signal maintenance cost for a year is approximately \$1,800; City share \$900. Installation cost will be \$100,000. City share is 1/3 or \$33,333, and the Road Commission for Oakland County share is 2/3, or \$66,667.

### Legal Considerations:

- The agreement is the same as the ones for all other traffic signals in the City reviewed by the Legal Department.

### Policy Considerations:

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



QUALITY LIFE THROUGH GOOD ROADS.  
ROAD COMMISSION FOR OAKLAND COUNTY  
"WE CARE"

January 7, 2008

Mr. John Abraham, PhD, P.E., P.T.O.E.  
Traffic Engineer  
City of Troy  
500 West Big Beaver Road  
Troy, MI. 48084

**Board of Road Commissioners**

**Larry P. Crake**  
Commissioner

**Richard G. Skarritt**  
Commissioner

**Eric S. Wilson**  
Commissioner

**Brent O. Bair**  
Managing Director

**Dennis G. Kolar**  
Deputy Managing Director  
County Highway Engineer

Dear Mr. Abraham,

Enclosed are three copies of the traffic signal modernization agreement for the traffic signal at Kirts and Livernois. Please have all the agreements signed by the appropriate official and return them to us for further processing. In addition, please provide a copy of a resolution approved by your Board. A fully executed copy of the agreement will be returned to you for your records.

If you have any questions, please feel free to contact me at (248) 858-4830.

Sincerely,

Charles Keller, P.E.  
Traffic Engineer  
Traffic-Safety Department

Traffic Safety Department

CK/ch

Enclosures

2420 Pontiac Lk. Rd.  
Waterford, MI  
48328

248-858-4802

FAX  
248-858-4814

TDD  
248-858-8005

[www.rcocweb.org](http://www.rcocweb.org)

RECEIVED  
JAN 09 2008  
ENGINEERING

**STATE OF MICHIGAN  
BOARD OF COUNTY ROAD COMMISSIONERS  
OAKLAND COUNTY  
AGREEMENT FOR TRAFFIC CONTROL DEVICE**

Type of Work: TRAFFIC SIGNAL MODERNIZATION

Location: KIRTS BLVD AND LIVERNOIS ROAD

Signal No.: C0 625

Date Effective:

Under authority of state law and by virtue of resolution formally adopted by their respective governing bodies, the under-signed hereby agree to participate in the cost of installation, maintenance and operation of the above traffic control device on the basis of the following division of costs. (Title to equipment shall remain with the purchasing agency, unless purchased for roads not under the jurisdiction of the Board of County Road Commissioner.) The proportionate share of all costs are to be billed monthly. This agreement is terminable on thirty days written notice by any party.

**DIVISION OF COSTS**

AGENCY	INSTALLATION		MAINTENANCE
	Percent	Estimated Cost	Percent
Road Commission for Oakland County	66 2/3 %	\$ 66,667.00	66 2/3 %
City of Troy	<u>33 1/3 %</u>	<u>\$ 33,333.00</u>	<u>33 1/3 %</u>
Total	100 %	\$100,000.00	100 %

It is further agreed that the agency responsible for payment of energy billings and/or leased line interconnection billings included in maintenance costs, shall be the ROAD COMMISSION FOR OAKLAND COUNTY.

It is further agreed that the agency responsible for making original and replacement installations and performing maintenance shall be the ROAD COMMISSION FOR OAKLAND COUNTY.

"In the event the traffic control device referred to in this agreement is located on a road or street that is not under the jurisdiction of the Road Commission for Oakland County, the authority having the jurisdiction over the road or street hereby agrees to save harmless, indemnify, represent, and defend the Road Commission for Oakland County from any and all claims, demands, or suits arising out of or relating to the installation, maintenance and operation of the traffic control device which is the subject matter of this agreement."

"In the event the traffic control device referred to in this agreement is located on a road or street that is under the jurisdiction of the Road Commission for Oakland County and by virtue of this agreement will be maintained by an agency other than the Road Commission for Oakland County, then and in that event the said agency hereby acknowledges that it is undertaking the Road Commission for Oakland County's duty to maintain the said traffic control device and further agrees to provide insurance coverage protecting the Road Commission for Oakland County."

APPROVED:

**ROAD COMMISSION FOR OAKLAND COUNTY**

Date \_\_\_\_\_

By \_\_\_\_\_  
Gary Piotrowicz

DIRECTOR OF TRAFFIC-SAFETY  
Title of Authorized Official

APPROVED:

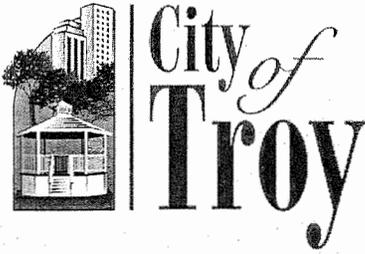
**CITY OF TROY**

Date \_\_\_\_\_

By \_\_\_\_\_

\_\_\_\_\_  
Title of Authorized Official

\*Certified copy of resolution must be submitted with this form for new installations.



# CITY COUNCIL ACTION REPORT

February 29, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Act 51 Mileage Certification for 2007

## Background:

- In accordance with the guidelines for adding and deleting streets to the annual road mileage certification for cities and villages, the following platted and non-platted streets require a resolution-accepting jurisdiction of the street from our governing body and decertification of streets no longer open to the public.

### Additions:

Andrew	Cedar Pines Estates Site Condominiums
Benjamin	Cedar Pines Estates Site Condominiums
Kimberly	Cedar Pines Estates Site Condominiums
Merrick	Cedar Pines Estates Site Condominiums
Cambria	Caswell PUD
Eckerman	Caswell PUD
Quill Creek	Quill Creek Property Splits
Hedgewood	Walnut Forest Site Condominiums
Timbercrest	Timbercrest Farms Site Condominiums
Timbercrest Court	Timbercrest Farms Site Condominiums
Cottonwood	Timbercrest Farms Site Condominiums

### Deletions:

Lincoln	Village at Big Beaver PUD
---------	---------------------------

## Financial Considerations:

- The City of Troy's allocation of Michigan Transportation Funds is based on the number of miles of road under City jurisdiction. All of the above-listed roads are under control of the City, open for public purposes, and are being maintained by the City. It is important that the foregoing roads be added to the Act 51 mileage report so that transportation funds can be properly allocated to the City of Troy.

Legal Considerations:

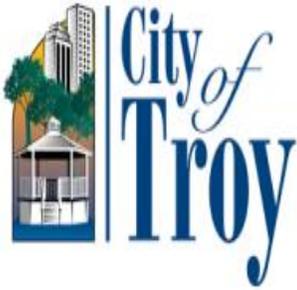
- There are no legal considerations associated with this item.

Policy Considerations:

- Consistent with Goal #1 of the City of Troy 2006-2008 Goals & Objectives policy (Enhance the livability and safety of the community).

Options:

- Council can approve or deny the recommendation.



**TO:** Members of Troy City Council  
**FROM:** Lori Grigg Bluhm, City Attorney  
**DATE:** March 11, 2008  
**SUBJECT:** Rome Love v. City of Troy

---

Enclosed please find a copy of a lawsuit that was recently filed against the City of Troy by Rome Love. This lawsuit has been filed in the Wayne County Circuit Court (Judge Cynthia Stephens), since that is where Plaintiff resides, as well as where the accident occurred. According to the complaint, Plaintiff was allegedly injured when the City of Troy bus rear collided with a SMART bus on April 6, 2006. The Troy bus was driving on Woodward Avenue, returning from a senior field trip. The Troy bus sustained minor damage, including a broken mirror.

Plaintiff seeks damages in excess of \$25,000 for alleged pain, disability, and mental anguish, although the alleged injuries are not specified. The complaint likewise does not detail how Plaintiff was allegedly injured in this minor accident. The traffic crash report, which was completed by the Wayne County Sherriff's Department, does not even reference Plaintiff.

Absent objections from City Council, our office will represent the City's interests. As always, please let me know if you have any questions.

CASE NO.



**SUMMONS AND  
RETURN OF SERVICE**

COURT  
ADDRESS: 2 WOODWARD AVENUE, DETROIT, MICHIGAN 48226

COURT 2451  
TELEPHONE NO. (313) 224-

THIS CASE ASSIGNED TO JUDGE: CYNTHIA DIANE STEPHENS

Bar Number: 28417

PLAINTIFF

DEFENDANT

OVE ROME

PL 01 VS TROY CITY OF

DF 002

PLAINTIFF'S ATTORNEY  
WILLIAM D. KAHN  
(P-27638)  
24450 EVERGREEN RD STE 208  
SOUTHFIELD, MI 48075-5586  
248-352-1200

CASE FILING FEE

PAID

JURY FEE

NO JURY DEMAND FILED

ISSUED

02/29/08

THIS SUMMONS EXPIRES

03/30/08

DEPUTY COUNTY CLERK

PELECH REID

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

Cathy M. Garrett - Wayne County Clerk

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

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

- 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.
- 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.

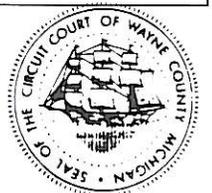
The docket number and assigned judge of the civil/domestic relations action are:

Docket no. 06633784	Judge	Bar no.
------------------------	-------	---------

The action  remains  is no longer pending.

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

Date \_\_\_\_\_ Signature of attorney/plaintiff \_\_\_\_\_



**COMPLAINT IS STATED ON ATTACHED PAGES. EXHIBITS ARE ATTACHED IF REQUIRED BY COURT RULE.**

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangement.

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

ROME LOVE,

Plaintiff,

v.

Case No.: 07-            -NI  
Hon.:

CITY OF TROY,

Defendant.

---

WILLIAM D. KAHN (P27638)  
DENNIS A. ROSS (P19669)  
Attorneys for Plaintiff  
24450 Evergreen Road, Ste. 208  
Southfield, Michigan 48075  
(248) 352-1200

---

**COMPLAINT**

*There is a civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint in the Wayne County Circuit Court, Case No. 06-633784-NF and is assigned to Judge Cynthia Stephens, which is pending.*



---

WILLIAM D. KAHN (P27638)

NOW COMES your Plaintiff, ROME LOVE, by and through his attorneys, Law Offices of Dennis A. Ross, and in his cause of action against the Defendant says:

1. That your Plaintiff is a resident of the City of Detroit, County of Wayne and State of Michigan.
2. That your Defendant, City of Troy, is a governmental entity held accountable pursuant to the governmental liability statute for the negligent vehicular operation of the vehicle which it owns.

3. That venue is appropriate as the incident in question occurred in the City of Highland Park, County of Wayne and State of Michigan.

4. That on or about the 6<sup>th</sup> day of April, 2006, the Plaintiff was a passenger on a SMART bus, said bus used for public transportation, when the SMART bus which was parked at/near the intersection of northbound Woodward Avenue and Tuxedo in the City of Highland Park, County of Wayne and State of Michigan, when said SMART vehicle was struck by a bus which was owned and operated by the City of Troy, so as to cause the injuries and damages herein after alleged.

5. That the Defendant, City of Troy, as previously indicated, is a governmental entity who is responsible pursuant to the Governmental Immunity Statute, to wit. MCLA 691.1405, for the negligent vehicular operation of motor vehicles when used by their employees.

6. That the Defendant was under a duty to operate his vehicle in a safe and prudent fashion relative to the laws of the State of Michigan and the ordinances of the County of Wayne, but notwithstanding said duties and obligations, the Defendant did violate the same by:

- a. In failing to keep a lookout for other vehicles lawfully upon the highway thereby striking a parked vehicle;
- b. In failing to bring their vehicle to a stop within the assured clear distance ahead.
- c. In operating their vehicle at a speed which was not safe for the conditions that existed at the time, date and place of the incident in question;
- d. In otherwise negligently operating their motor vehicle in such a fashion as to ultimately cause the harm and injuries to your Plaintiff as hereinafter alleged.

7. That as a direct and proximate result of the negligence, gross negligence, acts or omission of acts on the part of the Defendant, your Plaintiff has sustained injuries which injuries have caused Plaintiff pain, disability and mental anguish as well as serious impairment to those body functions so involved from the date of said incident up to the present time and will in the

Dennis A. Ross, PLC • 24450 Evergreen Rd. • Suite 208 • Southfield, Michigan 48075 • 248-352-1200 • Fax: 248-352-5607

future continue to cause Plaintiff pain, disability and mental anguish as well as serious impairment to those body functions so involved, which singularly as well as in combination have caused Plaintiff to suffer a significant detrimental alteration in Plaintiff's normal course of life, to wit: Permanently.

8. That as a direct and proximate result of the negligence, gross negligence, acts or omission of acts on the part of the Defendant, your Plaintiff has suffered a significant diminishment in Plaintiff's social, personal and vocational lifestyle due to the debilitating effects that the injuries have had on Plaintiff and your Plaintiff will in the future continue to suffer a significant diminishment in the general enjoyment of life due to the chronic and progressive nature of the injuries and their related disabilities that they have and will continue to have on the Plaintiff, to wit: Permanently.

9. That your Plaintiff would herein request that this Honorable Court allow Plaintiff to recover any and all damages which Plaintiff would be entitled to recover under the laws of the State of Michigan and the Rules of Equity which govern this Court.

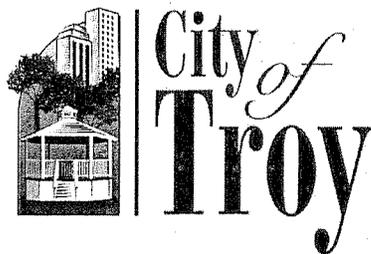
WHEREFORE, your Plaintiff prays that this Honorable Court grant judgment against the Defendant in any sum in excess of Twenty-Five Thousand (\$25,000) Dollars, together with interest, court costs, and attorney fees all so wrongfully sustained.

Respectfully submitted,  
DENNIS A. ROSS PLC



WILLIAM D. KAHN (P27638)  
Attorneys for Plaintiff  
24450 Evergreen Road, Ste. 208  
Southfield, Michigan 48075  
(248) 352-1200

Dated: February 22, 2008



## CITY COUNCIL ACTION REPORT

March 11, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services  
 Steven J. Vandette, City Engineer  
 Patricia A. Petitto, Real Estate Consultant, Greenstar & Associates, LLC *PAF*

SUBJECT: Request for Approval of Additional Payment of \$100 for Loss of Trees  
 John R Road Improvements, Square Lake Road to South Boulevard  
 Project No. 02.204.5 – Parcel #76 – Sidwell #88-20-01-108-018 – Hana Rrapi

### Background:

- On December 17, 2007, City Council accepted a Regrading and Temporary Construction Permit In connection with the proposed improvements to John R Road, from Square Lake Road to South Boulevard, and authorized a payment of \$500 to Hana Rrapi. This parcel is located at the southeast corner of John R and Chancery, in the northwest ¼ of Section 1.
- When the check was delivered to the property owner, it was discovered that we had overlooked the loss of trees within the permit area. Ms. Rrapi agreed to accept \$100 for the loss of trees and initialed the change on the permit and on the attached receipt for waiver of appraisal.

### Financial Considerations:

- Staff believes that \$100 for the loss of trees in the permit area is a justifiable amount.
- Eighty percent of the costs for this project will be reimbursed from Federal funds. Funds for the City of Troy's share are included in the 2007-08 Major Road fund, account number 401479.7989.022045.

### Legal Considerations:

- The format and content of the permit are consistent with documents previously accepted by City Council.

### Policy Considerations:

- The purpose of this project is to relieve congestion, improve safety and improve the flow of traffic. (Goals I and V)

### Options:

- City Management recommends that City Council approve the payment of \$100 to Hana Rrapi for the loss of trees in the permit area so that the City can proceed with the acquisition of this permit.

REGRAIDING AND TEMPORARY CONSTRUCTION PERMIT

Sidwell # 88-20-01-108-018  
Parcel #76

*A MARRIED WOMAN \$600 PAP HR*  
Hana Rrapi Grantor(s), whose address is 2022 Chancery, Troy, MI 48085, for and in consideration of *PAP SIX HR* ~~Five Hundred~~ and no/100 Dollars (~~\$500.00~~) paid by the CITY OF TROY, a Michigan Municipal Corporation, hereinafter called the CITY, whose address is 500 West Big Beaver Road, Troy, Michigan, hereby grants to the CITY, during the construction of and for a period of six (6) Months after completion of John R Road Improvements, from Square Lake Road to South Boulevard (City of Troy Project No. 02.204.5)\*, the right to move men, equipment, and materials on and through, and to store equipment, materials, and excavated matter on the following described property, located in the City of Troy, to-wit:

SEE ATTACHED EXHIBIT "A" FOR PARENT PARCEL LEGAL DESCRIPTION AND DESCRIPTION OF PERMIT AREA

IN FURTHER CONSIDERATION, the premises so disturbed by reason of the exercise of any of the foregoing powers, shall be reasonably restored to its original condition by the City.

\*It is anticipated that construction funding will be available in the 2010 calendar year. However, if construction is delayed this document will be effective during the actual construction year(s) and for a period of six (6) Months after completion of this project.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representative, successors, and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed *HER* ~~their~~ signatures ~~(s)~~ this 3<sup>RD</sup> day of DECEMBER, 2007.

Hana Rrapi (L.S.)  
\*Hana Rrapi

\_\_\_\_\_  
(L.S.)  
\*

STATE OF MICHIGAN  
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 3<sup>RD</sup> day of DECEMBER 2007, by Hana Rrapi to me known to be the same person(s) described in and who executed the within instrument, and who then acknowledged the same to be their free act and deed.

*A MARRIED WOMAN*

Patricia A. Petitto  
PATRICIA A. PETITTO  
Notary Public, OAKLAND County, Michigan

Acting in OAKLAND County, Michigan

My Commission Expires 12-31-11

Prepared by: Patricia A. Petitto  
500 West Big Beaver  
Troy, MI 48084

Return to: City Clerk, City of Troy  
500 West Big Beaver Road  
Troy, Michigan 48084

**Exhibit "A"**

Section 1, John R Widening Project  
Parcel: 88-20-01-108-018  
Parcel #76

PARENT PARCEL DESCRIPTION:

T2N, R11E, SEC 1 SUPERVISOR'S PLAT OF JOHN ARBOR SUBDIVISION, RECORDED IN L. 6, P.56, O.C.R., THE NORTH 10.00 FT OF LOT 139, ALSO LOTS 140-143, ALSO THE NORTH 95.00 FT OF LOT 195.

PARCEL 88-20-01-108-018

25' TRIANGULAR GRADING PERMIT:

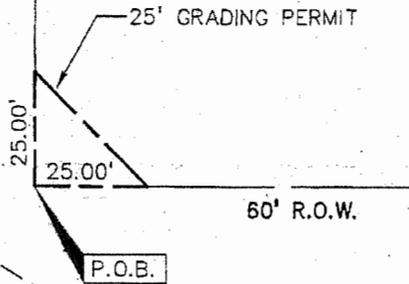
A 25 FOOT GRADING PERMIT BEGINNING AT THE NORTHWEST CORNER OF LOT 143 OF "SUPERVISOR'S PLAT OF JOHN ARBOR SUBDIVISION", AS RECORDED IN L. 6, P. 56 OF OAKLAND COUNTY, MICHIGAN RECORDS; THENCE EAST 25 FT ALONG THE NORTH LINE OF SAID LOT, THENCE SOUTHWESTERLY TO A POINT ON THE WEST LINE OF SAID LOT, SAID POINT BEING 25 FT SOUTH OF THE NORTHWEST LOT CORNER, THENCE NORTH 25 FT ALONG THE WEST LINE OF SAID LOT TO THE POINT OF BEGINNING.

CHANCERY AVE.  
60 FT. WIDE

PARCEL 76  
88-20-01-108-018

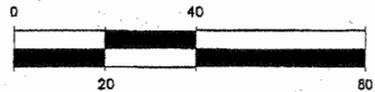
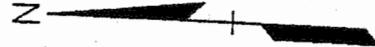
THE NORTH 10.00 FT OF LOT 139,  
ALSO LOTS 140-143, ALSO THE  
NORTH 95.00 FT OF LOT 195

#2022 CHANCERY



JOHN R ROAD (120' WIDE)

SECTION LINE



GRAPHIC SCALE  
1" = 40'

PARCEL 76

*Thomas G. Smith*



ORCHARD, HILTZ & McCLIMENT, INC.  
34000 Plymouth Road  
Livonia, MI, 48150 (734) 522-6711



City of  
**Troy**

500 W. Big Beaver Rd.  
Troy, Michigan 48064  
(248) 524-3594  
www.ci.troy.mi.us

2022 Chancery Ave.  
Grading Permit  
Sketch

SCALE:	DRAWN BY:	CHECK BY:	FILE
1" = 40'	MEB	GWC	108-018 GRD
	2-10-06	3-17-06	
STEVEN J. VANDETTE		SHEET No.	JOB No.
CITY ENGINEER		1 of 2	2002-234



Document Prepared by  
Professional Engineering  
Associates, Inc.

DATE	REV.

CONTRACT No.

**WAIVER OF APPRAISAL  
and/or  
~~DONATION OF PROPERTY~~**

*This information is required by the City of Troy in order to waive appraisal rights.*

I/We HANA RRAPI AM are the owners(s) of the attached described parcel of land: SEE ATTACHED "EXHIBIT A"

I have been informed and fully understand that I have the right to an appraisal, the right to accompany the appraiser during an inspection of the premises and the right to receive just compensation for those lands and improvements (if any). I/We hereby:

- Waive the right to an appraisal and a property inspection, and accept \$500 dollars as just compensation, *FOR REGRADING & TEMPORARY CONSTRUCTION PERMIT, PLUS \$100 FOR LOSS OF TREES HR PAP*
- Waive the right to an appraisal and a property inspection and donate said property.
- Waive any just compensation and donate said property.

This waiver is being executed without undue influence or coercive action of any nature.

It is further agreed that an instrument of conveyance will be executed upon presentation by agents or representative of the City of Troy. NOTE: This document may be copied and distributed to multiple parties for signature.

Owner's Signature <i>Hana Rrap</i>	Witness <i>[Signature]</i>	Date <i>1-23-08</i>
Owner's Signature	Witness	Date

Signature	Title:	Date
-----------	--------	------

Control Section	Parcel	Name
Work Order No.	Fed. Item No.	Fed. Proj. No.



## MEMORANDUM

TO: Members of the Troy City Council  
FROM: Lori Grigg Bluhm, City Attorney  
DATE: March 10, 2008  
SUBJECT: Blood Draw Agreements

---

In March 2005, Troy Beaumont Hospital, Alliance Mobile Health, and the City of Troy formalized an innovative process to more efficiently secure blood samples from suspected drunk drivers. Although the breathalyzer is most often used to obtain a person's level of intoxication, there are situations where blood samples are necessary, or specifically requested by a suspect. Prior to 2005, each suspect requiring a blood test was transported by our officers to Troy Beaumont Hospital, since blood tests were required to be performed under the supervision of a licensed physician.

Starting in 2005, Beaumont Hospital developed a protocol, which allowed for EMTs from Alliance Mobile Health to do these blood draws in their ambulances. Pursuant to the protocol, the EMT would necessarily contact a physician working at Beaumont Hospital, who would provide the "direction," as required by the state drunk driving laws. Certain health conditions could preclude this procedure, and these conditions are set forth in the Protocol. All blood samples are taken in a sterile environment, and are forwarded to the State of Michigan for analysis and report.

