

AGENDA

Meeting of the

CITY COUNCIL OF THE CITY OF TROY

MAY 19, 2008

CONVENING AT 7:30 P.M.

Submitted By
The City Manager

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

TO: The Honorable Mayor and City Council
Troy, Michigan

FROM: Phillip L. Nelson, City Manager

SUBJECT: Background Information and Reports

Ladies and Gentlemen:

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

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

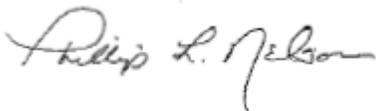
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

Goals

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

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

Respectfully submitted,



Phillip L. Nelson, City Manager



CITY COUNCIL

AGENDA

May 19, 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: Father Stratton Dorozenski – St. Nicholas Greek Orthodox Church 1

ROLL CALL 1

CERTIFICATES OF RECOGNITION: 1

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CARRYOVER ITEMS: 1

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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: Father Stratton Dorozenski – St. Nicholas Greek Orthodox Church

ROLL CALL

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

CERTIFICATES OF RECOGNITION:

A-1 No Presentations

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Adoption of the 2008/09 Annual Budget

Suggested Resolution

Resolution #2008-05-

Moved by

Seconded by

WHEREAS, Section 8.3 of the City Charter directs the City Council to adopt a budget for the ensuing year, beginning July 1, 2008;

NOW, THEREFORE, BE IT RESOLVED, That the following listed re-appropriations, operating transfers-in, and operating revenues of the General Operating Fund are anticipated:

Taxes	\$	36,333,690
Licenses and Permits		1,834,500
Federal Grants		12,100
State Grants		6,760,500
Contributions – Local		180,000
Charges for Services		6,994,650

Fines and Forfeits	996,000
Interest and Rents	1,467,800
Other Revenue	486,070
Operating Transfers – In	5,235,710
Re-appropriation	<u>4,307,060</u>

Total \$ 64,608,080; and

BE IT FURTHER RESOLVED, That the tax rate for the General Operating Fund shall be six and fifty one-hundredths (6.50) mills on the 2008 taxable valuation; and

BE IT FURTHER RESOLVED, In order to meet anticipated expenses, amounts from the following listed budgetary centers shall be appropriated from the General Operating Fund:

Building Inspection	\$	2,342,420
Council/Executive Administration		4,070,010
Engineering		2,970,870
Finance		3,169,880
Fire		4,335,950
Library /Museum		4,331,380
Other General Government		2,530,800
Police		25,042,630
Parks and Recreation		10,043,680
Streets		<u>5,770,460</u>

Total \$ 64,608,080; and

BE IT FURTHER RESOLVED, That the following listed re-appropriations and revenues of the Capital Fund are anticipated:

Taxes	\$	8,368,000
State Grants		6,814,000
Charges for Services		190,000
Fines and Forfeitures		100,000
Interest and Rents		807,200
Operating Transfer – In		3,810,000
Re-appropriation		<u>11,000,000</u>

Total \$ 31,089,200; and

BE IT FURTHER RESOLVED, That the tax rate for the Capital Fund shall be one and sixty one-hundredths (1.60) mills on the 2008 taxable valuation; and

BE IT FURTHER RESOLVED, In order to meet anticipated expenses, amounts from the following listed budgetary centers shall be appropriated from the Capital Fund:

Executive Administration	\$	75,000
Engineering		50,000
Drains		732,800

Fire	575,000
Library	1,250,000
Museum	421,000
Other General Government	4,133,600
Police	564,000
Parks and Recreation	6,881,500
Streets	15,285,200
Public Works	1,018,000
Operating Transfer – Out	<u>103,100</u>

Total \$ 31,089,200; and

BE IT FURTHER RESOLVED, That the following listed revenues of the Refuse Fund are anticipated:

Taxes	\$	3,556,000
Charges for Services		2,000
Interest and Rents		95,000
Re-appropriation		<u>264,120</u>

Total \$ 3,917,120; and

BE IT FURTHER RESOLVED, That the tax rate for the Refuse Fund shall be sixty-eight one-hundredths (.68) mills on the 2008 taxable valuation; and

BE IT FURTHER RESOLVED, That the Refuse Fund shall be appropriated \$3,917,120; and

BE IT FURTHER RESOLVED, That the General Debt Service Fund shall be appropriated \$3,187,630; and

BE IT FURTHER RESOLVED, That there shall be a tax levy of fifty one-hundredths (.50) mills on the 2008 taxable valuation for the General Debt Service Fund; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the following budgets as shown in the 2008/09 budget document:

Major Road Fund	\$	3,310,000
Local Road Fund	\$	1,781,420
Community Development Block Grant Fund	\$	258,960
Troy Community Fair Fund	\$	182,610
Budget Stabilization Fund	\$	40,000
2000 MTF Debt Fund	\$	239,140
Proposal A Debt Fund	\$	891,330
Proposal B Debt Fund	\$	1,464,830
Proposal C Debt Fund	\$	764,020
Special Assessment Fund	\$	2,063,000
Water Supply System	\$	15,372,790
Sanitary Sewer Fund	\$	11,703,350
Aquatic Center Fund	\$	633,510

Sylvan Glen Golf Course Fund	\$ 1,142,850
Sanctuary Lake Golf Course Fund	\$ 1,981,210
Building Operations	\$ 1,804,720
Information Technology Fund	\$ 1,936,170
Fleet Maintenance Fund	\$ 4,780,680
Workers' Compensation Fund	\$ 330,000
Compensated Absences Fund	\$ 4,854,000
Unemployment Insurance Fund	\$ 150,000; and

BE IT FINALLY RESOLVED, That City Management **WILL UTILIZE** the "Budgeting for Outcomes (BFO)" method when developing the 2009/10 budget.

Yes:

No:

POSTPONED ITEMS:

D-1 Amendment to Chapter 18 and Proposed Contract with Detroit Water and Sewerage Department

(a) Proposed Resolution Amending Chapter 18 of City Ordinance

Pending Resolution

Moved by Kerwin

Seconded by Schilling

WHEREAS, In 1961 the City of Troy and the Detroit Water and Sewerage Department (DWSD) entered into a 35 year contract to provide wholesale water;

WHEREAS, In 2004 the DWSD and 126 municipal customers, through the Technical Advisory Committee (TAC), developed a new model water contract to minimize price volatility and create equity among wholesale water customers;

WHEREAS, The new model contract will be the mechanism to set wholesale water rates for the next 30 years and subject each customer to the same contract terms, with the exception that some communities will qualify for reduced fees based on limitations to peak water usage;

WHEREAS, To gain the greatest opportunity for reduced future water rates, and in addition to community education, capital improvement programs and restrictions to City operated irrigation systems, the only remaining piece is implementation of the ordinance amendment limiting automatic sprinkling during peak hours; and

WHEREAS, If Council decides not to amend Chapter 18, then City Administration will need to negotiate new terms with DWSD;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ADOPTS** the Ordinance to Amend Chapter 18 of the City Code, City Water Utility, as recommended by the City Administration, a copy of which shall be **ATTACHED** to the original minutes of this meeting.

Yes:

No:

(b) Proposed Resolution Approving Contract with Detroit Water and Sewerage Department

Suggested Resolution

Resolution #2008-05-

Moved by

Seconded by

WHEREAS, In 1961 the City of Troy and the Detroit Water and Sewerage Department (DWSD) entered into a 35 year contract to provide wholesale water;

WHEREAS, In 2004 the DWSD and 126 municipal customers, through the Technical Advisory Committee (TAC), developed a new model water contract to minimize price volatility and create equity among wholesale water customers; and

WHEREAS, The new model contract will be the mechanism to set wholesale water rates for the next 30 years and subject each customer to the same contract terms, with the exception that some communities will qualify for reduced fees based on limitations to peak water usage;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the attached 30-year contract to provide wholesale water between the City of Troy and the Detroit Water and Sewerage Department, as recommended by City Administration, 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.