Since 2005, this process has been very successful in significantly reducing the number of visits to Troy Beaumont Hospital. The initial agreement was for one year, with two one year renewals. The parties have agreed to a new five year agreement, with up to two automatic renewals for five year periods.

Attached please find a proposed Agreement between the Troy Beaumont Hospital and the City of Troy, and a second proposed Agreement between Alliance Mobile Health and the City of Troy. City Administration recommends approval of the proposed agreements, which would allow this successful practice to continue.

As always, if you have any questions concerning the above, please let me know.

## AGREEMENT

This Agreement is made and entered into on this \_\_\_\_ day of \_\_\_\_\_, 2008, by and between the City of Troy, a Michigan Municipal Corporation, whose address is 500 W. Big Beaver Road, Troy, Michigan, 48084, and William Beaumont Hospital, a Michigan non-profit corporation, whose address is 44201 Dequindre Troy, Michigan 48085. The parties have agreed to the following terms and conditions:

1. The City of Troy desires to institute a procedure whereby an individual, qualified by education, training or experience to withdraw blood, shall withdraw blood from suspects in criminal cases under the supervision and delegation of a licensed physician, in accordance with the terms and conditions set forth in MCL 257.625a (6)(c), MCL 333.16215 and MCL 333.16109. William Beaumont Hospital, Troy, has agreed to cooperate with the City in its implementation of this procedure.
2. The blood withdrawals will take place in a “medical environment” at or near the City of Troy police department, and under the supervision and delegation of a licensed physician. This includes, but is not limited to ambulances or other similar locations that are under the control of persons qualified to withdraw blood under the statutes of the State of Michigan.
3. The delegation by the physician will occur via written protocols, attached as Exhibit A, and telephone or two-way radio communication between the physician and the individual qualified to withdraw blood.
4. The delegating physician ordering the blood draw will be physically located at William Beaumont Hospital, Troy.
5. William Beaumont Hospital agrees to allow its employed emergency medicine physicians who are physically located on its premises to facilitate the legally required supervision and delegation to the qualified individual withdrawing blood in a medical environment located at or near the City of Troy police department.
6. The City of Troy agrees to indemnify, defend and hold harmless William Beaumont Hospital and its employees, physicians, agents, contractors, trustees and directors from any and all liability, and to pay reasonable attorney fees and costs incurred for the negligence, alleged negligence, malpractice or misconduct of any person engaged in the withdraw of blood, as requested by the Troy police department under the written protocol, which is attached and incorporated by reference. The City of Troy also agrees to indemnify and defend William Beaumont Hospital and its employees, physicians, agents, contractors, trustees, and directors and hold them harmless and to pay reasonable attorney fees and costs resulting from any challenges to the implementation and/or drafting of the

attached and incorporated protocol for withdrawal of blood off-premises and under the direction of a licensed physician of William Beaumont Hospital. This provision shall not apply to claims or causes of action alleging or arising from the failure of William Beaumont Hospital and its employees, physicians, agents, contractors, trustees and directors to comply with the terms and conditions of the written protocol for the off-premises withdrawal of blood.

7. The term of this Agreement is for five years from the date of execution and shall renew automatically for two (2) consecutive, additional five-year terms unless canceled by either party by written notice at least thirty (30) days prior to the date of expiration of this Agreement.
8. This Agreement may be terminated at any time and for any reason by either party upon ninety (90) day written notice.
9. This Agreement contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed, and supersedes all prior written or oral agreements or communications between the parties. No supplement, modification, or amendment of any term, provision, or condition of this Agreement shall be binding or enforceable on either party hereto unless in writing signed by both parties.
10. This Agreement shall be governed, construed and interpreted in accordance with the laws of the State of Michigan.

IN WITNESS WHEREOF, the authorized representatives of the parties hereto have fully signed and executed this Agreement on the \_\_\_\_ day of \_\_\_\_\_, 2008.

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

CITY OF TROY

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

WM. BEAUMONT HOSPITAL

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

**TROY POLICE DEPARTMENT  
PROTOCOL FOR BLOOD DRAW**

1. Officer obtains a voluntary consent form or a court ordered search warrant signed by a judge authorizing a physician to draw a blood sample from the suspect/patient. The search warrant must also indicate where the blood sample is to be drawn (Troy Police Department via Alliance Mobile Health or Troy Beaumont Hospital.)
2. Officer presents the suspect/patient a copy of the search warrant signed by the judge.
3. Officer requests Alliance Mobile Health dispatch an ambulance to the Troy Police Department sally port area to obtain a blood sample. Alliance Mobile Health will send paramedics that are qualified by education, training, or experience to obtain a blood sample under the direction and supervision of a hospital emergency room physician.
4. Officer escorts suspect/patient to the sally port area and has suspect/patient enter ambulance to prepare for the blood draw procedure. Officer supplies the paramedics the portable telephone located in sally port.
5. Alliance Mobile Health paramedics shall verify the search warrant or voluntary consent and then perform a history and physical documented on the Oakland County EMS Run Form. The history and physical will include, at a minimum, documentation of the following information:
  - a. patient complaint;
  - b. preliminary breath test results (if performed);
  - c. past medical history;
  - d. current medications;
  - e. allergies;
  - f. level of consciousness;
  - g. vital signs (temperature/blood pressure/respiratory rate);
  - h. pupil assessment;
  - i. skin perfusion; and
  - j. blood glucose level
6. The paramedics may use their knowledge, skill and training to make the decision to transfer the suspect/patient to the Troy Beaumont Hospital emergency department at any time and for any reason. However, if a suspect/patient has any of the following signs, symptoms or history, he/she shall be immediately transferred to the emergency center at Troy Beaumont:
  - a. history of diabetes, seizures or closed head injury;
  - b. blood glucose in excess of 160 or less than 60;

- c. unstable vital signs;
  - d. any sign of trauma;
  - e. suspicion of infectious process in febrile patient; and
  - f. suspicion of polydrug ingestion
7. Alliance Mobile Health paramedics will use the portable telephone to contact Troy Beaumont Hospital emergency room to speak with the attending physician. If requested, the paramedic shall fax a copy of the EMS Run Form to the emergency physician.
  8. The paramedics shall document on the EMS Run Form the name of the emergency physician and document the physician's authorization to proceed with the blood draw as well as any other instructions.
  9. If authorized by the physician, and pursuant to their order, supervision and direction, only, the paramedics will draw the blood sample using the blood kit supplied by Michigan State Police. Paramedics will follow the directions in the blood kit and complete their portion of the written form. Paramedics will only use the items supplied in the blood kit to obtain the blood sample
  10. After the blood draw, officer will process the blood samples as prescribed by department policy. Blood samples will be analyzed by MSP crime lab. Officer shall log the names of the paramedics and attending room physicians involved in the blood draw in the incident report.
  11. Officer shall supply the suspect/patient a search warrant tabulation form after the blood draw.
  12. Paramedics from Alliance Mobile Health will dispose of the used medical supplies as directed by company policy.
  13. An emergency physician shall be continuously available under this Protocol for direct communication with the paramedic by either telephone or radio communications.
  14. The Director or Emergency Medicine at William Beaumont Hospital, Troy, shall be available on a regularly scheduled basis to review the practices of the paramedics under this Protocol, review records, and provide requested consultation or education of the paramedics' performance.
  15. Alliance Mobile Health shall maintain the EMS Run Form record in the regular course of business.

## AGREEMENT

This Agreement is made and entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 2008 by and between the City of Troy, a Michigan Municipal Corporation, whose address is 500 W. Big Beaver Road, Troy, Michigan, 48084, and Alliance Mobile Health & Oakland Healthcare Alliance, a Michigan non-profit corporation, whose address is 2045 Austin Drive, Troy, Michigan 48083. The parties have agreed to the following terms and conditions:

1. The City of Troy desires to institute a procedure whereby an individual, qualified by education, training or experience to withdraw blood, shall withdraw blood from suspects in criminal cases under the supervision and delegation of a licensed physician, in accordance with the terms and conditions set forth in MCL 257.625a (6)(c), MCL 333.16215 and MCL 333.16109. Alliance Mobile Health has agreed to cooperate with the City in its implementation of this procedure.
2. The blood withdrawals will take place in a “medical environment” at or near the City of Troy police department, and under the supervision and delegation of a licensed physician. This includes, but is not limited to ambulances or other similar locations that are under the control of persons qualified to withdraw blood under the statutes of the State of Michigan.
3. The delegation by the physician will occur via written protocols, attached as Exhibit A, and telephone or two-way radio communication between the physician and the employee or agent of Alliance that is qualified to withdraw blood.
4. The delegating physician ordering the blood draw will be physically located at William Beaumont Hospital, Troy.
5. Alliance agrees to allow its employees that are qualified to withdraw blood under the statutes of the State of Michigan to facilitate the legally required procedure of withdrawing blood in a medical environment located at or near the City of Troy police department. Alliance agrees that its employees will also follow the Evidentiary Blood Draw Protocol, which was approved by the State on December 10, 2007, and is attached as Exhibit B, in addition to the Troy Beaumont Hospital protocol (Exhibit A). In the event that there is a conflict between the two protocols, Exhibit A shall control.
6. The City of Troy agrees to indemnify, defend and hold harmless Alliance and its employees, agents, contractors, trustees and directors from any and all liability incurred for the negligence, alleged negligence, malpractice or misconduct of any person engaged in the withdraw of blood, as requested by the Troy police

department under the written protocols, which are attached and incorporated by reference, with the exception of claims or causes of action alleging or arising from the gross negligence of Alliance, and its employees, physicians, agents, contractors, trustees and directors, or the failure to comply with the terms and conditions of the written protocol for the off-premises withdrawal of blood.

7. The term of this Agreement is for five years from the date of execution and shall renew automatically for two (2) consecutive, additional five year terms unless canceled by either party by written notice at least ninety (90) days prior to the date of expiration of this Agreement.
8. This Agreement may be terminated at any time and for any reason by either party upon ninety (90) day written notice.
9. This Agreement contains the entire agreement between the parties relating to the rights herein granted and the obligations herein assumed, and supersedes all prior written or oral agreements or communications between the parties. No supplement, modification, or amendment of any term, provision, or condition of this Agreement shall be binding or enforceable on either party hereto unless in writing signed by both parties.
10. This Agreement shall be governed, construed and interpreted in accordance with the laws of the State of Michigan.

IN WITNESS WHEREOF, the authorized representatives of the parties hereto have fully signed and executed this Agreement on the \_\_\_\_ day of \_\_\_\_\_, 2008.

WITNESSES:

\_\_\_\_\_  
\_\_\_\_\_

CITY OF TROY

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

ALLIANCE MOBILE HEALTH

BY: \_\_\_\_\_

ITS: \_\_\_\_\_

**TROY POLICE DEPARTMENT  
PROTOCOL FOR BLOOD DRAW**

1. Officer obtains a voluntary consent form or a court ordered search warrant signed by a judge authorizing a physician to draw a blood sample from the suspect/patient. The search warrant must also indicate where the blood sample is to be drawn (Troy Police Department via Alliance Mobile Health or Troy Beaumont Hospital.)
2. Officer presents the suspect/patient a copy of the search warrant signed by the judge.
3. Officer requests Alliance Mobile Health dispatch an ambulance to the Troy Police Department sally port area to obtain a blood sample. Alliance Mobile Health will send paramedics that are qualified by education, training, or experience to obtain a blood sample under the direction and supervision of a hospital emergency room physician.
4. Officer escorts suspect/patient to the sally port area and has suspect/patient enter ambulance to prepare for the blood draw procedure. Officer supplies the paramedics the portable telephone located in sally port.
5. Alliance Mobile Health paramedics shall verify the search warrant or voluntary consent and then perform a history and physical documented on the Oakland County EMS Run Form. The history and physical will include, at a minimum, documentation of the following information:
  - a. patient complaint;
  - b. preliminary breath test results (if performed);
  - c. past medical history;
  - d. current medications;
  - e. allergies;
  - f. level of consciousness;
  - g. vital signs (temperature/blood pressure/respiratory rate);
  - h. pupil assessment;
  - i. skin perfusion; and
  - j. blood glucose level
6. The paramedics may use their knowledge, skill and training to make the decision to transfer the suspect/patient to the Troy Beaumont Hospital emergency department at any time and for any reason. However, if a suspect/patient has any of the following signs, symptoms or history, he/she shall be immediately transferred to the emergency center at Troy Beaumont:
  - a. history of diabetes, seizures or closed head injury;
  - b. blood glucose in excess of 160 or less than 60;

- c. unstable vital signs;
  - d. any sign of trauma;
  - e. suspicion of infectious process in febrile patient; and
  - f. suspicion of polydrug ingestion
7. Alliance Mobile Health paramedics will use the portable telephone to contact Troy Beaumont Hospital emergency room to speak with the attending physician. If requested, the paramedic shall fax a copy of the EMS Run Form to the emergency physician.
  8. The paramedics shall document on the EMS Run Form the name of the emergency physician and document the physician's authorization to proceed with the blood draw as well as any other instructions.
  9. If authorized by the physician, and pursuant to their order, supervision and direction, only, the paramedics will draw the blood sample using the blood kit supplied by Michigan State Police. Paramedics will follow the directions in the blood kit and complete their portion of the written form. Paramedics will only use the items supplied in the blood kit to obtain the blood sample
  10. After the blood draw, officer will process the blood samples as prescribed by department policy. Blood samples will be analyzed by MSP crime lab. Officer shall log the names of the paramedics and attending room physicians involved in the blood draw in the incident report.
  11. Officer shall supply the suspect/patient a search warrant tabulation form after the blood draw.
  12. Paramedics from Alliance Mobile Health will dispose of the used medical supplies as directed by company policy.
  13. An emergency physician shall be continuously available under this Protocol for direct communication with the paramedic by either telephone or radio communications.
  14. The Director or Emergency Medicine at William Beaumont Hospital, Troy, shall be available on a regularly scheduled basis to review the practices of the paramedics under this Protocol, review records, and provide requested consultation or education of the paramedics' performance.
  15. Alliance Mobile Health shall maintain the EMS Run Form record in the regular course of business.



## Evidentiary Blood Draw Protocol (optional)

### **Purpose**

OCMCA has provisions to allow Paramedics working for a licensed OCMCA agency, when requested by a law enforcement officer, who is in the possession of a search warrant duly signed by a magistrate or judge, and under the supervision and at the direction of medical control, to draw blood for the purposes of determining the presence of alcohol and/or drugs. If a patient presents with a medical condition, the General Prehospital Care protocol will be initiated.

### **Post-Radio**

#### **PARAMEDIC**

1. Obtain blood draw kit from law enforcement officer and only use the provided contents within the kit for collection.
2. Sample shall be obtained in the presence of a law enforcement officer.
3. Do not use alcohol or alcoholic solutions to sterilize skin surface, needle or syringe.
4. Draw two tubes of venous blood from subject in presence of law enforcement officer, and tell the subject **IN THE PRESENCE OF LAW ENFORCEMENT OFFICER** that no alcohol was used in sterilizing the skin surface, needle, or syringe. Slowly invert blood collection tube(s) several times to distribute the sodium fluoride/potassium oxalate preservative.
5. Complete blood specimen label(s) by entering name of subject, date and time of blood collection, and your name in ink.
6. In the presence of subject, hand tube(s) of blood and label(s) to law enforcement officer for signing, packaging, and transfer to the laboratory.

State approved: December 10, 2007



## **CITY COUNCIL ANNOUNCEMENT OF PUBLIC HEARING**

March 17, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager-Finance/Administration  
Nino Licari, City Assessor

SUBJECT: Announcement of Public Hearing for Republic/APT 1889 Larchwood

### **Background:**

- Republic/APT, has requested the establishment of an Industrial Development District (IDD), and the issuance of an Industrial Facilities Exemption Certificate (IFEC) for their move into 1889 Larchwood, in Section 26.

### **Financial Considerations:**

- The financial considerations cannot be determined at this time.

### **Legal Considerations:**

- The legal considerations cannot be determined at this time.

### **Policy Considerations:**

- Policy considerations will occur at the Public Hearings.

### **Options:**

- The public hearings will be on April 7, 2008 to conform to State law.

**WARREN CONSOLIDATED  
SCHOOLS  
31300 ANITA  
WARREN MI 48093-1697**

**OAKLAND COMMUNITY COLLEGE  
CLARENCE E BRANTLEY  
2480 OPDYKE  
BLOOMFIELD HILLS MI 48304-2266**

**MACOMB INTERMEDIATE SCHOOLS  
44001 GARFIELD  
CLINTON TWSHP MI 48038-1100**

**OAKLAND COUNTY PTA  
PATRICK DOHANY  
1200 N TELEGRAPH Dept 479  
PONTIAC MI 48341-0479**

**OAKLAND COUNTY EQUALIZATION  
DAVID HIEBER  
250 ELIZABETH LAKE RD 1000 W  
PONTIAC MI 48341**

**MARK LINARI c/o  
REPUBLIC/APT  
1889 LARCHWOOD  
TROY MI 48083-2226**

**CITY OF TROY**  
**PUBLIC HEARING**

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, April 7, 2008 at 7:30 P.M. to consider the request from Republic/APT, for the establishment of an Industrial Development District (IDD) at the following location:

88-20-26-430-035 1889 Larchwood, Troy, MI. 48083-2226  
T2N, R11E, Section 26

You may express your comments regarding this matter by writing to this office, or by attending the Public Hearing.

---

Tonni Bartholomew, MMC  
City Clerk

**NOTICE:** *People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at [clerk@ci.troy.mi.us](mailto:clerk@ci.troy.mi.us) or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.*

**CITY OF TROY**  
**PUBLIC HEARING**

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, April 7, 2008 at 7:30 P.M. to consider the request from Republic/APT for the granting of an Industrial Facilities Exemption Certificate (IFEC) for a period not to exceed 12 years, beginning December 31, 2008, for personal property located at:

88-20-26-430-035, 1889 Larchwood Troy, MI. 48083-2226  
T2N, R11E, Section 26

You may express your comments regarding this matter by writing to this office, or by attending the Public Hearing.

---

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A regular meeting of the Animal Control Appeal Board was held on Wednesday, September 5, 2007 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairperson Jayne Saeger called the meeting to order at 7:27 p.m.

ROLL CALL:

PRESENT: Jayne Saeger, Chairperson  
Patrick Carolan, Secretary  
Kathleen Melchert  
ACO Karen Livingston  
PSA Stephen Vaillancourt  
Christopher Forsyth, Assistant City Attorney  
Pat Gladysz

ABSENT: Al Petrulis, Vice-Chairperson  
V. James Viola

**Resolution to Excuse Committee Members Petrulis & Viola**

Resolution #AC2007-09-004  
Moved by Melchert  
Seconded by Carolan

RESOLVED, that the absence of Committee members Petrulis and Viola at the Animal Control Appeal Board meeting of September 5, 2007 BE EXCUSED.

Yes:            3  
No:             0  
Absent:        Petrulis & Viola

---

**Resolution to Approve Minutes of February 14, 2007 Meeting**

Resolution #AC2007-09-005  
Moved by Melchert  
Seconded by Carolan

RESOLVED, that the Minutes of the February 14, 2007 meeting of the Animal Control Appeal Board be approved.

Yes: 3  
No: 0  
Absent: Petrulis & Viola

---

**Resolution to Elect Chairperson**

Resolution #AC2007-09-006  
Moved by Melchert  
Seconded by Carolan

RESOLVED, that Saeger will serve as Chairperson of the Animal Control Appeal Board for one year.

Yes: 3  
No: 0  
Absent: Petrulis & Viola

---

**Resolution to Elect Vice-Chairperson**

Resolution #AC2007-09-007  
Moved by Carolan  
Seconded by Melchert

RESOLVED, that Petrulis will serve as Vice-Chairperson of the Animal Control Appeal Board for one year.

Yes: 3  
No: 0  
Absent: Petrulis & Viola

---

**Resolution to Elect Secretary**

Resolution #AC2007-09-008  
Moved by Melchert  
Seconded by Saeger

RESOLVED, that Carolan will serve as Secretary of the Animal Control Appeal Board for one year.

Yes:            3  
No:             0  
Absent:        Petruslis & Viola

---

There was a brief discussion of the appeal that had been withdrawn (Alfred Sinojmeri, 2782 Saratoga).

ACO Livingston and PSA Vaillancourt informed the Board of an application filed on September 5, 2007 to provide temporary shelter for baby tigers. Livingston and Vaillancourt will investigate the circumstances of this application and render a decision.

Chapter 90 of the City Code was briefly reviewed.

The 2008 regular meetings are scheduled for Wednesday, March 5, 2008 and Wednesday, September 3, 2008.

The meeting adjourned at 7:40 p.m.

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Jayne Saeger, Chairperson

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Patricia A. Gladysz, Secretary II

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT – OCTOBER 3, 2007

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, October 3, 2007, in the second floor Conference Room C at City Hall. Done called the meeting to order at 7:03 p.m.

Present: C. Buchanan, member      D. Chong, student  
 A. Done, member                      C. Geier, member  
 P. Hammond, member                P. Manetta, member  
 D. Pietron, member                  S. Werpetinski, member

Present: M. Grusnick, staff

Absent: Clark, K, member EA  
 M. Freliga, member UA  
 Mayer, K, alternate EA  
 S. Murphy, alternate UA

**ITEM III – APPROVAL OF MINUTES OF MEETING OF SEPTEMBER 5, 2007**

Werpetinski made a motion to approve the minutes of September 5, 2007; supported by Buchanan; all voted in favor.

Werpetinski motioned to excuse the absences of Clark and Mayer; supported by Buchanan. All voted in favor.

**ITEM IV – SCHEDULED PRESENTATIONS**

A video and audio presentation was given by Micah Fialka-Feldman, an Oakland University student and nation-wide speaker and advocate for inclusive schooling. Micah starred in a film called Through the Same Door. This film documents the inclusive education for students with cognitive disabilities on college campuses. This film can be purchased through [www.danceofpartnership.com](http://www.danceofpartnership.com).

**ITEM V – UNFINISHED BUSINESS**

Done reported that Parks & Recreation is very sensitive to making the walkways and pathways project accessible and ADA compliant for persons with disabilities.

Pietron reported that the Community Center took a survey and it showed there was no need for additional handicap parking. Grusnick will contact Carla Vaughan requesting signs at entrances indicating senior parking only in the north parking lot from 8 a.m. till 2 p.m. Another scooter is now available at the east entrance.

Werpetinski reported that the disability display case has been set up at the Library for the month of October which is National Disability Awareness month.

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT – OCTOBER 3, 2007

Buchanan and Done used the three new assisted equipment devices purchased by the Troy Library for persons with disabilities. They will also visit the Community Center to use the voice activated system.

Kathy Russ, Director of the Troy Library, has asked for this committee's input on ideas for the Library expansion. She will keep our committee informed of progress on the expansion.

**ITEM VI – NEW BUSINESS**

This committee welcomed our new student, Daniel Chong. Daniel is a Junior at Troy High School.

Werpetinski delivered a wheelchair to the Outdoor Education Center.

Werpetinski reported that the Troy Library will be holding an open house to showcase items for persons with special needs that were purchased by the Friends of the Troy Library.