Yes:

No:

PUBLIC COMMENT: Limited to Items Not on the Agenda

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

REGULAR BUSINESS:

Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item 10“E” of the agenda. Other than asking questions for the purposes of gaining insight or clarification, Council shall not interrupt or debate with members of the public during their comments. Once discussion is brought back to the Council table, persons from the audience will be permitted to speak only by invitation by Council, through the Chair. Council requests that if you do have a question or concern, to bring it to the attention of the appropriate department(s) whenever possible. If you feel that the matter has not been resolved satisfactorily, you

are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

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

E-1 Appointments to Boards and Committees: a) Mayoral Appointments: Brownfield Redevelopment Authority and Economic Development Corporation b) City Council Appointments: Cable Advisory Committee and Youth Council

The following Boards and Committees have expiring terms and/or vacancies. Bold black lines indicate the number of appointments required:

The appointment of new members to all of the listed Board and Committee vacancies will require only one motion and vote by City Council. Council members submit nominations for appointment at the meeting prior to consideration. Whenever the number of submitted names exceeds the number of vacancies, a separate motion and roll call vote will be required to confirm the nominee receiving the greatest number of votes in the Council polling process (current process of appointing). Remaining vacancies will automatically be carried over to the next Regular City Council Meeting Agenda for consideration.

(a) Mayoral Appointments

Suggested Resolution

Resolution #2008-05-

Moved by

Seconded by

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 Mayor (7-Regular) - 3-Year Terms

Donald F. Schenk

Unexpired Term 04/30/11

Joseph J. Vassallo

Unexpired Term 04/30/09

Economic Development Corporation

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

Donald L. Edmunds

Unexpired Term 04/30/14

Yes:

No:

(b) City Council AppointmentsSuggested Resolution

Resolution #2008-05-

Moved by

Seconded by

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

Cable Advisory Committee

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

<u>Padma Kuppa</u>	Unexpired Term 09/30/09
<u>Youth Council</u>	
Appointed by Council (13-Regular) – 1-Year Term1	
<u>Disha Bora</u>	Term Expires 06/01/09
<u>Geon Woo Kim</u>	Term Expires 06/01/09
<u>Joseph Niemiec</u>	Term Expires 06/01/09
<u>Shaina Sekhri</u>	Term Expires 06/01/09
<u>Neil Shaw</u>	Term Expires 06/01/09
<u>David Wylie</u>	Term Expires 06/01/09
<u>Willa Adamo</u>	Term Expires 06/01/09
<u>Jason Lee</u>	Term Expires 06/01/09
<u>Vikram Prasad</u>	Term Expires 06/01/09
<u>Sevita Rama</u>	Term Expires 06/01/09
<u>Rachita Singh</u>	Term Expires 06/01/09
<u>Emily Wang</u>	Term Expires 06/01/09

Yes:

No:

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None (b) City Council Nominations: Historic District Study Committee and Youth Council

The following Boards and Committees have expiring terms and/or vacancies. Bold black lines indicate the number of appointments required:

The nomination of applicants to the following listed Board and Committee vacancies will be moved forward to the next Regular City Council Meeting for consideration of appointment.

(a) Mayoral Nominations - None

(b) City Council Nominations

Suggested Resolution

Resolution #2008-05-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

Historic District Study Committee

Appointed by City Council (7-Regular) – Ad Hoc (1 Member from Historic District Commission; 1 Member from Local Historic Preservation Organization

Ad Hoc

Youth Council

Appointed by Council (13-Regular) – 1-Year Term1

Term Expires 06/01/09

Yes:

No:

E-3 Approval of the Troy Downtown Development Authority's Proposed Fiscal Year 2008/09 Budget

Suggested Resolution

Resolution #2008-05-

Moved by

Seconded by

WHEREAS, The Troy Downtown Development Authority has adopted and recommends that City Council approve its proposed fiscal year 2008/09 budget; and

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the Troy Downtown Development Authority’s annual budget for fiscal year July 1, 2008 through June 30, 2009.