Werpetinski reported that the City of Dearborn will be hosting a free seminar in the Dome Room from 9:30 to 3:30 with guest speakers on the topic of 'Let's Make the World More Accessible For You'. For information go to [www.dearborn/disabilities.org](http://www.dearborn/disabilities.org).

The Senior Center will be hosting a caregiver support group beginning 10/25/07 from 10a.m. to 11a.m. every 4<sup>th</sup> Thursday of the month. They will have speakers and opportunities for interaction between caregivers.

Werpetinski reported that the Anti-Bully Program is funded by the Intermediate School District and is available to any school upon request.

The City of Troy Fire Department will host Open Houses from 1-4 p.m. October 7.

Werpetinski prepared a commendation letter to Sandy Macknis for her work at Troy Daze, Mr. And Mrs. Sczomak for their service to Leader Dogs for the Blind, and Brian Murphy for his participation in the Triathlon for Leukemia and Lymphoma Society. Werpetinski motioned to approve; Geier seconded. All in favor.

Hammond composed a letter to Gina Hyun thanking her for her support and participation in this committee.

Werpetinski delivered a donated wheelchair to be used at the Troy Musuem.

**ITEM VII – REPORTS**

The City of Troy has new features on their website at [www.troy.mi.gov](http://www.troy.mi.gov).

**ITEM VIII – PUBLIC COMMENT**

None reported.

**ITEM IX – MEMBER COMMENT**

Werpetinski, Pietron and Manetta will no longer be members of this committee.

**ITEM X – ADJOURNMENT**

Pietron made a motion to adjourn at 9:07 p.m. Supported by Werpetinski. All voted in favor.

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Angela Done  
Chairperson

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Kathy Jearls, Recording Secretary

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – FINAL – OCTOBER  
3, 2007

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Present: C. Buchanan, member      D. Chong, student  
A. Done, member                      C. Geier, member  
P. Hammond, member                P. Manetta, member  
D. Pietron, member                  S. Werpetinski, member

Present: M. Grusnick, staff

Absent: Clark, K, member EA  
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Angela Done  
Chairperson

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Kathy Jearls, Recording Secretary

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT –  
JANUARY 2, 2008

A Regular Meeting of the Troy Advisory Committee for Persons with Disabilities was held Wednesday, January 2, 2008, in the second floor Conference Room C at City Hall. Buchanan called the meeting to order at 7:00 p.m.

Present:      C. Buchanan, member      M. Chaffee, member  
                  D. Chong, student            K. Clark, member  
                  P. Hammond, member        B. Harrell, member  
                  E. Kempen, member         P. Lin, member  
                  K. Mayer, alternate         L. Patton, member  
                  J. Stewart, alternate

Present:      M. Grusnick, staff

Absent:        A. Done, member EA  
                  S. Murphy, alternate UA

**ITEM III – APPROVAL OF MINUTES OF MEETING OF OCTOBER 3, 2007**

Hammond made a motion to approve the minutes of October 3, 2007; supported by Buchanan; all voted in favor.

Hammond motioned to excuse the absence of Done; supported by Clark. All voted in favor.

**ITEM IV – PUBLIC COMMENT**

None

**ITEM V - SCHEDULED PRESENTATIONS**

None

**ITEM VI – UNFINISHED BUSINESS**

The Senior Expo will be held March 18 at Troy Community Center from 10:00 to 2:00 p.m. The Committee is asking for volunteers to set up and staff a table.

**ITEM VII – NEW BUSINESS**

New members were introduced at this meeting:

Michael Chaffee is a Troy resident who wants to contribute to the disabled community. Barbara Harrell is a 13 year Troy resident that is an advocate for the hearing impaired. Edward Kempen is a Troy resident and was a candidate for City Council in the last election.

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – DRAFT –  
JANUARY 2, 2008

Paul Chu Lin is a registered architect and also a Troy resident.  
Larry Patton is a 5 year Troy resident, author, public speaker and Director of the Men's Ministry at Faith Lutheran Church.  
Welcome packets were distributed to all new members of the Committee.

Buchanan suggested that all members bring two goals that they would like to see the Committee move forward on to the next meeting.

Stewart made a motion to put Member Comment on our agenda. Discussion followed as to where to place on the agenda. It was decided to place Public Comment as Item IV. Harrell moved and Clark seconded. All were in favor.

Clark suggested that the Troy Citizens Academy was a very worthwhile program to take part in. For information contact Cindy Stewart, Community Affairs.

**ITEM VIII – REPORTS**

**ITEM IX – MEMBER COMMENT**

Chaffee suggested becoming involved with the Kaleidoscope event next year. It is normally held in January and would be beneficial for helping persons with disabilities find available resources. This year's event will be held on January 27, 2008 from 12 to 4 p.m.

Hammond reported that the Big Beaver Corridor Committee welcomes comments and suggestions regarding accessibility. Please email them to Planning Commission.

**ITEM X – ADJOURNMENT**

Buchanan made a motion to adjourn at 8:45p.m. Supported by Hammond . All voted in favor.

---

Angela Done  
Chairperson

---

Kathy Jearls, Recording Secretary

ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – FINAL –  
JANUARY 2, 2008

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Present: C. Buchanan, member M. Chaffee, member  
D. Chong, student K. Clark, member  
P. Hammond, member B. Harrell, member  
E. Kempen, member P. Lin, member  
K. Mayer, alternate L. Patton, member  
J. Stewart, alternate

Present: M. Grusnick, staff

Absent: A. Done, member EA  
S. Murphy, alternate UA

**ITEM III – APPROVAL OF MINUTES OF MEETING OF OCTOBER 3, 2007**

Hammond made a motion to approve the minutes of October 3, 2007; supported by Buchanan; all voted in favor.

Hammond motioned to excuse the absence of Done; supported by Clark. All voted in favor.

**ITEM IV – PUBLIC COMMENT**

None

**ITEM V - SCHEDULED PRESENTATIONS**

None

**ITEM VI – UNFINISHED BUSINESS**

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ADVISORY COMMITTEE FOR PERSONS WITH DISABILITIES – FINAL –  
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**ITEM X – ADJOURNMENT**

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---

Angela Done  
Chairperson

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Kathy Jearls, Recording Secretary

LIBRARY ADVISORY BOARD - FINAL

January 10, 2008

A Regular Meeting of the Troy Library Board was held on Thursday, January 10, 2008, at the Office of the Library Director. Kul Gauri, Chairman, called the meeting to order at 7:35 P.M.

**ROLL CALL**

PRESENT: Heather Eisenbacher  
Kul B. Gauri  
Lynne Gregory  
Nancy Wheeler  
Audre Zembrzuski  
Arthi Krishna  
Shruthi Subramanian

Cathleen Russ, Library Director

Guests: Maria Hunciag, Julie Sigler, Friends of TPL

The Pledge of Allegiance to the Flag was given

**Resolution #LB-2008-01-01**

Moved by Wheeler

Seconded by Zembrzuski

**RESOLVED, That Minutes of December 13, 2007 be approved.**

**Yes: 5—Eisenbacher, Gauri, Gregory, Wheeler, Zembrzuski**

**No: 0**

**MOTION CARRIED**

**Resolution #LB-2008-01-02**

Moved by Gregory

Seconded by Zembrzuski

**RESOLVED, That the Agenda be approved.**

**Yes: 5—Eisenbacher, Gauri, Gregory, Wheeler, Zembrzuski**

**No: 0**

**MOTION CARRIED**

**POSTPONED ITEMS**

There were no Postponed items.

**NEW BUSINESS.**

A. Express Terminal Update—Russ told the board members that she was

investigating the possibility (per board request) of “express terminals” for the library. These express terminals would be used by patrons to check email and do brief searches, in a short period of time, i.e. a 15 minute limit. Russ said that there would be a cost involved to implement such a system, and she was looking into it. However, rather than spending the money to implement a system on 2 terminals, she would implement it on all the library’s public computers. Discussion by the board members ensued.

## **OLD BUSINESS.**

- A. Library Needs Assessment/Feasibility Study**—Russ has read and offered comments to Jim Mumby on the first draft of the Needs Assessment Study. It will be reviewed with the City Manager and Assistant City Manager next week. The study results will be presented to the City Council at a study session at their meeting on Monday, February 4, 2008.

## **REPORTS & COMMUNICATIONS**

**Director’s Report**—Russ reviewed the new organizational chart. Russ reported that TPL will be live on the MelCat system on Monday, January 21, 2008. Russ updated the members about the status of the State Librarian’s committee to review library cooperatives, and also the SLC’s plans to incorporate the shared automation system. Russ updated the members on the Museum Adventure Pass program—it is going very well. TPL circulated 150 passes in December, the highest number of any SLC library.

### **Board Members’ Comments**

Wheeler asked about Troy residents’ priority for programs. When there are programs for which reservations are required, Troy residents have first priority. Non-residents are put on a waiting list, and if space permits, they are allowed to attend the program. Gauri asked for a quarterly report of Friends’ funded library projects.

**Student Representatives’ Comments**—Krishna mentioned that many students use the Troy Public Library.

### **Suburban Library Cooperative--Gregory**

Five applications have been received for the Systems Librarian position. State aid has been reduced to 32.47 cents per capita. The SLC Board Bylaws were updated to include the newly created Finance Committee. The next SLC Board meeting is Thursday, January 31.

### **Friends of the Troy Public Library**

Maria Hunciag reported that the Friends Book Shop earned over \$100,000 in 2007, a record-breaking achievement. Maria also reported that Tammy Duszynski resigned as President from the Friends board. Jeanne Stine has been asked if she will consider the nomination for Friends’ Board President. The next Friends’ meeting is Monday, January 14, 2008, at 9:30 a.m. The meetings will then occur on the first Monday of the month, due to a change in Russ’s schedule.

### **Gifts.**

The library received 3 donations in December:

- \$100 CoraEllen DeVinney, New Baltimore
- \$500 Afshan Khadar, Rochester Hills
- \$200 James and Nora Kelly Thompson, Royal Oak

**Informational Items.**

December TPL Calendar.

**Contacts and Correspondence.**

8 written comments from the public were reviewed.

**Public Participation.**

There was no public participation.

The Library Board meeting adjourned at 9 P.M.

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Audre Zembrzuski  
Vice Chairman

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Cathleen Russ  
Recording Secretary

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: 4 – Kessler, Nelson, Richnak, Zuazo  
Abstain: 1 - Dziurman

MOTION TO AGREE WITH MR. STIMAC'S INTERPRETATION CARRIED

The Building Code Board of Appeals meeting adjourned at 11:32 A.M.

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Ted Dziurman, Chairman

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Pamela Pasternak, Recording Secretary

A regular meeting of the Liquor Advisory Committee was held on Monday, February 11, 2008 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

**ROLL CALL:**

**PRESENT:** Max K. Ehlert, Chairman  
Henry W. Allemon  
W. Stan Godlewski  
Patrick C. Hall  
David S. Ogg  
Bohdan L. Ukraineec  
Susan Lancaster, Assistant City Attorney  
Sergeant Robert Cantlon  
Pat Gladysz

**ABSENT:** Timothy P. Payne  
Clark Yuan, Student Representative

**Resolution to Excuse Committee Member Payne**

Resolution #LC2008-02-004

Moved by Allemon

Seconded by Ogg

RESOLVED, that the absence of Committee member Payne at the Liquor Advisory Committee meeting of February 11, 2008 BE EXCUSED.

Yes: 6  
No: 0  
Absent: Payne

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**Resolution to Approve Minutes of January 14, 2008 Meeting**

Resolution #LC2008-02-005

Moved by Ukraineec

Seconded by Allemon

RESOLVED, that the Minutes of the January 14, 2008 meeting of the Liquor Advisory Committee be approved.

Yes: 6  
No: 0  
Absent: Payne

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**Agenda Items**

1. **Hari Om Restaurants, Inc.** requests to transfer ownership of 2007 Class C licensed business located at 2360 Rochester Ct , Troy, MI 48084, Oakland County from **Paragon of Michigan, Inc.** (a Wisconsin Corporation); and requests a new Official Permit (Food). [MLCC REF# 435416]

Present to answer questions from the Committee were attorneys Kelly Allen and Lisa Hamameh, sole proprietor Puja Gupta, and general manager Cynthia Pryor.

A presentation was made to the Committee explaining that Ms. Gupta is the sole proprietor of “The Host Steakhouse & Grille” which will occupy the building currently doing business as “Mountain Jack’s Steakhouse” on Rochester Court. She is currently in the process of negotiating a lease agreement with Paragon of Michigan. Minor renovations will be made to the restaurant which houses 266 seats. It will feature American and Indian cuisine in a combination fine dining and sports bar environment. Many of the current Mountain Jack’s employees will be hired by Ms. Gupta and all will have the required TIPS or TAMS training.

Resolution #LC2008-02-006

Moved by Hall

Seconded by Allemon

RESOLVED, that Hari Om Restaurants, Inc. be allowed to transfer ownership of 2007 Class C licensed business located at 2360 Rochester Ct , Troy, MI 48084, Oakland County from Paragon of Michigan, Inc. (a Wisconsin Corporation); and be granted a new Official Permit (Food).

Yes: 6  
No: 0  
Absent: Payne

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The meeting adjourned at 7:35 p.m.

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Max K. Ehlert, Chairman

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Patricia A. Gladysz, Secretary II

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on February 12, 2008, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson  
Lawrence Littman  
Robert Schultz  
Thomas Strat  
John J. Tagle  
Mark J. Vleck (arrived 7:33 p.m.)  
Wayne Wright

Absent:

Kathleen Troshynski

Also Present:

Mark F. Miller, Planning Director  
R. Brent Savidant, Principal Planner  
Christopher Forsyth, Assistant City Attorney  
Kathy Czarnecki, Recording Secretary

**Resolution # PC-2008-02-018**

Moved by: Wright  
Seconded by: Littman

**RESOLVED**, That Member Troshynski is excused from attendance at this meeting for personal reasons.

Yes: Hutson, Littman, Schultz, Strat, Tagle, Wright  
Absent: Troshynski, Vleck (arrived at 7:33 p.m.)

**MOTION CARRIED**

2. APPROVAL OF AGENDA

**Resolution # PC-2008-02-019**

Moved by: Hutson  
Seconded by: Littman

**RESOLVED**, To approve the revised Agenda with resolutions as submitted.

Yes: All present (7)  
Absent: Troshynski

**MOTION CARRIED**

### 3. MINUTES

#### **Resolution # PC-2008-02-020**

Moved by: Wright  
Seconded by: Strat

**RESOLVED**, To approve the minutes of the February 5, 2008 Special/Study meeting as presented.

Yes: Hutson, Schultz, Strat, Tagle, Vleck, Wright  
Abstain: Littman  
Absent: Troshynski

#### **MOTION CARRIED**

### 4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

### **SPECIAL USE REQUEST**

#### 5. PUBLIC HEARING – SPECIAL USE REQUEST (SU 352-B) – Proposed Outdoor Storage of Commercial and Recreational Vehicles, South Side of Maple, East of Axtell Road (2477 W. Maple), Section 32, Zoned M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report on the proposed special use request, and reported it is the recommendation of City Management to approve the Special Use Request and Site Plan as submitted.

The petitioner, Tom Kemp of Kemp Building, 275 W. Girard, Madison Heights, was present. Mr. Kemp explained the proposed 8-foot screen wall would provide additional security for the recreational vehicles.

There was a short discussion on the screen wall and chain link fence.

Mr. Kemp addressed the pattern of the screen wall and the surrounding industrial areas.

#### **PUBLIC HEARING OPENED**

No one was present to speak.

#### **PUBLIC HEARING CLOSED**

Mr. Tagle questioned City procedure as relates to the encroachment by the petitioner on the adjacent property for the installation of the retaining wall.

Mr. Miller replied he would research the matter.

Mr. Forsythe stated the Planning Commission is not granting the applicant permission to enter adjacent property to conduct any construction but merely acting upon the special use request and site plan approval.

**Resolution # PC-2008-02-021**

Moved by: Littman  
Seconded by: Wright

**RESOLVED**, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 28.30.02(D) of the Zoning Ordinance, as requested for the proposed Outdoor Storage of Commercial and Recreational Vehicles, located on the south side of Maple Road, east of Axtell Road, in Section 32, on approximately 4.99 acres, within the M-1 zoning district, is hereby granted.

Yes: All present (7)  
Absent: Troshynski

**MOTION CARRIED**

**SITE PLAN REVIEWS**

6. SITE PLAN REVIEW (SP 945) – Proposed Huntington Bank Branch, Southwest Corner of Big Beaver and Troy Center Drive, Section 28, O-S-C (Office-Service-Commercial) District

Mr. Miller presented a summary of the Planning Department report on the proposed site plan, and reported it is the recommendation of City Management to approve the site plan and parking space reduction as submitted. Mr. Miller briefly addressed the proposed parking reduction.

Dale Ehresman of Ehresman Associates, Inc., 803 W. Big Beaver Road, Troy, was present to represent the petitioner. He apologized that Chris Schneider of Huntington Bank could not make the meeting. Mr. Ehresman addressed the drive-up windows and parking space reduction. He indicated the proposed number of parking spaces would comfortably serve bank customers.

Mr. Littman asked the petitioner to address the existing canopy and the traffic pattern from the south side of the building to the north.

Mr. Ehresman addressed the potential use of the canopy by an existing tenant, the traffic pattern and the bank prototype.

There was a brief discussion on the relationship of the proposed site plan to the Big Beaver Corridor Study.

Mr. Tagle suggested a tree-lined entrance off of Big Beaver. He encouraged enhancement of the landscaping and display of public art, possibly a bench, at the intersection.

Mr. Ehresman said he would address the suggestions with the bank.

Chair Schultz opened the floor for public comment.

There was no one present who wished to speak.

Chair Schultz closed the floor for public comment.

**Resolution # PC-2008-02-022**

Moved by: Littman

Seconded by: Strat

**WHEREAS**, The Planning Commission hereby approves a reduction in the total number of required parking spaces to two hundred eighty three (283) when a total of three hundred sixteen (316) spaces are required on the site based on the off-street parking space requirements for office buildings, banks and other financial institutions as per Article XL. This reduction meets the standards of Article 40.20.12.

**RESOLVED**, That the proposed Huntington Bank Branch, located on the southwest corner of Big Beaver and Troy Center Drive, Section 28, on approximately 4.86 acres, within the O-S-C zoning district, be granted.

Yes: All present (7)

Absent: Troshynski

**MOTION CARRIED**

7. **SITE PLAN REVIEW (SP 946)** – Proposed Rite Aid Pharmacy, Northwest Corner of Long Lake and Rochester Road, Section 11, B-2 (Community Business) and H-S (Highway Service) Districts

Mr. Miller presented a summary of the Planning Department report on the proposed site plan. He addressed the proposed parking space reduction and memoranda relating to the proposed reduction. Mr. Miller reported it is the recommendation of City Management to approve the site plan as submitted with the provision of a vehicular cross access easement to the north and east and the parking reduction.

Mr. Strat noted the architectural portions of the site plans are not sealed by a registered architect, as required by the Zoning Ordinance.

**Resolution # PC-2008-02-023**

Moved by: Strat  
Seconded by: Littman

**RESOLVED**, To postpone this item to the next Regular meeting.

Discussion on the motion on the floor.

Mr. Tagle said he had some questions on the submittal. He indicated it might be helpful to approach the petitioner at this time so items could be addressed or resolved at the time of site plan approval.

There was discussion on the protocol of whether discussion should occur before or after a vote on the motion on the floor to postpone.

Mr. Forsythe said his understanding of Robert's Rules of Order is that there is no discussion by the applicant on a postponed item. He stated however that in the interest of fairness and due process, he sees no problem in inviting the applicant to comment. Mr. Forsyth indicated it is a decision of the Chair whether discussion can take place before or after the vote on the motion to postpone the matter.

Mr. Strat suggested that discussion take place after the vote.

Vote on the motion on the floor.

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

**MOTION CARRIED**

Chair Schultz said he thinks it is procedurally wrong to hold a discussion on a postponed matter.

Mr. Hutson said he would prefer to have sealed architectural drawings before him for discussion purposes, and he believes the Board has the option whether or not to hold a discussion.

Mr. Vleck said he would like the petitioner to address the provision of a cross access easement.

Chair Schultz resolved that discussion on the matter would not take place at this meeting. He indicated the Planning Commission would entertain a request from the petitioner to be placed on the March 4, 2008 Special/Study meeting for discussion

and review, but action on the matter would take place at the March 11, 2008 Regular meeting.

8. SITE PLAN REVIEW (SP 305-I) – Proposed Roof Top Module Units, William Beaumont Hospital, West side of Dequindre, South of South Boulevard (44201 Dequindre), Section 1, Zoned C-F (Community Facilities) and E-P (Environmental Protection) District

Mr. Miller presented a summary of the Planning Department report on the proposed site plan, and reported it is the recommendation of City Management to approve the site plan as submitted.

Chair Schultz asked if it was within the Planning Commission's purview to set a date on the removal of the temporary structures.

Mr. Miller said that upon site plan approval, the structures are there and no longer "temporary". He said the Planning Commission does not have discretion in the matter, but the petitioner could volunteer and offer a condition to site plan approval that effectuates removal of the temporary structures. Mr. Miller recommended tying the condition into the completion of the West Bed Tower.

Mr. Forsyth concurred the Planning Commission does not have the discretion to condition the removal of the temporary structures with site plan approval. Mr. Forsyth said the petitioner could volunteer the condition as part of the site plan presentation and it would be valid.

There was discussion on the aesthetics of the proposed temporary structures.

Eric Gray of Beaumont Services Company, 44201 Dequindre, Troy, was present. Mr. Gray addressed the temporary structures as relates to aesthetics, maintenance, emergency ingress/egress, staircase location, and walkway. He provided a description of the exterior skin that would be detailed to match the Beaumont Hospital facility. Mr. Gray said the target completion date for the seventh floor of the West Bed Tower is March 2013, and it is their intent to remove the temporary structures upon occupation of the sixth and seventh floors of the West Bed Tower. Mr. Gray indicated two representatives from Beaumont Hospital are also present to answer questions.

Mr. Miller noted that on the general site plan submitted, sheet GS1.101, note #5 reads: "Temporary roof top module units will be removed at the completion of West Bed Tower Vertical Expansion, approximately no later than 3/31/2013."

Mr. Miller said this condition, as noted on the site plan, is viable because it is not discretionary and is being offered by the petitioner. He recommended that the site plan notation be included in the Resolution for site plan approval.

Mr. Forsyth indicated the site plan would be enforceable in court because the condition is being offered by the petitioner. He said it is evident by the notation on the site plan that the Board is not imposing the condition on the petitioner.

There was a brief discussion on the design of the proposed units and its durability in Michigan climate.

**Resolution # PC-2008-02-024**

Moved by: Vleck

Seconded by: Tagle

**RESOLVED**, That the proposed Roof Top Module Units on the Emergency Center at William Beaumont Hospital, located on the west side of Dequindre and south of South Boulevard, Section 1, on approximately 67.695 acres, within the C-F and E-P zoning districts, be granted, subject to the following condition:

1. The temporary roof top module units will be removed at the completion of the West Bed Tower Vertical Expansion no later than 3/31/2013, as stated on the general site plan, sheet # GS1.101.

**Discussion on the motion on the floor.**

There was a brief discussion with respect to making the condition contingent to the issuance of a certificate of occupancy for the West Bed Tower.

Mr. Miller said he would research the matter.

**Vote on the motion on the floor.**

Yes: All present (7)

Absent: Troshynski

**MOTION CARRIED**

Mr. Vleck commended the hospital on being a stellar member of the community. He said the City is relying on the hospital to uphold its standards of the past, and is confident that the temporary units will look as good as they possibly can and will come down as quickly as possible.

**OTHER BUSINESS**

9. **PUBLIC COMMENTS** – Items on Current Agenda

There was no one present who wished to speak.

**10. PLANNING COMMISSION COMMENTS**

Mr. Tagle asked if the Planning Department could provide comments in departmental project reports on how proposed developments relate to the Future Land Use Plan and new Master Plan.

Mr. Miller said the department would comply as best as they can.

Mr. Huston addressed the need for checklists for applicants and members of the Planning Commission.

Mr. Littman shared his observation of the skills of Mark Miller's daughter's hockey team.

Mr. Strat asked the status of providing members with electronic versions of site plan applications.

Mr. Miller briefly addressed (1) the Zoning Ordinance Text Amendment for electronic submittals; (2) checklists for applications; and (3) the Planning Department procedure in receiving applications.

Mr. Miller personally thanked Mr. Littman for attending his daughter's hockey game.

Mr. Miller reminded members that the Master Plan Workshop is on February 26, 2008, and asked members to arrive no later than 5:45 p.m. Mr. Miller said he would prepare and distribute the workshop station assignments. He asked that members contact him should he/she have a preference.

The Regular Meeting of the Planning Commission adjourned at 8:50 p.m.

Respectfully submitted,

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Robert M. Schultz, Chair

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Kathy L. Czarnecki, Recording Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on February 12, 2008, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson  
Lawrence Littman  
Robert Schultz  
Thomas Strat  
John J. Tagle  
Mark J. Vleck (arrived 7:33 p.m.)  
Wayne Wright

Absent:

Kathleen Troshynski

Also Present:

Mark F. Miller, Planning Director  
R. Brent Savidant, Principal Planner  
Christopher Forsyth, Assistant City Attorney  
Kathy Czarnecki, Recording Secretary

**Resolution # PC-2008-02-018**

Moved by: Wright  
Seconded by: Littman

**RESOLVED**, That Member Troshynski is excused from attendance at this meeting for personal reasons.

Yes: Hutson, Littman, Schultz, Strat, Tagle, Wright  
Absent: Troshynski, Vleck (arrived at 7:33 p.m.)

**MOTION CARRIED**

2. APPROVAL OF AGENDA

**Resolution # PC-2008-02-019**

Moved by: Hutson  
Seconded by: Littman

**RESOLVED**, To approve the revised Agenda with resolutions as submitted.

Yes: All present (7)  
Absent: Troshynski

**MOTION CARRIED**

### 3. MINUTES

#### **Resolution # PC-2008-02-020**

Moved by: Wright  
Seconded by: Strat

**RESOLVED**, To approve the minutes of the February 5, 2008 Special/Study meeting as presented.

Yes: Hutson, Schultz, Strat, Tagle, Vleck, Wright  
Abstain: Littman  
Absent: Troshynski

#### **MOTION CARRIED**

### 4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

### **SPECIAL USE REQUEST**

#### 5. PUBLIC HEARING – SPECIAL USE REQUEST (SU 352-B) – Proposed Outdoor Storage of Commercial and Recreational Vehicles, South Side of Maple, East of Axtell Road (2477 W. Maple), Section 32, Zoned M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report on the proposed special use request, and reported it is the recommendation of City Management to approve the Special Use Request and Site Plan as submitted.

The petitioner, Tom Kemp of Kemp Building, 275 W. Girard, Madison Heights, was present. Mr. Kemp explained the proposed 8-foot screen wall would provide additional security for the recreational vehicles.

There was a short discussion on the screen wall and chain link fence.

Mr. Kemp addressed the pattern of the screen wall and the surrounding industrial areas.

#### **PUBLIC HEARING OPENED**

No one was present to speak.

#### **PUBLIC HEARING CLOSED**

Mr. Tagle questioned City procedure as relates to the encroachment by the petitioner on the adjacent property for the installation of the retaining wall.

Mr. Miller replied he would research the matter.

Mr. Forsythe stated the Planning Commission is not granting the applicant permission to enter adjacent property to conduct any construction but merely acting upon the special use request and site plan approval.

**Resolution # PC-2008-02-021**

Moved by: Littman  
Seconded by: Wright

**RESOLVED**, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 28.30.02(D) of the Zoning Ordinance, as requested for the proposed Outdoor Storage of Commercial and Recreational Vehicles, located on the south side of Maple Road, east of Axtell Road, in Section 32, on approximately 4.99 acres, within the M-1 zoning district, is hereby granted.

Yes: All present (7)  
Absent: Troshynski

**MOTION CARRIED**

**SITE PLAN REVIEWS**

6. SITE PLAN REVIEW (SP 945) – Proposed Huntington Bank Branch, Southwest Corner of Big Beaver and Troy Center Drive, Section 28, O-S-C (Office-Service-Commercial) District

Mr. Miller presented a summary of the Planning Department report on the proposed site plan, and reported it is the recommendation of City Management to approve the site plan and parking space reduction as submitted. Mr. Miller briefly addressed the proposed parking reduction.

Dale Ehresman of Ehresman Associates, Inc., 803 W. Big Beaver Road, Troy, was present to represent the petitioner. He apologized that Chris Schneider of Huntington Bank could not make the meeting. Mr. Ehresman addressed the drive-up windows and parking space reduction. He indicated the proposed number of parking spaces would comfortably serve bank customers.

Mr. Littman asked the petitioner to address the existing canopy and the traffic pattern from the south side of the building to the north.

Mr. Ehresman addressed the potential use of the canopy by an existing tenant, the traffic pattern and the bank prototype.

There was a brief discussion on the relationship of the proposed site plan to the Big Beaver Corridor Study.

Mr. Tagle suggested a tree-lined entrance off of Big Beaver. He encouraged enhancement of the landscaping and display of public art, possibly a bench, at the intersection.

Mr. Ehresman said he would address the suggestions with the bank.

Chair Schultz opened the floor for public comment.

There was no one present who wished to speak.

Chair Schultz closed the floor for public comment.

**Resolution # PC-2008-02-022**

Moved by: Littman

Seconded by: Strat

**WHEREAS**, The Planning Commission hereby approves a reduction in the total number of required parking spaces to two hundred eighty three (283) when a total of three hundred sixteen (316) spaces are required on the site based on the off-street parking space requirements for office buildings, banks and other financial institutions as per Article XL. This reduction meets the standards of Article 40.20.12.

**RESOLVED**, That the proposed Huntington Bank Branch, located on the southwest corner of Big Beaver and Troy Center Drive, Section 28, on approximately 4.86 acres, within the O-S-C zoning district, be granted.

Yes: All present (7)

Absent: Troshynski

**MOTION CARRIED**

7. **SITE PLAN REVIEW (SP 946)** – Proposed Rite Aid Pharmacy, Northwest Corner of Long Lake and Rochester Road, Section 11, B-2 (Community Business) and H-S (Highway Service) Districts

Mr. Miller presented a summary of the Planning Department report on the proposed site plan. He addressed the proposed parking space reduction and memoranda relating to the proposed reduction. Mr. Miller reported it is the recommendation of City Management to approve the site plan as submitted with the provision of a vehicular cross access easement to the north and east and the parking reduction.

Mr. Strat noted the architectural portions of the site plans are not sealed by a registered architect, as required by the Zoning Ordinance.

**Resolution # PC-2008-02-023**

Moved by: Strat

Seconded by: Littman

**RESOLVED**, To postpone this item to the next Regular meeting.

Discussion on the motion on the floor.

Mr. Tagle said he had some questions on the submittal. He indicated it might be helpful to approach the petitioner at this time so items could be addressed or resolved at the time of site plan approval.

There was discussion on the protocol of whether discussion should occur before or after a vote on the motion on the floor to postpone.

Mr. Forsythe said his understanding of Robert's Rules of Order is that there is no discussion by the applicant on a postponed item. He stated however that in the interest of fairness and due process, he sees no problem in inviting the applicant to comment. Mr. Forsyth indicated it is a decision of the Chair whether discussion can take place before or after the vote on the motion to postpone the matter.

Mr. Strat suggested that discussion take place after the vote.

Vote on the motion on the floor.

Yes: Hutson, Littman, Strat, Tagle, Vleck, Wright

No: Schultz

Absent: Troshynski

**MOTION CARRIED**

Chair Schultz said he thinks it is procedurally wrong to hold a discussion on a postponed matter.

Mr. Hutson said he would prefer to have sealed architectural drawings before him for discussion purposes, and he believes the Board has the option whether or not to hold a discussion.

Mr. Vleck said he would like the petitioner to address the provision of a cross access easement.

Chair Schultz resolved that discussion on the matter would not take place at this meeting. He indicated the Planning Commission would entertain a request from the petitioner to be placed on the March 4, 2008 Special/Study meeting for discussion

and review, but action on the matter would take place at the March 11, 2008 Regular meeting.

8. SITE PLAN REVIEW (SP 305-I) – Proposed Roof Top Module Units, William Beaumont Hospital, West side of Dequindre, South of South Boulevard (44201 Dequindre), Section 1, Zoned C-F (Community Facilities) and E-P (Environmental Protection) District

Mr. Miller presented a summary of the Planning Department report on the proposed site plan, and reported it is the recommendation of City Management to approve the site plan as submitted.

Chair Schultz asked if it was within the Planning Commission's purview to set a date on the removal of the temporary structures.

Mr. Miller said that upon site plan approval, the structures are there and no longer "temporary". He said the Planning Commission does not have discretion in the matter, but the petitioner could volunteer and offer a condition to site plan approval that effectuates removal of the temporary structures. Mr. Miller recommended tying the condition into the completion of the West Bed Tower.

Mr. Forsyth concurred the Planning Commission does not have the discretion to condition the removal of the temporary structures with site plan approval. Mr. Forsyth said the petitioner could volunteer the condition as part of the site plan presentation and it would be valid.

There was discussion on the aesthetics of the proposed temporary structures.

Eric Gray of Beaumont Services Company, 44201 Dequindre, Troy, was present. Mr. Gray addressed the temporary structures as relates to aesthetics, maintenance, emergency ingress/egress, staircase location, and walkway. He provided a description of the exterior skin that would be detailed to match the Beaumont Hospital facility. Mr. Gray said the target completion date for the seventh floor of the West Bed Tower is March 2013, and it is their intent to remove the temporary structures upon occupation of the sixth and seventh floors of the West Bed Tower. Mr. Gray indicated two representatives from Beaumont Hospital are also present to answer questions.

Mr. Miller noted that on the general site plan submitted, sheet GS1.101, note #5 reads: "Temporary roof top module units will be removed at the completion of West Bed Tower Vertical Expansion, approximately no later than 3/31/2013."

Mr. Miller said this condition, as noted on the site plan, is viable because it is not discretionary and is being offered by the petitioner. He recommended that the site plan notation be included in the Resolution for site plan approval.

Mr. Forsyth indicated the site plan would be enforceable in court because the condition is being offered by the petitioner. He said it is evident by the notation on the site plan that the Board is not imposing the condition on the petitioner.

There was a brief discussion on the design of the proposed units and its durability in Michigan climate.

**Resolution # PC-2008-02-024**

Moved by: Vleck

Seconded by: Tagle

**RESOLVED**, That the proposed Roof Top Module Units on the Emergency Center at William Beaumont Hospital, located on the west side of Dequindre and south of South Boulevard, Section 1, on approximately 67.695 acres, within the C-F and E-P zoning districts, be granted, subject to the following condition:

1. The temporary roof top module units will be removed at the completion of the West Bed Tower Vertical Expansion no later than 3/31/2013, as stated on the general site plan, sheet # GS1.101.

**Discussion on the motion on the floor.**

There was a brief discussion with respect to making the condition contingent to the issuance of a certificate of occupancy for the West Bed Tower.

Mr. Miller said he would research the matter.

**Vote on the motion on the floor.**

Yes: All present (7)

Absent: Troshynski

**MOTION CARRIED**

Mr. Vleck commended the hospital on being a stellar member of the community. He said the City is relying on the hospital to uphold its standards of the past, and is confident that the temporary units will look as good as they possibly can and will come down as quickly as possible.

**OTHER BUSINESS**

9. **PUBLIC COMMENTS** – Items on Current Agenda

There was no one present who wished to speak.

## 10. PLANNING COMMISSION COMMENTS

Mr. Tagle asked if the Planning Department could provide comments in departmental project reports on how proposed developments relate to the Future Land Use Plan and new Master Plan.

Mr. Miller said the department would comply as best as they can.

Mr. Huston addressed the need for checklists for applicants and members of the Planning Commission.

Mr. Littman shared his observation of the skills of Mark Miller's daughter's hockey team.

Mr. Strat asked the status of providing members with electronic versions of site plan applications.

Mr. Miller briefly addressed (1) the Zoning Ordinance Text Amendment for electronic submittals; (2) checklists for applications; and (3) the Planning Department procedure in receiving applications.

Mr. Miller personally thanked Mr. Littman for attending his daughter's hockey game.

Mr. Miller reminded members that the Master Plan Workshop is on February 26, 2008, and asked members to arrive no later than 5:45 p.m. Mr. Miller said he would prepare and distribute the workshop station assignments. He asked that members contact him should he/she have a preference.

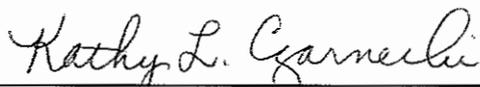
The Regular Meeting of the Planning Commission adjourned at 8:50 p.m.

Respectfully submitted,



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Robert M. Schultz, Chair



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Kathy L. Gzarnecki, Recording Secretary

The Chairman, Mark Maxwell, called the meeting of the Board of Zoning Appeals to order at 7:30 P.M. on Tuesday, February 19, 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

Mr. Maxwell stated that he had received a phone call from Mr. Clark indicating that he would be late for tonight’s meeting.

**ITEM #1 – APPROVAL OF MINUTES – MEETING OF JANUARY 15, 2008**

Motion by Courtney  
Supported by Gies

Mr. Bartnik stated that on page 6 of the minutes, 6<sup>th</sup> line up, he wanted the words “recreational vehicles” added to the sentence regarding the parking of vehicles next to the lot line.

MOVED, to approve the minutes of the meeting of January 15, 2008 as amended.

Yeas: 6- Bartnik, Courtney, Gies, Kovacs, Maxwell, Wright  
Abstain: 1 – Clark

MOTION TO APPROVE MINUTES AS AMENDED CARRIED

**ITEM #2 – VARIANCE REQUEST. 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.

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

**ITEM #2 – con't.**

houses this is considered to be 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. Section 30.10.05 requires a 40' minimum rear yard setback and a 25' minimum front yard setback in R-1D Zoning Districts.

This item first appeared before this Board at the meeting of January 15, 2008 and was postponed to allow the petitioner the opportunity of a full Board.

Mr. Maxwell asked if the petitioner wished to his request moved to the end of the agenda to wait for Mr. Clark's arrival.

Mr. Terry Blocitto stated that would be fine with him.

Item #2 – moved to Item #6 to give Mr. Clark the opportunity to be present.

**ITEM #3 – VARIANCE REQUESTED. NINO SALVAGGIO INVESTMENT CO. OF TROY, 6835 ROCHESTER ROAD**, for relief of the Ordinance to maintain a 6' high landscaped berm in lieu of the 6' high masonry screening wall required along the south and west sides of the property.

Mr. Stimac explained that the petitioner is requesting relief granted by this Board to provide a landscaped berm in place of the 6' high masonry-screening wall required along the south and west property line where this site abuts residentially zoned property. This relief has been granted on a yearly basis since 1995. This item last appeared before this Board at the meeting of February 2005 and was granted a three-year renewal. The site to the west is the site of a new condominium development and the site to the south, although residentially zoned, is the site of a commercial kennel. The Board, in 2005, resolved to consider making this a permanent variance at this time as construction on the property to the west would be complete. Public hearing notices have been sent to the appropriate property owners and residents regarding this item.

Mr. Bartnik asked for a clarification in the process of making this a permanent variance.

Mr. Stimac explained that this item has appeared before this Board for a number of years, each time extending the variance renewal. At the meeting in 2005 it was determined that since the area around this property was now developed, public hearing notices would be sent to all property owners within 300' of this property to notify them that the Board would consider having the landscaped berm remain permanently in lieu of the 6' high masonry wall. These notices have been sent out, as well as a notice

**ITEM #3 – con't.**

published in the appropriate newspaper, to determine if there are any objections to this request.

Mr. Kirk Taylor, President of Nino Salvaggio Investment Co. of Troy was present. Mr. Taylor stated that they have made a determined effort to make sure that the landscaping on the berm was in keeping with what the Board wanted them to do, and in fact, have added many more shrubs to fill in any empty spots. Mr. Taylor also stated that they have not received any complaints from the neighbors regarding this berm.

The Chairman opened the Public Hearing.

Ms. Wenhong Wang, 795 Red Run Drive, was present and stated that she had spoken to several neighbors and they did not quite understand the Public Hearing notice. Ms. Wang said that they did not feel there was enough information regarding what type of wall would be put in. Ms. Wang stated that they are quite happy with the landscaping.

Mr. Maxwell explained that the petitioner is asking to leave the landscaped berm and not put in a wall. The petitioner would maintain the landscaping as it is now.

Mr. Stimac explained that the Ordinance would normally require that a wall be built along the property line that abuts the residential property. In 1995, this petitioner asked that they be allowed to install the landscaped berm rather than put up the masonry screening wall. This was approved on a temporary basis. The petitioner has come back to the Board every three (3) years in order to ask for a renewal of this request. If this request is made a permanent variance, a wall will not be put in and a landscaped berm will remain on the property. The Board is now considering making that a permanent variance so that they will not have to come back before the Board.

Ms. Wang indicated that she was in favor of the landscaped berm. Ms. Wang asked what was required to get a variance.

Mr. Maxwell advised Ms. Wang that if this variance is granted tonight, they will not have to come before the Board again. Mr. Maxwell also stated that if should anything change with the appearance of this berm, she should contact the City to address her concerns.

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.

Motion by Kovacs  
Supported Courtney

**ITEM #3 – con't.**

MOVED, to grant Nino Salvaggio Investment Co. of Troy, 6835 Rochester Road, a permanent variance for relief of the Ordinance to maintain a 6' high landscaped berm in lieu of the 6' high masonry screening wall required along the south and west sides of the property.

- Variance will not have an adverse effect to surrounding property.
- Variance is not contrary to public interest.
- Variance does not permit the establishment of a prohibited use in a Zoning District.
- Absent a variance significant natural features would be negatively affected or destroyed.

Yeas: 6 – Kovacs, Maxwell, Wright, Bartnik, Courtney, Gies

Absent: 1 – Clark

**MOTION TO GRANT A PERMANENT VARIANCE CARRIED**

**ITEM #4 – VARIANCE REQUEST. DENNIS SIAVRAKAS, 330 OLYMPIA**, for relief of the Ordinance to split an existing parcel of land which will result in a 78.77' wide, 9,922 square foot lot and to construct a two-family residence. Section 30.10.09 requires an 80' wide, 10,000 square foot minimum lot for the construction of a two-family residence in R-2 Zoning.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to split an existing parcel of land to construct a two-family residence. The property is the site of an existing single family home and a vacant lot. The demolition of the home and combining of the property allows for an 80' wide parcel to be split off on the east side for the construction of a two-family residence. The remaining parcel is a 78.77' wide; 9,922 square foot lot. The site plan submitted indicates the construction of a two-family residence on this parcel. Section 30.10.09 requires an 80' wide, 10,000 square foot minimum lot for the construction of a two-family residence in R-2 Zoning. A previous variance granted in 2006 allowed for the construction of a single family home on a 59.27' wide portion of this land where a 60' minimum width is required.

Mr. Courtney asked for a clarification on the original variance request.

Mr. Stimac explained that the original request was to leave the existing house and place another home on the west side of that home, on a lot that had a shortage in width.

Mr. Courtney stated that originally the petitioner planned to construct houses for two (2) families and now wished to construct home for four (4) families.

Mr. Dennis Siavrakas and his partner, Mr. Brian Vargason, were present. Mr. Siavrakas stated that originally they did plan to put in a single-family home. At that time they felt

**ITEM #4 – con't.**

that they were in an affordable market and since that time the market value has gotten very low and they now feel that there is too much risk to put in a single-family home. They had been marketing a brand new home on that lot and have not had one response since the variance was granted. In this area, the property backs up to commercial property and they are proposing to re-configure the property and put in two-family homes. There are other two-family homes in the area and they do appear to be more desirable than single-family homes. This lot is pie-shaped and is narrower in the front than the rear. Mr. Siavrakas said that they had entertained the thought of asking to split the parcel of land down the middle, but that would require two (2) variances rather than just one.

Mr. Siavrakas said that this is a very small request and he believes that they are asking for less than 1% of the total lot area. Another variance was granted several months ago on another property in this area and they are asking for the same consideration. These homes will meet all building codes and setback requirements. This is the highest, best and full use of this property and does meet the Zoning Requirements. Mr. Siavrakas said that this site is a little more location challenged as it is adjacent to Commercial Zoning on the west and the north.

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

There is one written approval and one written objection on file.

Motion by Kovacs  
Supported by Wright

MOVED, to grant Dennis Siavrakas, 330 Olympia, relief of the Ordinance to split an existing parcel of land which will result in a 78.77' wide, 9,922 square foot lot and to construct a two-family residence. Section 30.10.09 requires an 80' wide, 10,000 square foot minimum lot for the construction of a two-family residence in R-2 Zoning.

- Configuration of lot is very challenging due to commercial property to the west and north.
- Variance request is minimal.
- Two-family homes are not out of character to this area.
- Variance is not contrary to public interest.
- Variance does not permit the establishment of a prohibited use.
- Literal enforcement of the Ordinance is unnecessarily burdensome.

Yeas: 6 – Kovacs, Maxwell, Wright, Bartnik, Courtney, Gies  
Absent: 1 – Clark

MOTION TO GRANT VARIANCE CARRIED

**ITEM #5 – VARIANCE REQUEST. ELLEN TENCER, 1641 W. SQUARE LAKE (PROPOSED ADDRESS)**, for relief of the Ordinance to construct a 120' cellular communication tower located only 130' from the residential property to the north and 290' from the residential property to the south. This site is located in the R-C (Research Center) Zoning District. Paragraph E of Section 27.25.03 of the Troy Zoning Ordinance requires that freestanding communications antenna tower structures in the R-C District be setback a minimum of five times their height from residentially zoned or used property. This would require a 120' tower to be a minimum of 600' from residential property.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new cellular communication tower within the I-75 Right of Way on the south side of Square Lake Road between Crooks Road and Coolidge Highway.

Research into the records regarding this property reveals that the I-75 Right of Way in this area is located in the R-C (Research Center) Zoning District. Prior to the construction of I-75 all of Section 8 was zoned in the R-C Zoning District. When the right of way for the freeway was acquired, the zoning of the land was not changed.