Yes:

No:

E-4 Water Connection Fees

Suggested Resolution

Resolution #2008-05-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** the following revisions to the Water Connection Fees as recommended by City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, and said fee revision shall be effective July 1, 2008:

SERVICES:

Item	Current Fee	Proposed Fee	Increase
Meter Installation	\$35.00	\$50.00	\$15.00
Service Charge	\$35.00	\$50.00	\$15.00
Construction Water	\$15.04	\$35.00	\$19.96
Inspection Fee	\$25.00	\$35.00	\$10.00
<u>Water Connection Fees</u>			
3/4" service	\$150.29	\$278.21	\$127.92
1" service	\$1,198.24	\$1,605.00	\$406.76
1 1/2" service	\$1,337.05	\$2,021.14	\$684.09
2" service	\$1,600.00	\$2,528.78	\$928.78
2" Lawn Sprinkler	\$1,623.32	\$2,552.92	\$929.60
3" service	\$1,071.64	\$1,139.04	\$67.40
4" service	\$1,322.99	\$1,395.46	\$72.47
6" service	\$1,939.54	\$2,026.46	\$86.92
8" service	\$3,043.94	\$240.00 plus current market price for 6" meter	

Yes:

No:

E-5 Amendment to Chapter 20 of the Troy City Code (Water and Sewer Rates)

Suggested Resolution

Resolution #2008-05-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **APPROVES** an amendment to Chapter 20 of the Troy City Code (Water and Sewer Rates), a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

CONSENT AGENDA:

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

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

Suggested Resolution

Resolution #2008-05-

Moved by

Seconded by

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

Yes:

No:

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

F-2 Approval of City Council Minutes

Suggested Resolution

Resolution #2008-04-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of May 12, 2008 as submitted.

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

F-4 Standard Purchasing Resolutions

a) **Standard Purchasing Resolution 1: Award to Low Bidder – Contract 08-1 – Eckford S.A.D. Paving and Storm Sewer Project No. 06.202.01**

Suggested Resolution
Resolution #2008-05-

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 08-1, Eckford S.A.D. Paving and Storm Sewer to Commerce Construction & Landscaping, Inc., P.O. Box 930098, Wixom, MI 48393-0098 at an estimated total cost of \$149,851.77; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon submission of proper contract and bid documents, including bonds, insurance certificates and all specified requirements, and if additional work is required, Troy City Council hereby **AUTHORIZES** such additional work in an amount not to exceed 10% of the total project cost.

b) **Standard Purchasing Resolution 3: Exercise Renewal Option – Pump Maintenance, Repair, and Replacement – City Pools**

Suggested Resolution
Resolution #2008-05-

WHEREAS, On March 27, 2006, two-year contracts for pump maintenance, repair and replacement on City pools (outdoor and indoor) with two one-year options to renew was awarded to the low bidders, Kerr Pump & Supply for Aurora pumps, Kennedy Industries for repair and maintenance of Floway pumps and Evergreen Water Controls for replacement of Floway pumps (Res #2006-03-153-E4b);

WHEREAS, Kerr Pump & Supply and Kennedy Industries have agreed to exercise the first of two one-year options to renew under the same terms and conditions as the original contract; and

WHEREAS, Since Evergreen Water Controls has closed their pump division, informal quotes were taken for the replacement of Floway pumps, with Kennedy Industries providing the lowest overall replacement cost;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXERCISES** the one-year contract renewal options with Kerr Pump & Supply and Kennedy Industries to provide pump maintenance, repair and replacement under the same prices, terms, and conditions as the original contract expiring March 27, 2009, with proposed rate increases approved for Kennedy Industries as detailed on Appendix I and replacement costs as per quote #4293, copies of which shall be **ATTACHED** to the original Minutes of this meeting.