Re-zonings of the land adjacent to the freeway have occurred since the 1950's, but they never included the land on which the freeway sits. Therefore, the requirements of the R-C Zoning District are being applied. Paragraph E of Section 27.25.03 of the Troy Zoning Ordinance requires that freestanding communications antenna tower structures in the R-C District be setback a minimum of five times their height from residentially zoned or used property. This would require a 120' tower to be a minimum of 600' from residential property. The plans submitted indicate that the tower is located only 130' from the residential property to the north and 290' from the residential property to the south. In addition to the mandated notice to those within 300' of the site, we have sent notices to property owners and residents within 600' of the site since that would be the required setback in this instance.

Mr. Bartnik asked if this stretch of I-75 was zoned R-C, what the rest of I-75 would be zoned.

Mr. Stimac stated that it would be the same as the zoning of the property at the time the freeway went through.

Mr. Bartnik asked if a Research Center could be put up in this area, meaning the pavement and right of way.

Mr. Stimac explained that typically structures are not constructed in the right of way.

Mr. Stimac explained that the right of way for I-75 in this area is 300' in width and there are three (3) lanes of traffic in each direction, which are 36' to 40' on each side. The entire land area, between Crooks and Coolidge was originally zoned R-C and it has

**ITEM #5 – con't.**

never been changed. The acquisition of the property by the Michigan Department of Transportation does not change the Zoning. MDOT does not have the authority to change the Zoning of a property. The only body that can change the Zoning is City Council and they have never changed the Zoning.

Mr. Bartnik said that the petitioner has submitted an exhibit that is contrary to that legal analysis and asked if staff had a response to that exhibit.

Mr. Motzny stated that he has examined all of the correspondence and initially he might have agreed with that premise submitted by the petitioner that there is no zoning. However, based on the research done by Mr. Stimac, the zoning in this area has never changed and Mr. Motzny agrees with Mr. Stimac's interpretation. If this area was not zoned then the petitioner would be facing more of an uphill battle as there are permitted uses in certain zoning districts. In Mr. Motzny's opinion, the petitioner would be facing a text amendment.

Mr. Bartnik stated that he disagrees with this interpretation.

Mr. Kovacs said that the park is zoned R-1B and asked how far away the closest house was.

Mr. Stimac said that that he did not have a specific dimension on Firefighter's Park. Notices were sent out to property owners within 600' of this location and no notices were sent to homeowners in the Crescent Ridge Subdivision.

Mr. Alan Green, Counsel for the applicant, and Ms. Ellen Tencer were present. Mr. Green stated that he disagrees with the zoning of this property. Looking back twenty (20) years the property was zoned Research. Mr. Green said that they believe this is unzoned land. Mr. Green said that they believe this is an ideal site for this antenna. Originally they had gotten approval from City Council to put the antenna at the site of the Fire Station on Coolidge, but this approval was taken away because of the number of people that were opposed to this location. When abutting a road or lot line, you would extend the line to the adjacent property and take that zoning.

Mr. Courtney said that he did not believe this Board should discuss the zoning on the property. If the zoning needs to be changed it would have to go back to the Planning Commission. Mr. Courtney said that the zoning did not change because the I-75 went through this area.

Mr. Maxwell agreed with Mr. Courtney and said he thinks that basically the discussion is mostly opinion and speculation.

**ITEM #5 – con't.**

Mr. Kovacs said that the reason is the petitioner is holding this position is because the antenna would need the 600 foot distance from residential property and if the R-C zoning did not apply to this property the variance request would be smaller.

Mr. Green stated that was correct and if the location for the tower was in residential zoned property, a lesser variance would be required.

Mr. Kovacs said that he could understand both points of view.

Mr. Courtney stated that he does not believe the zoning of the property should be considered in this decision.

Mr. Bartnik said that he has a problem relying on a map that is 50 years old and did not believe the legislative body intended for this site to remain under Research Center Zoning, and every other location along I-75 remains whatever zoning the highway crosses over.

Mr. Courtney said that in his opinion they assumed that nothing could go in this area and that is one of the reasons the zoning was never changed.

Ms. Tencer stated that they provide towers on MDOT, DNR and State owned property. Right now this tower would be for T-Mobile, but this location would be used by as many as 4 to 5 different carriers. Originally they wished to put this tower at the Fire Station on Coolidge. City Council approved it, but there was a great deal of opposition at the Public Hearing and City Council would not lease the land to them. City Council supported the citizens that were opposed to this location for a tower. Everyone that lived around the Fire Station was opposed to this Tower as they did not want to look at it. They cannot put the towers in residential zoned areas and be far enough away from residential structures. There are a number of light poles along I-75 and these towers will be very similar; the main difference being that they are slightly thicker. They are called monopole towers.

Ms. Tencer went on to say that the State of Michigan is very happy to work with carriers, have a good quality system and help provide people with service. They have received both Federal and State approval for this land. This is Federal land, State managed. Putting the tower right in front of the park is the farthest point from residential property. The Ordinance was revised to make it two times the height and they could put up a tower that was 65' in height. Trees in Michigan grow from 60' to 80' tall and the leaves would block the signal. A tower that is 65' in height would not allow for a number of carriers.

Ms. Tencer also said that because of this economy, a number of people are not using land line phones. In an effort to save money, many people use only cell phones. In one month's time there were 672 emergency phone calls made in this area. If just one or

**ITEM #5 – con't.**

two calls are dropped it could be disastrous. They want to make sure that they provide the service that people need. These towers provide the service required for 911 calls. Ms. Tencer went on to say that the towers do not fall end over end. When a tower does fail it “crimps” in the middle. It does not fall all the way to the ground. Ms. Tencer went on to show a picture of a tower that was considered a complete failure and it “crimped” in the middle. The coax cable burned from the ground to the top of the tower. The tower “crimps” and there is time to repair the tower.

Ms. Tencer said that this particular location is in the best interest of Troy and she gave the Chairman, an affidavit from their engineer swearing that the tower is needed in this location to provide service for the residents and people on the road. 120,000 people use I-75 on a daily basis and they want to be able to use their cell phones if necessary. Ms. Tencer said that although she works for T-Mobile, she also carries a Verizon phone in case she cannot get service from her carrier.

Ms. Tencer brought in a letter from one of the carriers that make the towers and the letter states that they have never had a tower that has failed and hit the ground. The State of Michigan does not have a problem with a tower going right next to I-75. Ms. Tencer asked their engineer to explain some of the maps that were part of her presentation.

The engineer from T-Mobile, an expert on radio frequencies showed the Board the difference in coverage on several maps. There are a lot of gaps in this area and the quality of the coverage on Coolidge. There should be rock solid coverage and presently there is not. This location is the best location for this tower and it will provide service for the greatest number of cell phone users.

Ms. Tencer said that T-Mobile will be located at the top of the tower. Other carriers will be placed at 10' intervals. Ms. Tencer said that there is a 40% between a 65' tower and 120' tower. Each of the co-locators is 10' lower than the other carrier. Sometimes it is better to go taller with a smaller number of towers, than to go lower with a lot of towers.

Mr. Green said that the Zoning Ordinance includes co-location and the State wants to have a total grid at a site that is the most appropriate. A location such as this will keep these towers out of residential neighborhoods.

The Chairman opened the Public Hearing.

Mr. Yousif Elias, 1697 Fleetwood, was present. Mr. Elias stated that he lives directly south of this proposed location and can see the entrance to Firefighters Park from his living room. Mr. Elias is against this proposed tower as he does not want to look at a 120' tower from his home. This tower will be 200' from his child's bedroom. Mr. Elias believes that this tower will add to pollution and noise, especially if they have to bring in generators to keep these towers powered up when electricity goes out. Mr. Elias said

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that he has fifteen years experience in auto engineering and has also been employed with Nextel. Mr. Elias said that they have four different carriers in their home, and they have never had a problem with coverage. Mr. Elias said that he does not believe they need a 120' tower as there are a number of tall buildings along Coolidge and Crooks and these antennas could be placed on top of these buildings. Mr. Elias gave a number of locations that presently have roof top mounted antennas and he believes T-Mobile could do the same thing. Mr. Elias was very surprised that there was not a larger turnout of people that objected to this request. Mr. Elias said that in his opinion as a Radio Frequency Engineer, this tower is not needed. Other cities and jurisdictions do not allow these large towers and have found compromises to provide coverage for cell phone carriers. Mr. Elias believes that there are other solutions that do not require large towers, which include putting these antennas on the top of surrounding buildings. This is more of a cheap, old way of getting into an area. Mr. Elias has been to many meetings for Nextel and has worked with the community and the residents in the cities to come up with alternative solutions to provide more coverage. These towers do not belong in the middle of neighborhoods. There are many technical solutions that will provide coverage.

Mr. Courtney asked where Mr. Elias lived. Mr. Elias stated that he was at 1697 Fleetwood.

Mr. Kovacs stated that he lives approximately a mile away from I-75 and hears noise all day and all night. Mr. Kovacs asked Mr. Elias how the noise from the cell phone tower would compare with the noise from I-75.

Mr. Elias said that the traffic is bad in the morning, but the noise will come from generators that are used in an emergency to power a cell tower. Mr. Kovacs stated that his neighbors could have generators in use in an emergency.

Mr. Kovacs confirmed that Mr. Elias had four cell phones in his home and believes this is part of the proliferation where more cell towers are needed. No one wants cell phone towers near them, but everyone wants the convenience of a cell phone. Living near I-75 is noisy anyway and Mr. Kovacs does not believe that generators used in emergencies for cell towers would add to the problem.

Mr. Elias stated that this tower is going to be too close to his home and believes that these carriers can come up with other solutions that will allow more coverage without the use of cell towers.

Mr. Courtney stated that he believes that between the house and tower there are two trees in the area that would block the view of the tower. Mr. Courtney said that looking out you would see the trees before you would see the tower.

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Mr. Elias said that he can see the entrance to Firefighters Park from his living room and he does not want to see this tower.

Mr. Te-Ying Lee, 1641 Fleetwood was present. Mr. Lee stated that he was surprised that more people had not shown up in opposition of this request. This location is much closer to residential property to the south than the original proposed location of the Fire Station. Mr. Lee stated that he is more concerned about the location of this tower and is worried about structure failure, and is concerned about the radio waves of these towers. Mr. Lee said that he does believe more cell towers are needed to provide more coverage to the area; however, he does not want a tower in this location. Mr. Lee asked how many objections were in the file and how many notices were sent out.

Mr. Maxwell stated that there is one (1) written objection in the file.

Mr. Stimac stated that Public Hearing notices were sent out to property owners within 600' of this site, as well as the notice that was published in the Somerset Gazette. A total of fourteen (14) Public Hearing notices were sent out. Mr. Stimac went on to say that Federal Law has jurisdiction over the health effects of cell towers. The Board of Zoning Appeals cannot base its decision on the health effects of towers, as they are under Federal jurisdiction.

Mr. Lee asked that his objection be taken into consideration.

No one else wished to be heard and the Public Hearing was closed.

There is one (1) written objection in file. There are no written approvals in file.

Ms. Tencer said that the only noise that would come from the tower is a low hum, such as the hum of an air conditioner. Ms. Tencer also stated that there is a new law in front of the Federal Government regarding the use of generators. This is called the "Katrina" Law and applies to battery back up for cell towers. If there is a two-day power outage, battery back up would be used, but if the power was out for three days the generators would be used. Farmington Hills does allow for towers in parking lots that are 120' high.

Ms. Tencer pointed out several locations in Troy indicating that they have mounted antennas on the roofs of buildings wherever possible. The antennas on the roofs do not give the coverage that the cell towers will provide. Oakland County will soon be offering wireless systems, but cell towers will be needed to provide coverage. Companies that are coming in to do this for Oakland County are planning to add their equipment to these cell towers. There are quite a few trees along the south side of I-75 and there are a lot of trees where this tower will be located. Regarding safety, these towers are amazingly safe. Ms. Tencer showed pictures of towers that were still standing after hurricane Katrina. These towers are much safer than the wood poles that are in the area.

**ITEM #5 – con't.**

Mr. Bartnik asked where the location of the tower to the west was.

Ms. Tencer said that she believed it was at the water treatment facility on Adams, and one is on the office building.

Mr. Bartnik asked what the heights of those two towers were.

The engineer stated that T-Mobile is at a height of 72' on each tower, but did not have the exact height of the towers. Ms. Tencer said that the location on a tower is on a first come, first serve basis and whoever gets there first gets the highest spot.

A discussion began regarding the locations of the towers in Troy. Mr. Stimac asked if the tower was on the northwest side of Adams and I-75. Ms. Tencer said that there are two towers at that location; the tower may be at the water treatment facility and the other is on the office building. Mr. Stimac also said that the location at 1450 W. Long Lake is a roof mount, which is indicated on the plan.

Mr. Bartnik said that there are towers at Square Lake and Adams, one is north of Square Lake and the other is on the east side of Adams, on the south side of the expressway but north of Square Lake. Ms. Tencer said that was correct. Mr. Bartnik then said there is another tower on Long Lake around Northfield Parkway. Mr. Stimac indicated that was not a tower but a building mount. Mr. Bartnik said that there is another tower on the hotel between Crooks Road and the exit ramp. Mr. Stimac said that was correct. Mr. Bartnik said that there is another one on South Boulevard and Crooks and another further east of Livernois. Mr. Stimac said that the towers shown on the maps included in the application, indicates that the tower on west side of Adams Road is actually in Bloomfield Hills. Another tower mount is on 6966 Crooks Road, 850 Tower has a roof mount, there is tower at Sylvan Glen Golf Course, and there is another located in Rochester Hills.

Motion by Bartnik  
Supported by Gies

MOVED, to grant Ellen Tencer, 1641 W. Square Lake, relief of the Ordinance to construct a 120' cellular communication tower located only 130' from the residential property to the north and 290' from the residential property to the south. Paragraph E of Section 27.25.03 of the Troy Zoning Ordinance requires that freestanding communications antenna tower structures in the R-C District be setback a minimum of five times their height from residentially zoned or used property. This would require a 120' tower to be a minimum of 600' from residential property.

- Regardless of what the zoning of the property is, the variance should be allowed.
- The property on the north, closest to the site, is a public park.
- Variance is not contrary to public interest.

**ITEM #5 – con't.**

- Variance will not establish a prohibited use in a zoning district.
- Variance will be beneficial to property owners in the area.
- Variance applies only to the property described in the application.
- Absent a variance, public health and safety will be negatively affected.
- Absent a variance, conformance to the Ordinance is unnecessarily burdensome.
- Park area located to the north and there are no residential buildings located in close proximity of the tower.
- Residential homes are located more than two times the height of the tower.

Yeas: 6 – Maxwell, Wright, Bartnik, Courtney, Gies, Kovacs

Absent: 1 – Clark

**MOTION TO GRANT VARIANCE CARRIED**

**ITEM #6 (ITEM #2) – VARIANCE REQUEST. 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.

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 this 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. Section 30.10.05 requires a 40' minimum rear yard setback and a 25' minimum front yard setback in R-1D Zoning Districts.

This item first appeared before this Board at the meeting of January 15, 2008 and was postponed to allow the petitioner the opportunity of a full Board.

Mr. Maxwell asked if the Board wished to postpone this request to give the petitioner the opportunity of a full Board.

Motion by Courtney  
Supported by Kovacs

**ITEM #6 – con't.**

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 excessive.
- 28' rear yard setback is excessive.

Mr. Kovacs asked Mr. Courtney what his reason for denial was. Mr. Courtney stated that he went back out and looked at the property and believes this request is excessive. Originally, Mr. Courtney thought there was more space available.

Mr. Maxwell said that he agrees with Mr. Courtney.

Mr. Blocitto said that he went back to the site and went down the side street and took pictures of the back of the property and does not believe this addition will be visible to anyone sitting on their front porch. The only time this sunroom will be visible is when traveling north on Southpointe. This room will not affect anyone's site view. Mr. Blocitto said that the family had planned to be here, however, the homeowner just got out of the hospital with pneumonia.

Mr. Maxwell said that because of the proximity of the home closest to this home, he believes the sunroom would be intrusive.

Mr. Bartnik asked what the procedure was regarding a vote to deny the variance.

Mr. Maxwell said that if this request is denied, the petitioner could come back before the Board if they had a significant change in their plan. At times the Board has looked at a change of 10% in a plan.

Mr. Stimac said that was correct. There is no exact, specific definition of what a substantial difference is. Ultimately the Board can decide that the second request was the same as the first and deny it again. It is up to the best interests of the applicant to provide the Board with a substantial change.

Mr. Blocitto asked what Mr. Maxwell said regarding a 10% change.

Mr. Stimac said that he is not trying to put out numbers, however, past history shows that if a new request is submitted it should be at least 10% different from the original submission. There is nothing in the Ordinance that specifies 10%, but the change should be significant.

**ITEM #6 – con't.**

Mr. Bartnik said that he went out and looked at the property and believes the variance should be granted. The neighborhood surrounds the lake, and there are large houses on the lots with shorter distances between the houses. Mr. Bartnik believes this is a unique piece of property and the neighbors or association did not have a problem with this request. Mr. Bartnik also said that he does not believe this request is excessive.

Motion by Bartnik  
Supported by Wright

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 March 18, 2008.

- To allow the petitioner the opportunity of a full Board.

Yeas: 4 – Gies, Maxwell, Wright, Bartnik  
Nays: 2 – Kovacs, Courtney  
Absent: 1 – Clark

MOTION TO TABLE THIS REQUEST UNTIL THE MEETING OF MARCH 18, 2008  
CARRIED

Mr. Stimac said that officially since there was a motion on the floor to deny this request, at the next meeting this motion will have to be acted upon. Mr. Bartnik's motion to postpone, only postponed the vote on the motion to deny.

Mr. Kovacs said that he has no problem with the variance for the front yard setback, but does believe the rear yard setback variance is too large.

Mr. Blocitto asked if the cell tower at 5600 Crooks Road was still in operation. Mr. Stimac said it was and Mr. Blocitto said that he never has a problem with cell phone coverage.

Mr. Bartnik asked if the postponement will allow the petitioner to change his plans.

Mr. Maxwell stated that the petitioner will have the opportunity to speak about his request at the next meeting.

Mr. Stimac informed the Board that Mr. Maxwell had accepted a position on the Planning Commission and this would be his last meeting at the Board of Zoning Appeals. It is quite likely that a new member will be at the next meeting.

Mr. Kovacs thanked Mr. Maxwell for the time he served on this Board and told him that he thought he did an excellent job as Chairman.

Motion by Gies  
Supported by Courtney

MOVED, to excuse Mr. Clark from tonight's meeting for personal reasons.

Yeas: 6 – Bartnik, Courtney, Gies, Kovacs, Maxwell, Wright

MOTION TO EXCUSE MR. CLARK CARRIED

Mr. Maxwell said that he appreciated the staff he has worked with and feels that everyone he has worked with cares about what happens with the City. Mr. Maxwell said that everyone on the Board has a great deal of integrity and everyone has always been respectful even though not everyone agrees with each other. Mr. Maxwell also thanked everyone that he had worked with in the nine (9) years he was on this Board.

The Board of Zoning Appeals meeting adjourned at 9:30 P.M.

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Matthew Kovacs, Vice-Chairman

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Pamela Pasternak, 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 March 4, 2008 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Mark Maxwell  
Robert M. Schultz  
Thomas Strat  
John J. Tagle  
Kathleen Troshynski  
Wayne Wright

Absent:

Michael W. Hutson  
Mark J. Vleck

Also Present:

Mark F. Miller, Planning Director  
R. Brent Savidant, Principal Planner  
Christopher Forsyth, Assistant City Attorney

**Resolution # PC-2008-03-025**

Moved by: Wright  
Seconded by: Maxwell

**RESOLVED**, That Members Hutson and Vleck are excused from attendance at this meeting for personal reasons.

Yes: All (6)  
Absent: Hutson, Vleck

**MOTION CARRIED**

2. APPROVAL OF AGENDA

**Resolution # PC-2008-03-026**

Moved by: Wright  
Seconded by: Strat

**RESOLVED**, To approve the Agenda as printed.

Yes: All (6)  
Absent: Hutson, Vleck

**MOTION CARRIED**

3. MINUTES

**Resolution # PC-2008-03-027**

Moved by: Tagle  
Seconded by: Wright

**RESOLVED**, To approve the minutes of the February 12, 2008 Regular meeting as distributed.

Yes: Schultz, Strat, Tagle, Troshynski, Wright  
Abstain: Maxwell  
Absent: Hutson, Vleck

**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. Wright presented a brief BZA Report.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Miller presented the DDA Report. The DDA requested that the team of Carlisle/Wortman Associates, Inc. and Grissom Metz Andriese Associates develop a proposal for design standards. The Planning Commission will be given input into the process.

Chair Schultz announced that he will attend the next DDA meeting as a representative of the Planning Commission.

7. PLANNING AND ZONING REPORT

Mr. Miller presented the Planning and Zoning Report.

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## STUDY ITEMS

8. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 233) – Article 03.00.00, Digital Application Submission Requirements

Mr. Miller summarized the proposed zoning ordinance text amendment.

Mr. Tagle suggested that the Planning Commission might want to consider three-dimensional animation for certain areas to determine how projects will fit within the streetscape or neighborhood.

The Planning Commission discussed the idea.

The Planning Commission suggested minor revisions to the draft text amendment.

Mr. Miller reminded the Planning Commission that a Public Hearing is scheduled for the proposed Zoning Ordinance Text Amendment at the March 11, 2008 Regular meeting.

9. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-B) – Article 04.200.00 and Article 40.66.00, Pertaining to Commercial Vehicle Definitions and Outdoor Parking of Commercial Vehicles in Residential Districts

Mr. Miller summarized the proposed zoning ordinance text amendment.

The Planning Commission made minor revisions to the draft text amendment.

Mr. Maxwell commented on the inadequacy of Section 43.74.01 that relates to the standards that must be applied by the BZA for the temporary parking of commercial vehicles in residential districts.

Mr. Miller indicated the Planning Department would determine if vehicles in Troy were permitted to be parked on lawns in residential areas.

Tom Krent, 3184 Alpine, Troy, suggested the commercial vehicle definition is difficult to enforce because it is difficult to restrict commercial vehicles that weigh less than 10,000 pounds. He distributed an excerpt from the Michigan Vehicle Code, Act 300 of 1949, which indicates commercial vehicles weighing more than 5,000 pounds are required to have signage.

Jeanne Stine, 1915 Boulan, Troy, said the text amendment might go through some significant revisions at the City Council level. She addressed a concern relating to the ability to appeal the provisions because they are open to interpretation.

Mr. Miller stated the text amendment would eliminate the standards for review of commercial vehicles; therefore, appeals would not go to the BZA since Troy does not authorize use variances. He indicated appeals would be made to the Circuit Court.

A Public Hearing will be scheduled for the April 8, 2008 Planning Commission Regular meeting.

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**Resolution # PC-2008-03-028**

Moved by: Troshynski  
Seconded by: Maxwell

**RESOLVED**, That Member Tagle be excused from the remainder of this meeting for personal reasons.

Yes: All (6)  
Absent: Hutson, Vleck

**MOTION CARRIED**

[Mr. Tagle exited the meeting.]

**OTHER ITEMS**

10. **PUBLIC COMMENTS** – Items on Current Agenda

Jeanne Stine, 1915 Boulan, Troy, apologized for not being present for the first Public Comment agenda item. Ms. Stine complimented the Planning Commission on their efforts in developing the draft Master Plan. Additionally, she commended the Planning Commission on the Public Input Workshop.

11. **PLANNING COMMISSION COMMENTS**

Ms. Troshynski announced to the members that she will be submitting a letter of resignation from the Planning Commission for personal reasons.

Members thanked Ms. Troshynski for her service and wished her luck in future endeavors. Additionally, they welcomed Mr. Maxwell to the Planning Commission.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 8:55 p.m.

Respectfully submitted,

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Robert M. Schultz, Chair

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R. Brent Savidant, Principal Planner

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A regular meeting of the Animal Control Appeal Board was held on Wednesday, March 5, 2008 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairperson Jayne Saeger called the meeting to order at 7:28 p.m.

**ROLL CALL:**

**PRESENT:** Jayne Saeger, Chairperson  
Al Petrulis, Vice-Chairperson  
Kathleen Melchert  
V. James Viola  
Lt. Charles Pappas  
ACO Karen Livingston  
PSA Jay Hernandez  
Christopher Forsyth, Assistant City Attorney  
Pat Gladysz

**ABSENT:** Patrick Carolan, Secretary

**Resolution to Excuse Committee Member Carolan**

Resolution #AC2008-03-001  
Moved by Melchert  
Seconded by Viola

RESOLVED, that the absence of Committee member Carolan at the Animal Control Appeal Board meeting of March 5, 2008 BE EXCUSED.

Yes: 4  
No: 0  
Absent: Carolan

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**Resolution to Approve Minutes of September 5, 2007 Meeting**

Resolution #AC2008-03-002  
Moved by Viola  
Seconded by Melchert

RESOLVED, that the Minutes of the September 5, 2007 meeting of the Animal Control Appeal Board be approved.

Yes: 4  
No: 0  
Absent: Carolan

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**Agenda Items**

There are no items on the Agenda.

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The next regular meeting is scheduled for September 3, 2008.

The meeting adjourned at 7:35 p.m.

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Jayne Saeger, Chairperson

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Patricia A. Gladysz, Secretary II

The Chairman, Ted Dziurman, called the meeting of the Building Code Board of Appeals to order at 8:32 A.M., on Wednesday, March 5, 2008 in the Lower Level Conference Room of the Troy City Hall.

PRESENT: Ted Dziurman  
Rick Kessler  
Keith Lenderman  
Tim Richnak  
Frank Zuazo

ALSO PRESENT: Mark Stimac, Director of Building & Zoning  
Pamela Pasternak, Recording Secretary

### **ITEM #1 – APPROVAL OF MINUTES – MEETING OF FEBRAURY 6, 2008**

Mr. Dziurman stated that he wished the minutes amended to indicate that he had abstained from the vote on Item #4, which was the interpretation of the 2003 Michigan Building Code.

Motion by Richnak  
Supported by Kessler

MOVED, to approve the minutes of the meeting of February 6, 2008 as amended.

Yeas: All – 5

MOTION TO APPROVE MINUTES AS AMENDED CARRIED

**ITEM #2 – VARIANCE REQUEST. THOMAS KEMP, KEMP BUILDING & DEVELOPMENT CO., 2477 W. MAPLE**, for relief of Chapter 83 to construct a 6' high chain link fence along the south property line.

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to construct a 6' high chain link fence along the south property line at 2477 W. Maple Road. The rear of this property abuts the private road Equity along its south property line. Having frontage on a street on both its north and south sides makes this property a double front-through lot. As such it has a front yard requirement along both streets. Section 3 of Chapter 83 of the City Code (the Fence Ordinance) prohibits fences in front yard locations on Industrial Zoned property.

Ian Hurst and Tiffany Rust from Kemp Building Company, and Eugene Shanzo of 2477 W. Maple were present. Ms. Rust indicated that they plan to put in a detention pond with a one on four slope and it will require protection. They do not have access to Equity Drive and therefore do not believe this should make their property a double front through lot.

**ITEM #2 – con't.**

Mr. Hurst stated that because they do not have access to Equity Drive, this area is used as more a back yard than a front yard.

Mr. Dziurman asked if the detention pond required a fence around it.

Mr. Stimac said that the petitioner has other options available and the petitioner should demonstrate why this detention pond needs to be at this slope or at this location. Mr. Stimac is not aware of any objections that the Engineering Department has to the slope of the detention pond.

Mr. Dziurman asked if a fence was required because the slope of the pond is proposed to be one on four.

Mr. Stimac said that if the slope were changed to no greater than one on six a fence would not be required.

Mr. Shanzo stated in his opinion the fence should be put in to increase the safety factor around the detention pond.

Mr. Richnak asked if the required parking would become an issue if the detention pond were moved to the north and the grade changed.

Mr. Stimac said that the front end of the property has a building under construction for indoor storage. The rear of this property is proposed to provide storage for commercial and recreational vehicles. The number of spaces is not dictated by the Ordinance, but rather by the petitioner.

Mr. Dziurman asked if a fence could be constructed at the south of the parking area if the detention pond was not fenced in.

Mr. Stimac said that was correct if the detention pond was at least 50' wide.

Mr. Richnak asked about the one on six slope.

Ms. Rust said if they enlarged the detention pond it would take out the drive lane. This would amount to approximately 35'.

Mr. Richnak said that they would lose approximately four spaces per row.

Mr. Kessler stated that in order to grant a variance there are requirements that have to be met. A hardship is required in order for this Board to grant a variance. This is a new project, and he believes underground detention is a possibility in the front of the property. Mr. Kessler does not feel that the petitioner has provided a hardship.

**ITEM #2 – con't.**

Mr. Hurst indicated that he believes the hardship is that they do not have access to Equity Drive.

Mr. Richnak explained that the issue is the adjacent property, not the use.

Mr. Hurst stated that their neighbor to the west use their property as a back yard and also have a pond in that location.

Mr. Kessler said that they would rather see trees and landscaping and not a pond at all. Mr. Kessler did not see a hardship demonstrated.

Ms. Rust stated that they are proposing to install trees along the south property line.

Mr. Kessler stated that the newer buildings along Equity meet the required setbacks. Arvin Meritor had parking in existence when the street was developed. Maintaining setbacks would be more pleasing to property owners in the area.

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

There are no written approvals or objections on file.

Ms. Rust stated that the hardship is that there are two front yards on this property.

Mr. Shanzo said that although there is frontage on Equity, they do not have any access to Equity.

Mr. Hurst said that they don't own the frontage on Equity Drive and believes someone else owns that property.

Mr. Stimac clarified that their property does in fact butt up to Equity Drive. Mr. Hurst said that was correct but Equity is a private road and they do have access to Equity Drive.

Mr. Stimac said that Equity Drive is a private road and the owners of adjacent property do not automatically have access to the road.

Mr. Dziurman asked how the detention pond would be maintained.

Mr. Stimac said that they would have access from the north side.

Mr. Lenderman asked if a fence would be permitted if Equity Drive was not there. Mr. Stimac replied that it would be allowed.

**ITEM #2 – con't.**

Mr. Richnak stated that there are many locations in Troy that are considered to be double front lots and the petitioners that come before this Board have to demonstrate a hardship that runs with the land. Not having access to Equity Drive is not a hardship.

Mr. Dziurman asked if this would change if they had access to Equity Drive. Mr. Richnak stated that if they had access to Equity Drive they would have to move the detention pond.

Mr. Lenderman asked if they could put up a fence on the north side of the pond. Mr. Stimac said that they could since it appears that it is 75' from Equity Drive.

Mr. Richnak asked the petitioner if they had given any thought to moving the detention pond or creating a one on six slope.

Mr. Shanzo said that when they appeared before the Planning Commission, they were told that storage is needed in the City for the storage of Commercial Vehicles as well as Recreational Vehicles so that they could be moved out of residential areas. If they move the detention pond they will lose some parking spaces, and they believe by providing this space it will benefit the City.

Mr. Kessler said that he agrees with what the petitioner is saying, but this Board is trying to maintain the setbacks and he does not feel the petitioner has demonstrated a hardship.

Motion by Kessler  
Supported by Richnak

MOVED, to deny the request of Thomas Kemp, Kemp Building & Development Co., 2477 W. Maple, for relief of Chapter 83 to construct a 6' high chain link fence along the south property line.

- Petitioner did not demonstrate a hardship.

Yeas: All – 5

MOTION TO DENY REQUEST CARRIED

**ITEM #3 – VARIANCE REQUEST. VASILE CARSTEA, 5353 LIVERNOIS**, for relief of Chapter 83 to install entrance gates at 5353 Livernois, St. Nicholas Romanian Orthodox Church.

**ITEM #3 – con't.**

Mr. Stimac explained that the petitioner is requesting relief of Chapter 83 to install entrance gates at 5353 Livernois. The site plan submitted indicates installing entrance gates at the north (Stalwart) and east (Livernois) driveways to the parking lot. The north gates are proposed to be 8'-10 ½" in height. The proposed east gates are shown to be 8'-6 ½" in height with decorative supporting columns and an archway up to 9'-4" in height. Chapter 83 limits the heights of the gates and support columns to a 6' maximum in R-1B Zoning Districts.

Mr. Vasile Carstea, Father George Carstea and Mr. Ilie Muresan were present. Mr. Carstea stated that they need this fence to protect their property from trespassers and from cars that come into their drive and use this area to cut through the subdivision.

Mr. Dziurman asked if the same results could be achieved with a 6' gate.

Mr. Carstea said that it could, but they have already purchased these gates.

Mr. Richnak asked where the fire hydrants were located on this property and Mr. Carstea indicated that they are right in front of the church on Livernois.

Mr. Kessler asked if the gates were going to be locked.

Mr. Carstea said that they have a magnetic locking system that requires 4 lbs of pressure to open.

Mr. Richnak asked if the Fire Department would be able to push the gates open and Mr. Carstea said that was correct.

Mr. Kessler confirmed that the petitioner wished to put these gates up to prevent people from cutting through their property.

Mr. Carstea said that they want to keep trespassers off of the property and between the hours of 3:00 P.M. and 5:00 P.M., vehicles use their drives as a cut through to the subdivision.

The Chairman opened the Public Hearing.

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

There is one written objection on file. There are no written approvals on file.

Mr. Lenderman said that the petitioner is proposing to restrict access to this property with the use of these gates. Mr. Lenderman went on to say that it has been his experience, that as soon as the public finds out that these gates can be opened with 4 pounds of pressure, locks and chains will be put on the gates to keep them closed.

**ITEM #3 – con't.**

These locks will slow the response time of the Fire Department to get to the structure thereby endangering the lives of people inside the structure.

Mr. Carstea said that he had spoken to the Fire Marshall and stated that he will not lock the gates.

Mr. Stimac said that a gate at a height of 6' would still be an issue for the Fire Department to deal with.

Mr. Dziurman asked if the height of the fence was an issue.

Mr. Richnak stated that it was the height of the gates. These gates are proposed to be between 2' and 3 ½' higher than what is allowed by the Ordinance. The height of the towers are also included in this request.

Mr. Richnak asked if the petitioner had spoken to the home owners on Stalwart to determine how they felt about this proposed fence and gates.

Mr. Carstea said that he had not, but had spoken to the residents on either side of the Church and they did not object.

Mr. Kessler asked if they had talked to anyone about modifying the gates.

Mr. Carstea said that he had spoken to a contractor, but if the gates were modified at the top, they would be useless.

Mr. Dziurman asked why the petitioner bought the gates before he came to the Board.

Mr. Carstea said that he did not think of it.

Mr. Dziurman said that in his opinion these gates are too high.

Mr. Zuazo said that he feels there should be some way to modify the gates.

Mr. Carstea said that he does think it can be done.

Mr. Richnak said that he thinks these gates are too high, especially on Stalwart, which is a residential area.

Mr. Dziurman asked if there was anyway to compromise.

Mr. Stimac asked what the height of the grade was to the second horizontal piece of the gate.

**ITEM #3 – con't.**

Mr. Carstea said that he believes it is 42”.

A discussion began regarding the possibility of cutting off the bottom rail and re-welding it to make the gate shorter.

Mr. Carstea said that he had not thought of that option.

Mr. Stimac said that he could understand how the gate could not be modified at the top, but feels that the structural stability of the gate should not be affected if the rail is cut from the bottom of the gate and then re-welded on.

Mr. Richnak said that he did not have a problem with the proposed archway and felt that the last pillar on Livernois should be lowered. Mr. Richnak also said that it was feasible to postpone this request to allow the petitioner the opportunity to talk to contractors to determine what could be done to reduce the height of these gates.

Mr. Stimac informed the Board that the petitioner has to also appear before the Board of Zoning Appeals as these gates will affect the width of the driveways. If the Board of Zoning Appeals does not grant the request to reduce the width of the driveways, the petitioner may have to look into a great deal of modifications for these gates.

Mr. Lenderman asked if the gates swing in or out when opening.

Mr. Carstea said that they swing in.

Mr. Dziurman stated that it appears that it may be better to postpone this request for one month, to allow the petitioner to appear before the Board of Zoning Appeals and to allow the petitioner the chance to contact fence contractors to see what kind of modifications could be made to the gates.

Motion by Richnak  
Supported by Kessler

MOVED, to postpone the request of Vasile Carstea, 5353 Livernois, for relief of Chapter 85 to install entrance gates at 5353 Livernois, St. Nicholas Romanian Orthodox Church until the meeting of April 2, 2008.

- To allow the petitioner the opportunity to appear before the Board of Zoning Appeals.
- To allow the petitioner the opportunity to meet with fence contractors to see what modifications could be made to these gates.

Yeas: All – 5

**ITEM #3 – con't.**

MOTION TO POSTPONE REQUEST UNTIL THE MEETING OF APRIL 2, 2008  
CARRIED

Mr. Ilie Muresan asked why they can't put up a 9' high gate.

Mr. Dziurman said that he believes these gates are too high.

Mr. Richnak said that the Ordinance has requirements and these gates do not meet the requirements of the Ordinance. The petitioner has not demonstrated a hardship that would allow for this variance, and monetary expenditures alone are not considered a hardship. It is up to the petitioner to explain what the problems with this property are.

Mr. Dziurman stated that the Ordinance does not allow the gates to be more than 6' in height.

The Building Code Board of Appeals meeting adjourned at 9:30 A.M.

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Ted Dziurman, Chairman

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Pamela Pasternak, Recording Secretary

A regular meeting of the Liquor Advisory Committee was held on Monday, March 10, 2008 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairman Max K. Ehlert called the meeting to order at 7:00 p.m.

**ROLL CALL:**

**PRESENT:** Max K. Ehlert, Chairman  
Henry W. Allemon  
W. Stan Godlewski  
Patrick C. Hall  
Timothy P. Payne  
Clark Yuan, Student Representative  
Susan Lancaster, Assistant City Attorney  
Sergeant Robert Cantlon  
Pat Gladysz

**ABSENT:** David S. Ogg  
Bohdan L. Ukraineec

**Resolution to Excuse Committee Members Ogg and Ukraineec**

Resolution #LC2008-03-007

Moved by Allemon

Seconded by Payne

RESOLVED, that the absence of Committee members Ogg and Ukraineec at the Liquor Advisory Committee meeting of March 10, 2008 BE EXCUSED.

Yes: 5  
No: 0  
Absent: Ogg, Ukraineec

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**Resolution to Approve Minutes of February 11, 2008 Meeting**

Resolution #LC2008-03-008

Moved by Allemon

Seconded by Payne

RESOLVED, that the Minutes of the February 11, 2008 meeting of the Liquor Advisory Committee be approved.

Yes: 5  
No: 0  
Absent: Ogg, Ukraineec

**Agenda Items**

1. **AMC Troy, Inc.** requesting to transfer ownership of escrowed 2007 Class C licensed business with Official Permit (Food), from Kingsway LLC; transfer location, governmental unit under MCL 436.1531(1), from 43155 Main, Suite 208, Novi, Michigan 48375, to 1873 East Big Beaver Road, Troy, Michigan 48083, Oakland County; requesting a new outdoor service (1 area), new entertainment permit, new SDM license, to be held in conjunction. {MLCC Req #434767}

Present to answer questions from the Committee was Michael Ansley, franchisee of Buffalo Wild Wings of the metropolitan Detroit and Florida markets.

Buffalo Wild Wings opened its first location in Columbus, Ohio in 1982. Mr. Ansley has been a franchisee for 12 years. He currently owns several restaurants, including Sterling Heights, Warren, Ferndale, Novi, Fenton, Grand Blanc, and Petoskey. Management for the Troy location will be transferred from his other restaurants. Training will be done by both corporate and internal teams. They require that all servers be 21 years of age and attend the “Serve Safe” alcohol training. In his 12 years of business, Mr. Ansley has received only one liquor violation. The parking was questioned by a committee member and Mr. Ansley replied that the landlord has obtained a parking variance for the site.

Assistant City Attorney Lancaster informed the Committee of a 1993 City Council Resolution stating that there cannot be two facilities with Class C licenses and entertainment permits within 3,000 feet of each other. The City Attorney’s office is of the opinion that it is timely for City Council to review this Resolution in light of the high density trend in Troy. Also, the City now has an adult business use ordinance which we did not have when this Resolution went into effect.

Sergeant Cantlon reported that his investigation found only one liquor violation and that occurred in 2002 in Novi.

Resolution #LC2008-03-009

Moved by Hall

Seconded by Payne

RESOLVED, that AMC Troy, Inc. be allowed to transfer ownership of escrowed 2007 Class C licensed business with Official Permit (Food), from Kingsway LLC; transfer location, governmental unit under MCL 436.1531(1), from 43155 Main, Suite 208, Novi, Michigan 48375, to 1873 East Big Beaver Road, Troy, Michigan 48083, Oakland County; be granted a new outdoor service (1 area), new entertainment permit, new SDM license, to be held in conjunction.

Yes: 5  
No: 0  
Absent: Ogg, Ukrainec

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2. **Somerset Collection Limited Partnership** requests to transfer ownership of 2007 Class C licensed business located in escrow at 2801 West Big Beaver Road, Somerset Collection, Suite J-230, Troy, Michigan 48084, Oakland County, from Sebastian’s Ltd.; with license to be held in escrow. {MLCC Req #416257}

Present to answer questions from the Committee was Patrick Howe of Carlin, Edwards, Brown & Howe.

This request is for a license transfer to the owners of the Somerset Collection. They have no intention of activating the license. Several years ago, Sebastian’s Restaurant closed and there is a lease provision which states that the liquor license would revert back to the landlord if the tenant vacated. The license has been surrendered to the landlord, and the landlord would like to hold on to the license for “record purposes” to hold it in escrow until they find a tenant within the mall. The MLCC regulations state that the license can be held in escrow for five years.

Assistant City Attorney Lancaster suggested that the Committee make their recommendation to City Council with the stipulation that when the license comes out of escrow, the City of Troy be entitled to its standard investigation.

Resolution #LC2008-03-010  
Moved by Allemon  
Seconded by Hall

RESOLVED, that Somerset Collection Limited Partnership be allowed to transfer ownership of 2007 Class C licensed business located in escrow at 2801 West Big Beaver Road, Somerset Collection, Suite J-230, Troy, Michigan 48084, Oakland County, from Sebastian’s Ltd.; with license to be held in escrow, with the stipulation that when the license comes out of escrow, the City of Troy be entitled to its standard investigation.

Yes: 5  
No: 0  
Absent: Ogg, Ukrainec

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The meeting adjourned at 7:24 p.m.

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Max K. Ehlert, Chairman

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Patricia A. Gladysz, Secretary II

DATE: March 3, 2008  
 TO: Phil Nelson, City Manager  
 FROM: Mark Stimac, Director of Building & Zoning  
 SUBJECT: Permits issued during the Month of February 2008

	NO.	VALUATION	PERMIT FEE
<b><u>INDUSTRIAL</u></b>			
New	1	\$476,000.00	\$3,477.00
Completion (New)	1	\$1,500,000.00	\$9,645.00
Add/Alter	6	\$735,000.00	\$5,950.00
<b>Sub Total</b>	<b>8</b>	<b>\$2,711,000.00</b>	<b>\$19,072.00</b>
<b><u>COMMERCIAL</u></b>			
Fnd./Shell New	1	\$450,000.00	\$3,295.00
Completion (New)	1	\$158,064.00	\$1,258.00
Tenant Completion	2	\$235,000.00	\$1,935.00
Accessory Structure	1	\$25,000.00	\$320.00
Add/Alter	12	\$1,181,200.00	\$10,001.00
Repair	1	\$4,500.00	\$115.00
Kiosk	1	\$0.00	\$35.00
<b>Sub Total</b>	<b>19</b>	<b>\$2,053,764.00</b>	<b>\$16,959.00</b>
<b><u>RESIDENTIAL</u></b>			
Add/Alter	15	\$136,585.00	\$2,603.00
Garage/Acc. Structure	1	\$1,100.00	\$55.00
Pool/Spa/Hot Tub	1	\$5,000.00	\$115.00
Repair	2	\$4,190.00	\$130.00
Fire Repair	1	\$8,542.00	\$195.00
Wreck	2	\$0.00	\$110.00
<b>Sub Total</b>	<b>22</b>	<b>\$155,417.00</b>	<b>\$3,208.00</b>
<b><u>RELIGIOUS</u></b>			
New	1	\$500,000.00	\$3,645.00
Add/Alter	2	\$44,500.00	\$527.00
<b>Sub Total</b>	<b>3</b>	<b>\$544,500.00</b>	<b>\$4,172.00</b>
<b><u>MISCELLANEOUS</u></b>			
Signs	28	\$0.00	\$2,955.00
Fences	1	\$0.00	\$15.00
<b>Sub Total</b>	<b>29</b>	<b>\$0.00</b>	<b>\$2,970.00</b>
<b>TOTAL</b>	<b>81</b>	<b>\$5,464,681.00</b>	<b>\$46,381.00</b>

**PERMITS ISSUED DURING THE MONTH OF FEBRUARY 2008**

	NO.	PERMIT FEE
Mul. Dwel. Insp.	86	\$860.00
Cert. of Occupancy	25	\$1,946.05
Plan Review	54	\$3,158.50
Microfilm	29	\$333.00
Building Permits	81	\$46,381.00
Electrical Permits	111	\$8,616.00
Heating Permits	100	\$5,550.00
Air Cond. Permits	31	\$1,765.00
Refrigeration Permits	1	\$50.00
Plumbing Permits	82	\$9,442.00
Storm Sewer Permits	6	\$318.00
Sanitary Sewer Permits	10	\$312.00
Sewer Taps	8	\$2,456.00
<b>TOTAL</b>	<b>624</b>	<b>\$81,187.55</b>