F-5 Oakland County's Urban County Community Development Block Grant Cooperation Agreement for Program Years 2009-2011

Suggested Resolution
Resolution #2008-05-

WHEREAS, The City of Troy has been participating in Oakland County's Urban County Community Development Block Grant Program since 1982;

WHEREAS, Since 2005, participation in Oakland County's Urban County Community Development block Grant Program has afforded Troy homeowners the opportunity to receive \$489,778.00 in Oakland County Home Improvement Program funds; and

WHEREAS, Currently, Oakland County handles the majority of the federal paperwork involved in administering the Community Development Block Grant Program, helping to maximize the benefit of each dollar received at the local level;

THEREFORE, BE IT RESOLVED, That the City of Troy **CONTINUE** its participation in Oakland County's Urban County Community Development Block Grant Program for program years 2009, 2010 and 2011, which shall be automatically renewed in successive three-year qualification periods of time, or until such time that it is in the best interest of the City of Troy to terminate the Cooperative Agreement.

F-6 Behr America, Inc. v. Damman L.C. and City of Troy, et. al.

Suggested Resolution
Resolution #2008-05-

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 *Behr America, Inc. v. City of Troy, et. al.*, (Oakland County Circuit Court Case No. 08-091138-CH) and to retain any necessary expert witnesses to adequately represent the City.

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings: None Submitted

G-2 Memorandums: None Submitted

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 No Council Comments Advanced

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Library Advisory Board/Final – March 13, 2008
 - b) Ethnic Issues Advisory Board/Draft – April 1, 2008
 - c) Ethnic Issues Advisory Board/Final – April 1, 2008
 - d) Advisory Committee for Senior Citizens/Final – April 3, 2008
 - e) Planning Commission Special/Study/Draft – April 22, 2008
 - f) Troy Daze Festival Advisory Committee/Draft – April 22, 2008
 - g) Advisory Committee for Senior Citizens/Draft – May 1, 2008
-

J-2 Department Reports:

- a) Council Member Kerwin's Travel Expense Report – Brownfields 2008 Conference at Cobo Hall on May 6, 2008
 - b) Customer Solutions Monthly Report – April, 2008
 - c) Council Member Beltramini's Travel Expense Report – NLC FAIR Steering Committee Meeting on May 8-11, 2008
 - d) City of Troy Monthly Financial Report – April 30, 2008
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J-3 Letters of Appreciation: None Submitted**J-4 Proposed Proclamations/Resolutions from Other Organizations:**

- a) Resolution Adopted by the Royal Oak City Commission Requesting that the Legislature and Governor Approve SB 550 and 551 and other Bills Amending the Urban Cooperation Act

STUDY ITEMS:

K-1 No Study Items Submitted**PUBLIC COMMENT: Address of "K" Items**

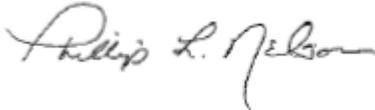
Persons interested in addressing the City Council on items, which appear on the printed Agenda, will be allowed to do so at the time the item is discussed upon recognition by the Chair in accordance with the Rules of Procedure of the City Council, Article 16, during the Public Comment section under item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

CLOSED SESSION:

L-1 No Closed Session Requested

ADJOURNMENT

Respectfully submitted,



Phillip L. Nelson, City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

Monday, June 2, 2008

1. Outdoor Seating Request in Excess of 20 Seats – Buffalo Wild Wings, 1873 E. Big Beaver Road

SCHEDULED CITY COUNCIL MEETINGS:

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
Monday, September 22, 2008	Regular City Council
Monday, October 6, 2008	Regular City Council
Monday, October 20, 2008	Regular City Council



CITY COUNCIL ACTION REPORT

May 12, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration

SUBJECT: Adoption of the 2008/09 City Budget

Background:

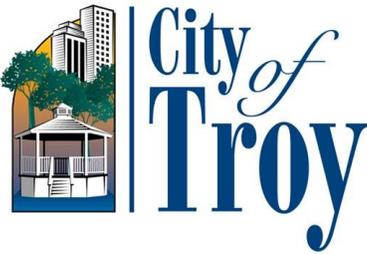
- Attached is a resolution to formally adopt the 2008/09 budget as per the April 28, 2008 and May 5, 2008 special meetings to discuss the budget.
- The budget resolution reflects a total millage rate of 9.28.
- The final millage rate requirements can be summarized as follows:

General Operating	6.50
Refuse	0.68
Capital	1.60
Debt	<u>0.50</u>
 Total Millage Rate	 <u>9.28</u>

- The final budget document will be prepared and submitted to City Council at the first meeting in July.

Options:

- It is recommended that City Council approve the 2008/09 City budget.



CITY COUNCIL REPORT

May 15, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services

SUBJECT: Responses to City Council Questions on the DWSD Contract

In response to questions raised at the May 12, 2008 Council meeting staff has collected the following information.

DR. VARGAS FROM MICHIGAN STATE UNIVERSITY HAS WRITTEN THAT THE BEST TIME TO WATER IS IN THE AFTERNOON. THE REPORT ALSO SUGGESTS THAT NIGHTTIME WATERING HAS A CAUSAL EFFECT ON FUNGAL DISEASES (LEAF SPOT, PYTHIUM BLIGHT, AND FUSARIUM BLIGHT WERE REFERENCED AT THE COUNCIL MEETING).

- From Cornell University:

The best time to water is early in the morning, between 4:00 am and 8:00 am. Evaporation is low at this time so more of the water makes it into the soil. Also, leaves will begin drying quickly in the morning sun, reducing the chances of diseases.

- From Watering Established Lawns: Cool-season Grasses (Kentucky Bluegrass, Turf-type Dwarf Tall fescue and Perennial Ryegrass), by Curtis E. Swift, Ph.D.:

Vargas (1994) writes that the "best time to irrigate is in the afternoon, lightly and daily." Not all researchers, however, agree. Frequent irrigations increase the chances for pathogen infection and pathogen movement (Lewis, 1994, p. 389). Ascochyta leaf blight is reported to require the presence of a film of water or guttation fluids on the leaf surface. Frequent irrigation appears to favor this disease. In addition, watering too often, or too shallow is known to result in the death of the deeper roots of woody plants making these plants more susceptible to summer and winter drought problems. When irrigating turf grass enough water should be applied to adequately moisten the entire root system.

What time of day is the best time to water?

The most efficient and ideal time to irrigate turf grass is between midnight and 6:00 am. This takes into account the reduction in evaporative loss as well as disease considerations.

Such timing is however, difficult for all but those gardeners with an automatic sprinkler system. Gardeners not wishing to spend their night hours watering should consider watering during the

day after the night moisture has been burned off by the morning sun, but not too late in the day. The turf must dry before nighttime dew again takes over.

From TruGreen Chemlawn's website, <http://www.the-lawn-advisor.com/Lawn-Grass-Disease.html>:

Controlling Lawn Grass Disease

Understanding the conditions that give rise to a lawn grass disease will help prevent it from getting started. Common causes include:

- Poor soil
- Lack of sunlight
- Grass seed not suited for climate and conditions
- Adverse weather conditions (Excessive rain, ice, or heat)
- Overuse of chemicals (Use slow release fertilizer. Fast release promotes quick lush grass, which is susceptible to disease.)
- Overwatering when the air is humid. Fungus thrives on wet roots.

HOW MUCH DOES AN AUTOMATIC SPRINKLER CONTROLLER COST?