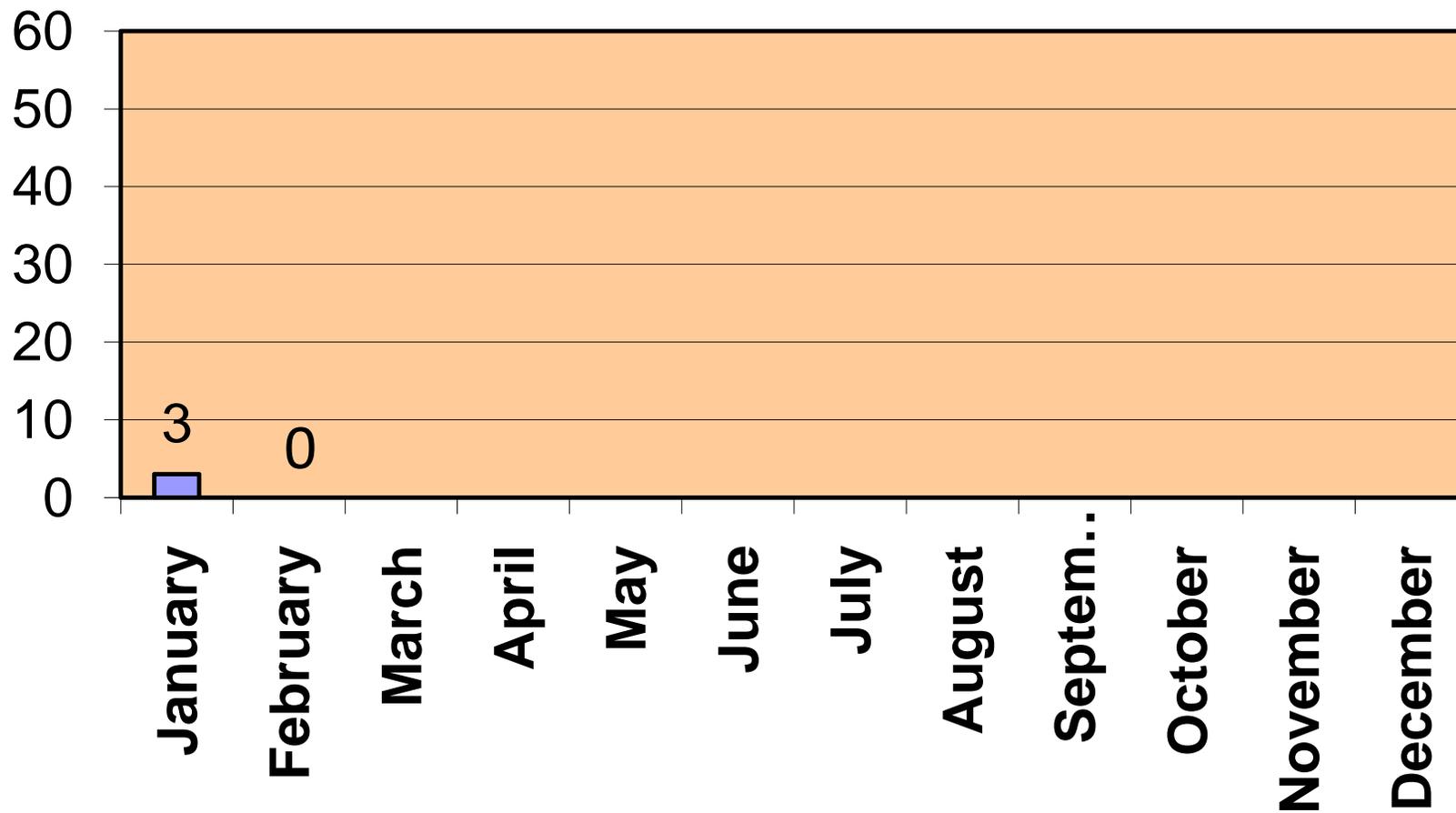
**LICENSES & REGISTRATIONS ISSUED DURING THE MONTH OF FEBRUARY 2008**

	NO.	LICENSE FEE
Mech. Contr.-Reg.	29	\$145.00
Elec. Contr.-Reg.	34	\$510.00
Master Plmb.-Reg.	8	\$8.00
Sign Inst. - Reg.	5	\$50.00
E. Sign Contr-Reg.	3	\$45.00
Fence Inst.-Reg.	1	\$10.00
Bldg. Contr.-Reg.	8	\$80.00
F.Alarm Contr.-Reg.	4	\$60.00
<b>TOTAL</b>	<b>92</b>	<b>\$908.00</b>

## BUILDING PERMITS ISSUED

	<u>BUILDING PERMITS 2007</u>	<u>PERMIT VALUATION 2007</u>	<u>BUILDING PERMITS 2008</u>	<u>PERMIT VALUATION 2008</u>
JANUARY	119	\$7,595,008.00	71	\$4,678,432.00
FEBRUARY	101	\$8,056,092.00	81	\$5,464,681.00
MARCH	135	\$9,204,932.00	0	\$0.00
APRIL	140	\$4,844,929.00	0	\$0.00
MAY	170	\$11,201,261.00	0	\$0.00
JUNE	183	\$6,057,272.00	0	\$0.00
JULY	134	\$5,755,737.00	0	\$0.00
AUGUST	149	\$10,867,085.00	0	\$0.00
SEPTEMBER	151	\$15,498,043.00	0	\$0.00
OCTOBER	194	\$13,663,761.00	0	\$0.00
NOVEMBER	136	\$16,386,272.00	0	\$0.00
DECEMBER	102	\$4,572,214.00	0	\$0.00
<b>TOTAL</b>	<b>1714</b>	<b>\$113,702,606.00</b>	<b>152</b>	<b>\$10,143,113.00</b>

# SINGLE FAMILY DWELLING PERMITS 2008



**BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS  
ISSUED DURING THE MONTH OF FEBRUARY 2008**

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	BARTON MALOW COMPANY	5825 DELPHI D	300,000
Commercial, Add/Alter	HORIZON RETAIL CONSTRUCTION INC	2801 W BIG BEAVER E-154	250,000
Commercial, Add/Alter	PAGELS, CURTISS E	2511 LIVERNOIS	215,000
Commercial, Add/Alter	INTERIOR DEVELOPMENT	1301 W LONG LAKE	137,000
Total Commercial, Add/Alter			902,000
Commercial, Completion New	RONNISCH CONSTRUCTION	135 E MAPLE	158,064
Total Commercial, Completion New			158,064
Commercial, Fnd/Shell New	J. B. DONALDSON CO	1434 W BIG BEAVER	450,000
Total Commercial, Fnd/Shell New			450,000
Commercial, Tenant Completion	REMEDY ROUGH & FINISH CARPENTRY	1639 E BIG BEAVER 104	130,000
Commercial, Tenant Completion	HOWARD, RICK	2051 E BIG BEAVER	105,000
Total Commercial, Tenant Completion			235,000
Industrial, Add/Alter	KEMP BLDG COMPANY	2341 ALGER	150,000
Industrial, Add/Alter	TIECO PRODUCTS INC	1890 BRINSTON	230,000
Industrial, Add/Alter	PERRI BUILDING CO	401 MINNESOTA	200,000
Industrial, Add/Alter	REDICO	1225 E MAPLE	110,000
Total Industrial, Add/Alter			690,000
Industrial, Completion New	CUNNINGHAM-LIMP	2805 BELLINGHAM	1,500,000
Total Industrial, Completion New			1,500,000
Industrial, New Building	MANCINI ENTERPRISE	2680 INDUSTRIAL ROW	476,000
Total Industrial, New Building			476,000
Religious, New Construction	TROY CHURCH OF THE NAZARENE	6840 CROOKS	500,000
Total Religious, New Construction			500,000

**CITY OF TROY** *AO*

**MONTHLY FINANCIAL REPORT**

**29-Feb-08**

CITY OF TROY  
 Monthly Financial Report  
 General Fund  
 For the Period Ending February 29, 2008

CITY OF TROY GENERAL FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
<b>GENERAL FUND REVENUES</b>					
TAXES	35,679,836	36,308,690	52,274	36,381,227	100.20
BUSINESS LICENSES & PERMITS	38,993	42,000	1,128	26,770	63.74
NON-BUS. LICENSES & PERMITS	1,452,966	1,705,500	85,830	919,205	53.90
FEDERAL GRANTS	198,102	55,900	0	8,172	14.62
STATE AGENCIES	6,800,242	6,784,000	27,294	2,535,028	37.37
CONTRIBUTIONS-LOCAL	171,189	180,000	0	46,477	25.82
CHARGES FOR SERVICES - FEES	1,455,402	1,159,000	249,714	724,082	62.47
CHARGES FOR SERVICES - REND.	2,346,725	1,717,500	52,467	664,644	38.70
CHARGES FOR SERVICES - SALES	154,366	157,000	6,834	70,038	44.61
CHARGES FOR SERVICES - REC	3,740,024	3,565,200	342,539	2,404,560	67.45
FINES & FORFEITS	1,243,286	1,027,000	84,605	556,538	54.19
INTEREST AND RENTS	2,363,543	2,081,600	63,879	949,078	45.59
OTHER REVENUE	546,469	510,550	24,572	273,288	53.53
OTHER FINANCING SOURCES	4,635,622	8,161,480	0	2,425,600	29.72
<b>TOTAL GENERAL FUND REVENUE</b>	<b>60,826,765</b>	<b>63,455,420</b>	<b>991,136</b>	<b>47,984,707</b>	<b>75.62</b>
<b>EXPENDITURES</b>					
LEGISLATIVE	1,839,175	2,033,040	130,687	1,181,997	58.14
FINANCE	4,726,731	5,054,990	353,731	3,273,137	64.75
OTHER GEN GOVERNMENT	2,552,515	2,700,750	164,436	1,538,365	56.96
POLICE	23,147,967	24,060,510	1,652,717	15,639,843	65.00
FIRE	4,376,861	4,317,390	218,494	3,101,510	71.84
BUILDING INSPECTION	2,051,078	2,243,190	152,276	1,343,181	59.88
STREETS	4,754,158	5,606,460	626,527	3,613,310	64.45
ENGINEERING	2,676,718	3,136,960	176,589	1,675,488	53.41
RECREATION	8,424,151	9,225,600	526,042	5,581,625	60.50
LIBRARY	4,805,280	5,066,530	294,675	2,972,755	58.67
TRANSFERS OUT	3,510,000	10,000	0	10,000	100.00
<b>TOTAL GEN FUND EXPENDITURES</b>	<b>62,864,634</b>	<b>63,455,420</b>	<b>4,296,174</b>	<b>39,931,211</b>	<b>62.93</b>

CITY OF TROY  
 Monthly Financial Report  
 Refuse Fund  
 For the Period Ending February 29, 2008

REFUSE FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
<b>REVENUES</b>					
TAXES	4,254,241	3,572,670	0	3,765,083	105.39
CHARGES FOR SERVICES - REND.	0	0	0	0	.00
CHARGES FOR SERVICES - SALES	2,275	1,500	330	2,040	136.00
INTEREST AND RENTS	162,643	175,000	13,427	89,353	51.06
OTHER FINANCING SOURCES	0	0	0	0	.00
<b>TOTAL REVENUE</b>	<b>4,419,159</b>	<b>3,749,170</b>	<b>13,757</b>	<b>3,856,476</b>	<b>102.86</b>
<b>EXPENDITURES</b>					
CONTRACTORS SERVICE	4,380,060	3,577,000	148,461	2,169,932	60.66
OTHER REFUSE EXPENSE	47,855	55,230	1,434	27,005	48.90
RECYCLING	101,047	116,940	6,997	62,890	53.78
<b>TOTAL EXPENDITURES</b>	<b>4,528,962</b>	<b>3,749,170</b>	<b>156,892</b>	<b>2,259,827</b>	<b>60.28</b>

CITY OF TROY  
 Monthly Financial Report  
 Downtown Development Authority Fund  
 For the Period Ending February 29, 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	0	3,690,026	97.29
STATE GRANTS	0	0	0	0	.00
INTEREST AND RENTS	519,215	400,000	60,542	362,891	90.72
OTHER FINANCING SOURCES	0	2,844,590	0	0	.00
TOTAL REVENUE	4,035,425	7,037,590	60,542	4,052,917	57.59
EXPENDITURES					
ECONOMIC DEVELOPMENT	41,011	350,000	20,000	72,711	20.77
TAX TRIBUNAL REFUNDS	8,242	0	267	13,353	.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	20,267	2,718,008	38.62

CITY OF TROY  
 Monthly Financial Report  
 Capital Fund  
 For the Period Ending February 29, 2008

CAPITAL FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
<b>REVENUES</b>					
TAXES	8,200,947	8,440,000	0	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	22,746	42,340	56.45
INTEREST AND RENTS	1,181,962	807,200	106,006	664,248	82.29
FINES & FORFEITS	0	246,180	0	0	.00
OTHER REVENUE	1,262,421	0	173,033	216,210	.00
OTHER FINANCING SOURCES	5,700,000	18,694,560	0	860,000	4.60
<b>TOTAL REVENUE</b>	<b>17,193,535</b>	<b>32,726,940</b>	<b>301,785</b>	<b>10,723,365</b>	<b>32.77</b>
<b>EXPENDITURES</b>					
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	9,574	333,089	7.20
POLICE	411,940	1,274,210	7,875	43,947	3.45
FIRE	856,110	608,200	73,800	103,775	17.06
BUILDING INSPECTION	440	10,000	0	0	.00
STREETS	7,879,499	15,293,000	446,159	5,640,976	36.89
ENGINEERING	369,372	0	0	0	.00
RECREATION	1,708,773	7,704,000	13,425	1,998,340	25.94
LIBRARY	105,525	471,000	6,860	106,796	22.67
MUSEUM	82,068	522,000	0	0	.00
STORM DRAINS & RET PONDS	536,741	1,347,930	202,707	425,597	31.57
INFORMATION TECHNOLOGY	1,150,000	749,000	0	0	.00
<b>TOTAL EXPENDITURES</b>	<b>13,224,371</b>	<b>32,726,940</b>	<b>760,400</b>	<b>8,662,255</b>	<b>26.47</b>

CITY OF TROY  
 Monthly Financial Report  
 Sanctuary Lake Golf Course  
 For the Period Ending February 29, 2008

SANCTUARY LK GOLF COURSE FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
<b>REVENUES</b>					
CHARGES FOR SERVICES - SALES	37,416	38,500	0	19,323	50.19
CHARGES FOR SERVICES - REC	1,007,452	1,249,090	2,115-	560,565	44.88
INTEREST AND RENTS	6,988	6,500	0	4,306	66.25
OTHER REVENUE	4,279	0	1-	174	.00
OTHER FINANCING SOURCES	0	0	0	0	.00
<b>TOTAL REVENUE</b>	<b>1,056,135</b>	<b>1,294,090</b>	<b>2,116-</b>	<b>584,368</b>	<b>45.16</b>
<b>EXPENDITURES</b>					
SANCTUARY LAKE GREENS	792,102	885,280	35,561	492,949	55.68
SANCTUARY LAKE PRO SHOP	888,113	1,165,390	11,679	446,737	38.33
SANCTUARY LAKE CAPITAL	0	40,000	0	0	.00
<b>TOTAL EXPENDITURES</b>	<b>1,680,215</b>	<b>2,090,670</b>	<b>47,240</b>	<b>939,686</b>	<b>44.95</b>

CITY OF TROY  
 Monthly Financial Report  
 Sylvan Glen Golf Course  
 For the Period Ending February 29, 2008

SYLVAN GLEN GOLF COURSE FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
<b>REVENUES</b>					
CHARGES FOR SERVICES - SALES	28,566	38,500	0	16,453	42.74
CHARGES FOR SERVICES - REC	936,929	1,092,630	0	510,251	46.70
INTEREST AND RENTS	227,644	200,400	13,581	185,916	92.77
OTHER REVENUE	400	0	0	1,521	.00
OTHER FINANCING SOURCES	0	0	0	0	.00
<b>TOTAL REVENUE</b>	<b>1,193,539</b>	<b>1,331,530</b>	<b>13,581</b>	<b>714,141</b>	<b>53.63</b>
<b>EXPENDITURES</b>					
SYLVAN GLEN GREENS	729,347	766,160	25,966	463,419	60.49
SYLVAN GLEN PRO SHOP	352,687	322,020	12,442	205,624	63.85
SYLVAN GLEN CAPITAL	0	187,100	0	69,299	37.04
<b>TOTAL EXPENDITURES</b>	<b>1,082,034</b>	<b>1,275,280</b>	<b>38,408</b>	<b>738,342</b>	<b>57.90</b>

CITY OF TROY  
Monthly Financial Report  
Aquatic Center  
For the Period Ending February 29, 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	44-	175,447	39.34
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	44-	195,838	41.01
EXPENDITURES					
AQUATIC CENTER	684,334	628,670	16,350	354,403	56.37
CAPITAL	0	110,000	0	0	.00
TOTAL EXPENDITURES	684,334	738,670	16,350	354,403	47.98

CITY OF TROY  
 Monthly Financial Report  
 Sewer Fund  
 For the Period Ending February 29, 2008

SEWER FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
<b>REVENUES</b>					
FEDERAL GRANTS	17,081	0	0	0	.00
CHARGES FOR SERVICES - FEES	423,810	400,000	34,950	238,151	59.54
CHARGES FOR SERVICES - REND	10,867,704	11,836,000	723,439	6,352,330	53.67
INTEREST AND RENTS	1,187,038	820,000	115,733	678,882	82.79
OTHER REVENUE	426,738	0	0	0	.00
<b>TOTAL REVENUE</b>	<b>12,922,371</b>	<b>13,056,000</b>	<b>874,122</b>	<b>7,269,363</b>	<b>55.68</b>
<b>EXPENDITURES</b>					
ADMINISTRATION	9,186,528	9,743,900	469,440	5,972,511	61.29
MAINTENANCE	1,151,136	1,532,140	32,126	761,191	49.68
CAPITAL	0	4,628,000	50,650	1,997,447	43.16
<b>TOTAL EXPENDITURES</b>	<b>10,337,664</b>	<b>15,904,040</b>	<b>552,216</b>	<b>8,731,149</b>	<b>54.90</b>

CITY OF TROY  
 Monthly Financial Report  
 Water Fund  
 For the Period Ending February 29, 2008

WATER FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
<b>REVENUES</b>					
CHARGES FOR SERVICES - FEES	707,790	885,000	29,528	560,691	63.35
CHARGES FOR SERVICES - SALES	13,847,856	15,432,000	936,400	8,374,746	54.27
INTEREST AND RENTS	987,721	648,000	70,326	612,567	94.53
OTHER REVENUE	569,010	0	0	0	.00
<b>TOTAL REVENUE</b>	<b>16,112,377</b>	<b>16,965,000</b>	<b>1,036,254</b>	<b>9,548,004</b>	<b>56.28</b>
<b>EXPENDITURES</b>					
ADMINISTRATION	11,552,161	12,147,070	667,149	7,481,153	61.59
TRANS AND DISTRIBUTION	220,659	224,930	24,206	120,061	53.38
CUSTOMER INSTALLATION	101,647	92,720	7,531	51,176	55.19
CONTRACTORS SERVICE	148,717	217,360	3,674	86,538	39.81
MAIN TESTING	56,893	121,940	336	17,990	14.75
MAINTENANCE OF MAINS	362,261	447,950	6,448	260,619	58.18
MAINTENANCE OF SERVICES	196,788	272,480	5,327	105,839	38.84
MAINTENANCE OF METERS	471,767	709,860	8,656	315,574	44.46
MAINTENANCE OF HYDRANTS	310,130	392,070	18,075	246,853	62.96
METERS AND TAP-INS	300,220	388,720	20,009	165,399	42.55
WATER METER READING	106,366	103,290	11,379	125,165	121.18
ACCOUNTING AND COLLECTING	95,296	106,400	3,923	61,727	58.01
CAPITAL	0	8,715,000	3,190	1,143,254	13.12
<b>TOTAL EXPENDITURES</b>	<b>13,922,905</b>	<b>23,939,790</b>	<b>779,903</b>	<b>10,181,348</b>	<b>42.53</b>

CITY OF TROY  
 Monthly Financial Report  
 Motor Pool  
 For the Period Ending February 29, 2008

MOTOR POOL FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
<b>REVENUES</b>					
CHARGES FOR SERVICES - REND	0	5,000	4,634	34,815	696.30
INTEREST AND RENTS	3,870,828	3,913,400	351,068	2,538,431	64.87
OTHER REVENUE	612,792	380,000	14,138	289,019	76.06
OTHER FINANCING SOURCES	0	1,913,090	0	0	.00
<b>TOTAL REVENUE</b>	<b>4,483,620</b>	<b>6,211,490</b>	<b>369,840</b>	<b>2,862,265</b>	<b>46.08</b>
<b>EXPENDITURES</b>					
ADMINISTRATION	543,477	586,650	36,390	350,254	59.70
OPERATION AND MAINTENANCE	3,366,597	3,417,450	253,979	2,154,858	63.05
DPW FACILITY MAINTENANCE	361,706	392,890	20,146	208,598	53.09
CAPITAL	0	1,814,500	6,012	68,162	3.76
<b>TOTAL EXPENDITURES</b>	<b>4,271,780</b>	<b>6,211,490</b>	<b>316,527</b>	<b>2,781,872</b>	<b>44.79</b>

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2008	3	13	7	FITB	2007	9	21	4.680	CD	2,000,000		2,000,000.00
	2008	3	13	7	JPCCHASE	2007	12	13	5.430	CD	2,027,452		2,027,451.67
	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	2003	2	27	3.800	MAX SAVER	7,144,752		7,144,752.23
	2008	3	30	8	FITB	2004	1	1	3.000	MM	849,429		849,428.69
	2008	3	30	8	HUNT BANK	2004	8	27	2.900	MM	587,873		587,873.41
	2008	3	30	8	MBIA	2005	11	18	3.680	MBIA	1,648,222		1,648,221.72
	2008	3	30	8	CITIZENS	2006	5	4	3.800	MMIA	1,135,538		1,135,537.99
	2008	3	30	8	ML	2006	8	31	3.500	MM	2,445		2,445.38
	2008	3	30	8	FITB	2006	9	8	3.800	MAXSAVER+	2,089,845		2,089,844.67
	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	CITIZENS	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
	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	HUNT BANK	2008	1	3	4.250	CD	2,353,029		2,353,029.24
	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	24	7	NATL CITY	2008	2	14	2.850	CD	2,044,219		2,044,219.07
	2008	4	24	7	JPM CHASE	2008	2	14	2.830	CD	2,044,305		2,044,304.86
	2008	4	25	8	FITB	2006	6	30	5.000	86	773,000		772,331.14
	2008	4	25	8	FITB	2007	1	9	5.500	FNMA 80	235,000		234,432.87
	2008	4	25	8	FITB	2007	3	21	5.000	FNMA 17	862,375		862,375.00
	2008	4	30	8	FITB	2005	5	25	5.000	FHLM 2808	56,800		56,756.09
	2008	4	30	8	FITB	2007	2	9	6.000	3243	178,000		177,754.72
	2008	5	1	7	CITIZENS	2007	11	29	4.900	CD	2,230,702		2,230,702.15
	2008	5	1	7	FLAGSTAR	2008	2	7	3.280	CD	1,325,653		1,325,653.10

7 = CD 8 = Paper 9 = T-Bills

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2008	5	1	7	CITIZENS	2008	2	7	3.150	CD	2,042,290		2,042,289.79
	2008	5	1	7	NATL CITY	2008	2	7	3.000	CD	2,038,997		2,038,997.22
	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	15	7	FLAGSTAR	2008	2	14	3.070	CD	2,043,638		2,043,637.78
	2008	5	22	7	FLAGSTAR	2008	2	21	3.090	CD	2,045,475		2,045,475.00
	2008	5	22	7	COMERICA	2008	2	28	2.950	CD	2,043,556		2,043,555.55
	2008	5	30	8	FITB	2003	5	19	5.000	FHLM 95237	382,000		381,586.24
	2008	5	30	8	FITB	2004	1	30	4.000	FHR 2535	292,000		291,414.83
	2008	5	30	8	FITB	2004	3	25	4.500	FHR 2669	141,000		140,056.60
	2008	5	30	8	FITB	2004	10	7	2.250	FHR 2625	25,000		24,977.39
	2008	5	30	8	FITB	2004	10	8	3.250	FHR 2564	277,500		277,046.70
	2008	5	30	8	FITB	2008	5	30	3.600	FHR03 2640	345,000		344,183.57
	2008	6	15	8	FITB	2005	11	30	5.000	2802	555,600		555,526.42
	2008	6	28	8	FITB	2005	8	30	4.500	2545	141,000		140,408.25
	2008	7	31	8	FITB	2005	9	29	4.500	FHLM 2618	465,000		464,112.29
	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	380,000		379,916.36
	2008	12	31	8	FITB	2007	9	15	5.500	FHLM 3145	1,488,000		1,487,916.56
	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	357,000		356,184.89
	2009	1	25	8	FITB	2008	1	25	5.000	2008-2	2,682,000		2,681,188.50
	2009	1	25	8	FITB	2008	1	25	5.500	13	128,200		128,139.63
	2009	1	25	8	FITB	2008	1	25	5.500	3072	1,451,000		1,450,510.33
	2009	1	30	8	FITB	2008	2	1	5.000	FHLM 3000	1,443,700		1,443,692.15
	2009	1	30	8	FITB	2008	2	25	5.000	FHLM 2645	413,900		413,844.11
	2009	1	30	8	FITB	2008	2	25	5.500	FHLM 2687	1,842,600		1,842,600.00
	2009	1	30	8	FITB	2008	2	25	6.000	FNMA 26	3,775,000		3,774,150.41
										TOTAL			114,320,195.82
591	2008	3	30	8	LA SALLE	2007	7	31	3.000	MMA	2,058,126		2,058,126.29
	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	25	8	FITB	2006	8	9	5.500	FNMA 73	125,000		124,451.22
	2008	6	30	7	COMERICA	1997	7	1	3.300	GOV'T POOL	2,100,184		2,100,183.51
	2008	6	30	8	FITB	2005	8	31	3.200	MM	274,136		274,136.15
	2008	8	15	8	FITB	2007	5	25	4.500	FHLM 2693	173,698		173,697.83
	2008	12	30	8	FITB	2006	3	3	5.000	FHLM 2561	33,816		33,815.79
	2008	12	31	8	FITB	2007	2	9	6.000	3243	134,000		133,886.52
	2008	12	31	8	FITB	2007	8	25	3.000	2659	54,150		54,149.96
	2008	12	31	8	FITB	2007	11	26	5.500	FHLM 3157	1,220,000		1,220,000.00

7 = CD 8 = Paper 9 = T-Bills

03/10/08 15:27:31

03/10/08

T-Bills, Commercial Paper, C.D. etc.

Ref.: INVQY012  
Page: 3

PAGE 3

Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
591	2009	1	31	8	FITB	2007	12	27	5.500	2781	145,000		145,000.00
	2009	1	31	8	FITB	2008	2	25	6.000	FNMA 26	1,320,000		1,318,052.93
TOTAL												10,597,237.68	
688	2008	6	30	7	CHASE	1997	7	1	3.030	GOV'T POOL	1,488,637		1,488,637.00
TOTAL												1,488,637.00	
TOTAL												126,406,070.50	

\*\*\* END OF REPORT \*\*\*

7 = CD 8 = Paper 9 = T-Bills

**WALSH<sup>®</sup>  
COLLEGE**

OFFICE OF THE PRESIDENT

PHONE (248) 689-8282

FAX (248) 689-8338

3838 LIVERNOIS ROAD

P.O. BOX 7006

TROY, MI 48007-7006

February 15, 2008

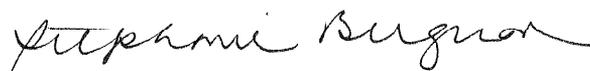
Charles T. Craft  
Police Chief  
City of Troy  
500 W. Big Beaver Rd.  
Troy, MI 48084

Dear Chief Craft:

Please accept my sincere appreciation for the excellent work by your officers in controlling traffic flow after the January 26 Commencement ceremonies. Their presence was extremely effective in assisting our graduates and guests exit the Zion Christian Church parking lot quickly and safely. Please convey my thanks to Lieutenant Dave Livingston and the officers who were assigned to the traffic detail.

Again, thank you for your consideration. Your recurring support of this event is deeply appreciated. If Walsh College can be of assistance to you in any way, please don't hesitate to contact me.

Sincerely,



Stephanie W. Bergeron  
President

cc: City Mgr  
D/C Mayor  
CAPTAINS.  
LT Livingston/FILE  
BB

RECEIVED  
City of Police

2/23/08 CC



# CITY OF WESTLAND

J-03b

## Department of Fire

37201 Marquette ■ Westland, Michigan 48185-3253  
(734) 467-3201 ■ www.cityofwestland.com

William R. Wild  
Mayor

Michael J. Reddy  
Chief

March 5, 2008

Troy Police Department  
500 W. Big Beaver Road  
Troy, MI 48084

Dear Chief Charles Craft:

On behalf of the City of Westland Fire Department, I would like to convey our deep appreciation for your strong participation and support during the funeral for our fallen Firefighter. Without the coordinated efforts of your police service personnel, we could not have honored Todd Stanaway and his family as professionally as was displayed that day. The intersections your personnel controlled during the processional went beyond our expectations.

From both a professional and personal level I appreciate the time your department invested in assisting us. If there is anything I can do in the future for you or your department personnel, please don't hesitate to call me.

Yours In Life Safety,

A handwritten signature in black ink, appearing to read "M. Reddy".

Michael J. Reddy  
Fire Chief

CC: City Mgr.  
D/C Mgr.  
Cronans



# March 2008

March 2008							April 2008						
S	M	T	W	T	F	S	S	M	T	W	T	F	S
2	3	4	5	6	7	8	6	7	8	9	10	11	12
9	10	11	12	13	14	15	13	14	15	16	17	18	19
16	17	18	19	20	21	22	20	21	22	23	24	25	26
23	24	25	26	27	28	29	27	28	29	30			
30	31												

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	Feb 24	25	26	27	28	29	Mar 1
2/24 - 29							
	2	3	4	5	6	7	8
3/2 - 7		7:30pm City Council †	1:00pm Board of Revi 7:00pm Ethnic Issues 7:30pm Planning Con ▽	8:30am Building Code 7:00pm Persons with 7:30pm Animal Contr	1:00pm Advisory Conr		
	9	10	11	12	13	14	15
3/9 - 14		9:00am Board of Revi 8:00pm Liquor Advise	1:00pm Board of Revi 7:30pm Planning Con	12:00pm Employee's R	7:30pm Library Advise		
	16	17	18	19	20	21	22
3/16 - 21		7:30pm City Council †	8:30pm BZA (Chambe 8:30pm Historic Distri	7:30am DDA Meeting 7:30pm Traffic Comm	3:00pm Brownfield Re 7:00pm Parks & Recre	<b>CITY HALL CLOSED</b>	
	23	24	25	26	27	28	29
3/23 - 28			7:30pm Planning Con	7:00pm Youth Council			
	30	31	Apr 1	2	3	4	5
3/30 - 4/4							

# March 2008 - May 2008

April 2008

S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

May 2008

S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	<b>Mar 30</b>	<b>31</b>	<b>Apr 1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
3/30 - 4/4			7:00pm Ethnic Issues 7:30pm Planning Con 7:30pm Historic Distri	8:30am Building Code 7:00pm Persons with	1:00pm Advisory Corr		
	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>
4/6 - 11		7:30pm City Council M	7:30pm Planning Con	12:00pm Employee's R 1:00pm Retiree Health	7:30pm Library Advise		
	<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
4/13 - 18		7:00pm Liquor Advise	3:00pm Brownfield Re 7:30pm BZA (Chambe 7:30pm Historic Distri	7:30am DDA Meeting 7:30pm Traffic Comm	7:00pm Cable Advise 7:00pm Parks & Recr		
	<b>20</b>	<b>21</b>	<b>22</b>	<b>23</b>	<b>24</b>	<b>25</b>	<b>26</b>
4/20 - 25		7:30pm City Council M	7:00pm Troy Daze Ad 7:30pm Planning Con 7:30pm Historical Cor	7:00pm Youth Council			
	<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>	<b>May 1</b>	<b>2</b>	<b>3</b>
4/27 - 5/2		3:00pm Joint LDFA; C					
	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>
5/4 - 9							

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

AMENDED NOTICE OF HEARING  
FOR THE ELECTRIC DELIVERY AND SUPPLY CUSTOMERS OF  
THE DETROIT EDISON COMPANY

CASE NO. U-15244

- The Detroit Edison Company may increase its rates and amend its rate schedules and rules governing the distribution and supply of electric energy, and has requested miscellaneous accounting authority. These and other requests may be implemented if the Michigan Public Service Commission approves its request.
- **A TYPICAL RESIDENTIAL CUSTOMER USING 500 KILOWATT-HOURS OF ELECTRICITY PER MONTH WOULD SEE AN INCREASE OF \$5.78 PER MONTH IN 2009 AND THEREAFTER, IF THE REQUEST IS APPROVED.**
- The information below describes how a person may participate in this case.
- You may call or write The Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226, 1-800-477-4747, for a free copy of its application and updated testimony and exhibits. Any person may review the application and updated testimony and exhibits at the offices of Detroit Edison.
- An additional public hearing in this matter will be held:

**DATE:** March 20, 2008  
This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.

**TIME:** 9:00 a.m.

**PRESIDING OFFICER:** Administrative Law Judge Barbara A. Stump

**LOCATION:** Michigan Public Service Commission  
6545 Mercantile Way, Suite 7  
Lansing, MI

**PARTICIPATION:** Any interested person may attend and participate. Persons with disabilities, needing help to effectively participate, should call the Commission's Executive Secretary at (517) 241-6160 a week in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission ("Commission") will hold a public hearing to consider The Detroit Edison Company's (Detroit Edison) February 20, 2008 updated request to, commencing in 2009, increase its annual base electric revenues by \$284 million above base rate levels, inclusive of the amounts requested in its April 13, 2007 and August 31, 2007 filings in this proceeding. Commission approval of Detroit Edison's request will result in a net increase in the Company's base electric revenues above the level of base rates of up to \$284 million in 2009 and thereafter (5.96% overall) and elimination of the credit surcharge approved by the Commission in Case No. U-14842. Accounting authority obtained by the Company may be continued or implemented in 2009 and continue thereafter. This proceeding will address material additional costs and changes resulting from the passage of time (including the need for a 2009 forecast test year based on the effective date of rates established in this proceeding), capital expenditures for environmental compliance, Michigan's Business Tax structure, the Company's Electric Choice sales volumes, capital expenditures for the Advanced Metering Initiative ("AMI") and the Company's customer sales class mix. In addition, the Company's request seeks to establish a permanent Choice Incentive Mechanism ("CIM"), establish uniform distribution rates between Detroit Edison full service and Electric Choice customers, establish an emission allowance purchase strategy, establish a methodology for recovery of the costs associated with preparation of a Combined Operating License Application ("COLA") for a new nuclear generation facility, terminate its Pension Equalization Mechanism ("PEM"), expand its current demand response programs, receive miscellaneous accounting authority and obtain recovery of regulatory assets. These and other requests may be implemented if the Michigan Public Service Commission approves the Company's request.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets Website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets). Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to [mpscefilecases@michigan.gov](mailto:mpscefilecases@michigan.gov). If you require assistance prior to e-filing, contact Commission staff at (517) 241-6170 or by e-mail at [mpscefilecases@michigan.gov](mailto:mpscefilecases@michigan.gov).

Any person not already a party to this proceeding and wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by March 13, 2008. (Residential customers may file petitions to intervene using the traditional paper format.) The proof of service shall indicate service upon Detroit Edison Legal Department - Regulatory, 2000 Second Avenue, 688 WCB, Detroit, Michigan 48226.

Any person wishing to make a statement of position without becoming a party to the case, may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of his or her wish to make a statement of position. All information submitted to the Commission in this matter will become public information: available on the Michigan Public Service Commission's Web site, and subject to disclosure.

Requests for adjournment must be made pursuant to the Commission's Rules of Practice and Procedure R 460.17315 and R 460.17335. Requests for further information on adjournment should be directed to (517) 241-6060.

A copy of Detroit Edison's request may be reviewed on the Commission's Web site at [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets), and at the office of The Detroit Edison Company, 2000 Second Avenue, Detroit, MI. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 241-6170.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1982 PA 304, as amended, MCL 460.6h et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

February 26, 2008

MAR 10 2008 AM 8:42

STATE OF MICHIGAN  
BEFORE THE MICHIGAN PUBLIC SERVICE COMMISSION

AMENDED NOTICE OF HEARING  
FOR THE ELECTRIC CUSTOMERS OF  
THE DETROIT EDISON COMPANY  
CASE NO. U-15417

- The Detroit Edison Company may implement a maximum power supply cost recovery (PSCR) factor of \$0.01122 per kilowatt-hour (kWh) or 11.22 mills per kWh; including an amount reflecting the projected 2007 PSCR plan year undercollection in its retail electric customers' bills in 2008, along with an emission allowance pre-purchase strategy, additional capacity charges associated with power purchases and other regulatory requests, if the Michigan Public Service Commission approves its request.
- The information below describes how a person may participate in this case.
- You may call or write The Detroit Edison Company, 2000 Second Avenue, Detroit, Michigan 48226-1279, (800) 477-4747, for a free copy of its application. Any person may review the application at the offices of The Detroit Edison Company.
- The first public hearing in this matter will be held:

**DATE:** March 27, 2008, at 9:00 a.m.  
This hearing will be a prehearing conference to set future hearing dates and decide other procedural matters.

**BEFORE:** Administrative Law Judge Barbara A. Stump

**LOCATION:** Michigan Public Service Commission  
6545 Mercantile Way, Suite 7  
Lansing, Michigan

**PARTICIPATION:** Any interested person may attend and participate. The hearing site is accessible, including handicapped parking. Persons needing any accommodation to participate should contact the Commission's Executive Secretary at (517) 241-6160 in advance to request mobility, visual, hearing or other assistance.

The Michigan Public Service Commission (Commission) will hold a public hearing to consider the September 28, 2007 application of The Detroit Edison Company (Detroit Edison), as updated by January 31, 2008 revised testimony and exhibits. Detroit Edison seeks approval of a PSCR plan for 2008. The request includes a five-year forecast and a PSCR factor of \$0.01122 per kWh or 11.22 mills per kWh on retail electric customers' bills in 2008, including an amount reflecting the projected 2007 PSCR plan year undercollection. Detroit Edison also seeks pre-approval of capacity charges associated with certain power purchases, approval of an emission allowance pre-purchase strategy, and approval of other regulatory requests.

All documents filed in this case shall be submitted electronically through the Commission's E-Dockets Website at: [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets). Requirements and instructions for filing can be found in the User Manual on the E-Dockets help page. Documents may also be submitted, in Word or PDF format, as an attachment to an email sent to [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov). If you require assistance prior to e-filing, contact Commission staff at (517) 241-6170 or by e-mail at [mpscedockets@michigan.gov](mailto:mpscedockets@michigan.gov).

Any person wishing to intervene and become a party to the case shall electronically file a petition to intervene with this Commission by March 20, 2008. (Interested persons may elect to file using the traditional paper format.) The proof of service shall indicate service upon Detroit Edison's attorney, Jon P. Christinidis, 2000 2<sup>nd</sup> Avenue, 688 WCB, Detroit, MI 48226-1279.

Any person wishing to make a statement of position without becoming a party to the case may participate by filing an appearance. To file an appearance, the individual must attend the hearing and advise the presiding administrative law judge of his/her wish to make a statement of position. All information submitted to the Commission in this matter will become public information: available on the Michigan Public Service Commission's Web site, and subject to disclosure.

Requests for adjournment must be made pursuant to the Commission's Rules of Practice and Procedure R 460.17315 and R 460.17335. Requests for further information on adjournment should be directed to (517) 241-6060.

A copy of Detroit Edison's request may be reviewed on the Commission's Web site at [michigan.gov/mpscedockets](http://michigan.gov/mpscedockets), and at the office of The Detroit Edison Company, 2000 Second Avenue, Detroit, MI. For more information on how to participate in a case, you may contact the Commission at the above address or by telephone at (517) 241-6170.

The Utility Consumer Representation Fund has been created for the purpose of aiding in the representation of residential utility customers in 1982 P.A. 304 proceedings. Contact the Chairperson, Utility Consumer Participation Board, Department of Labor & Economic Growth, P.O. Box 30004, Lansing, Michigan 48909, for more information.

Jurisdiction is pursuant to 1909 PA 106, as amended, MCL 460.551 et seq.; 1919 PA 419, as amended, MCL 460.51 et seq.; 1939 PA 3, as amended, MCL 460.1 et seq.; 1982 PA 304, as amended, MCL 460.6h et seq.; 1969 PA 306, as amended, MCL 24.201 et seq.; and the Commission's Rules of Practice and Procedure, as amended, 1999 AC, R 460.17101 et seq.

February 28, 2008



**TO:** MEMBERS OF THE TROY CITY COUNCIL  
**FROM:** LORI GRIGG BLUHM, CITY ATTORNEY  
ALLAN T. MOTZNY, ASSISTANT CITY ATTORNEY  
**DATE:** MARCH 6, 2008  
**SUBJECT:** LEROY S. NARDI V CITY OF TROY

---

Plaintiff Leroy S. Nardi filed a lawsuit against the City of Troy, the County of Oakland, and the State of Michigan. The case was filed in the United States District Court for the Eastern District of Michigan, and assigned to Judge Anna Diggs Taylor. On February 25, 2008, the Court granted Troy's Motion for Summary Judgment and dismissed the case.

Mr. Nardi's home at 97 East Wattles is located in an R-1C zoning district. The property was previously serviced by a septic system. On April 26, 2001, Mark Stimac, Troy's Director of Building and Zoning, notified Mr. Nardi that new public sewers were installed with the construction of the surrounding single-family residential development (Crestwood) and that he was required under Section 2.65 of Chapter 19 of the Troy City Code to connect his property to the public sewer within 18 months. Mr. Nardi was also advised of his obligation to pay a Sewer Benefit Fee as required by Section 8 of Chapter 20 of the Troy City Code. At that time, the Sewer Benefit Fee for property located in an R-1C district was \$3,400. Although Mr. Nardi had until November 1, 2002 to make the connection, his septic system failed prior to that date. On November 21, 2001, he signed a Sewer Contract and agreed to pay the fee in equal quarterly installments of \$57. Unfortunately, Mr. Nardi then failed to pay the quarterly installments. As with all delinquent assessments, the City turned over the collection of the unpaid assessments to the Oakland County Treasurer for collection. Oakland County initiated foreclosure proceedings.

Mr. Nardi initially filed this lawsuit to stop the foreclosure action against him. He also requested reimbursement of money he previously paid, and punitive damages in the amount \$500,000. He claimed his rights under the 5<sup>th</sup>, 7<sup>th</sup>, and 14<sup>th</sup> Amendments of the United States Constitution were violated. He also alleged fraud, extortion, a violation of Article VI, Section 2 of the Constitution, a taking of property without due process, and he claimed the Sewer Contract was signed under duress. Troy filed a Motion to Dismiss as its first responsive pleading. The motion was granted in part and all the state law claims (fraud, extortion, duress) were dismissed. However, the Court allowed Mr. Nardi an opportunity to file an amended complaint stating federal claims only. Subsequently, Mr. Nardi filed an amended complaint that challenged the validity of the Sewer Benefit Fee. He claimed the fee violated his constitutional right to due process and equal protection of the law. He also claimed the fee was an unlawful special assessment. After filing his amended complaint, Mr. Nardi voluntarily dismissed the State of Michigan from the lawsuit. He also voluntarily dismissed Oakland County in exchange for the County's agreement to stay foreclosure proceedings pending the outcome of his challenge to Troy's Sewer Benefit Fee. After concluding discovery, Troy filed its Motion for Summary Judgment. In granting the motion, Judge Taylor opined that Troy's ordinance imposing a Sewer Benefit Fee did not violate Mr. Nardi's constitutional rights. The Court dismissed the remaining claim for lack of subject matter jurisdiction because special assessments are governed by state law.

If you have any questions, please let us know.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LEROY S. NARDI,

Plaintiff,

v.

CASE NUMBER 07-CV-10271  
HON. ANNA DIGGS TAYLOR  
REF JUDGE: R. STEVEN WHALEN

CITY OF TROY, COUNTY OF OAKLAND,  
and the STATE OF MICHIGAN,

Defendants.

---

Campbell, O'Brien & Mistele, P.C.  
Robert J. Figa (P47159)  
Attorneys for Plaintiff  
100 W. Big Beaver Rd., Suite 385  
Troy, MI 48084  
(248) 588-5800  
[Rfiga@Comlawone.com](mailto:Rfiga@Comlawone.com)

City of Troy – City Attorney's Office  
Lori Grigg Bluhm (P46908)  
Allan T. Motzny (P37580)  
Attorneys for Defendant City of Troy  
500 W. Big Beaver Rd.  
Troy, MI 48084  
(248) 524-3320  
[motznyat@ci.troy.mi.us](mailto:motznyat@ci.troy.mi.us)

**ORDER GRANTING DEFENDANT CITY OF TROY'S  
MOTION FOR SUMMARY JUDGMENT [D/E 22]**

At a session of said Court held in  
the Courthouse in the City of Detroit,  
Wayne County, MI, on February 25, 2008

PRESENT: HONORABLE ANNA DIGGS TAYLOR, U.S. DISTRICT JUDGE

This matter came before this Court on the motion filed by Defendant, City of Troy, seeking summary judgment pursuant to Federal Rule of Civil Procedure 56(b); the Court has read the motions and briefs filed by the parties and heard argument of

counsel for Plaintiff and Defendant City of Troy on February 25, 2008; the Court decided to grant the motion for reasons stated on the record;

IT IS ORDERED that Defendant City of Troy's Motion for Summary Judgment is granted and Plaintiff's federal claims alleging a violation of due process and a violation of his right to equal protection are dismissed with prejudice;

IT IS FURTHER ORDERED THAT Plaintiff's state law claims are dismissed without prejudice because this Court lacks Subject Matter Jurisdiction.

Dated: March 10, 2008

s/ Anna Diggs Taylor  
United States District Judge

Approved as to Form:

/s/ with consent of Robert J. Figa

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CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing Notice of Hearing was served upon counsel of record via the Court's ECF System to their respective email addresses or First Class U.S. mail disclosed on the Notice of Electronic Filing on March 10, 2008.

s/Johnetta M. Curry-Williams  
Case Manager