An online search found that the prices range from \$25 to \$85 for a typical residential irrigation controller, with at least four watering stations/zones. However, as discussed at the City Council meeting, the likelihood that existing timers will need to be replaced is remote. The older timers will be able to accommodate the change in the ordinance as there are no date restrictions.

WHAT ARE THE CITY'S THRESHOLDS AND OBJECTIVES FOR WATERING THE PUBLIC SPACES?

The City Manager recently signed an Administrative Memo requiring all City of Troy automated irrigation systems to operate between 11:00 pm and 5:00 am. Starting this year, the City purchased computer software to measure evaporation rates, in an effort to reduce our water consumption for irrigation purposes. The ultimate goal is to use the software to establish parameters for irrigation. Lastly, the City has employed rain sensors for the past ten years.



CITY COUNCIL ACTION REPORT

Date: May 6, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
John Lamerato, Assistant City Manager/Finance
Steven J. Vandette, City Engineer
Timothy Richnak, Public Works Director

SUBJECT: Amendment to Chapter 18 and Proposed Contract with Detroit Water and Sewerage

Background:

- The original water contract with the Detroit Water and Sewerage Department (DWSD) was entered into in 1961. This contract was for a 35 year period of time, but was automatically renewed unless either of the parties provided a one year notice of termination.
- In 2004, the DWSD and the 126 metropolitan municipal customers, through the Technical Advisory Committee (TAC), began to develop a new model water contract. The TAC is comprised of many water professionals from some of the wholesale customers purchasing water from the Detroit water system. The City of Troy has had a staff member participate on the TAC committee since its inception.
- Under the terms of the previous contract, there was volatility in the annual market rate, since the previous methodology was based primarily on annual volumes, maximum day and peak hour usage, distance, elevation and capital improvement projects attributed to the distribution of water to individual communities.
- The new model contract has been developed to minimize volatility and create equity among wholesale water customers. Each of the customers are subject to the same model contract terms, with the one exception being that some communities will qualify for reduced fees on the schedules, based on limitations to the peak water usage.
- The control of consumption peaks and efficient operation of the City of Troy water system allows for favorable adjustments to rate factors. Pursuant to our negotiations with DWSD, the City and its customers would benefit if the City passed an ordinance that limits watering to non-peak hours or that restricts watering on an odd-even cycle. Since Troy has already invested in community education, extensive capital improvement programs, and an internal policy that restricts peak hour watering on City operated irrigation systems, the only remaining piece is Council's consideration of a proposed ordinance amendment limiting automatic sprinkling during the peak hour.
- The proposed DWSD model contract is attached, and is submitted for Council's review and consideration. Council's action on the proposed amendment to the Chapter 18 of the City ordinances will have a direct impact on the terms of the final contract. If Council decides not to amend Chapter 18, then City Administration will need to negotiate new terms with DWSD.

Financial Considerations:

- This new proposed contract with DWSD will be the mechanism to set wholesale water rates for the next 30 years. Obtaining realistic rates is essential for this long term commitment.
- Troy's adoption of an ordinance that limits outdoor peak hour water use, and particularly the regulation of underground sprinkler systems, will reduce Troy's annual estimated water cost by approximately \$500,000, using the historical volume of water purchased.

Legal Considerations:

- The attached model contract has been approved by the TAC committee, as well as several of the metropolitan Detroit customers. For each municipal customer that can demonstrate efforts in reducing peak hour water usage, DWSD is willing to reduce the overall cost, which is reflected in the attached DWSD model contract and schedules. This contract contains several more safeguards than the previous contract, including the right of a re-opener of the DWSD commitment, as well as the water rates, after two years. The model contract requires DWSD to be accountable in producing the required volumes and water pressure, and also requires an equitable rate structure for the next 30 years. The municipalities also are afforded an opportunity to submit any disputes to a customer based technical committee that would then make recommendations to DWSD.

Policy Considerations:

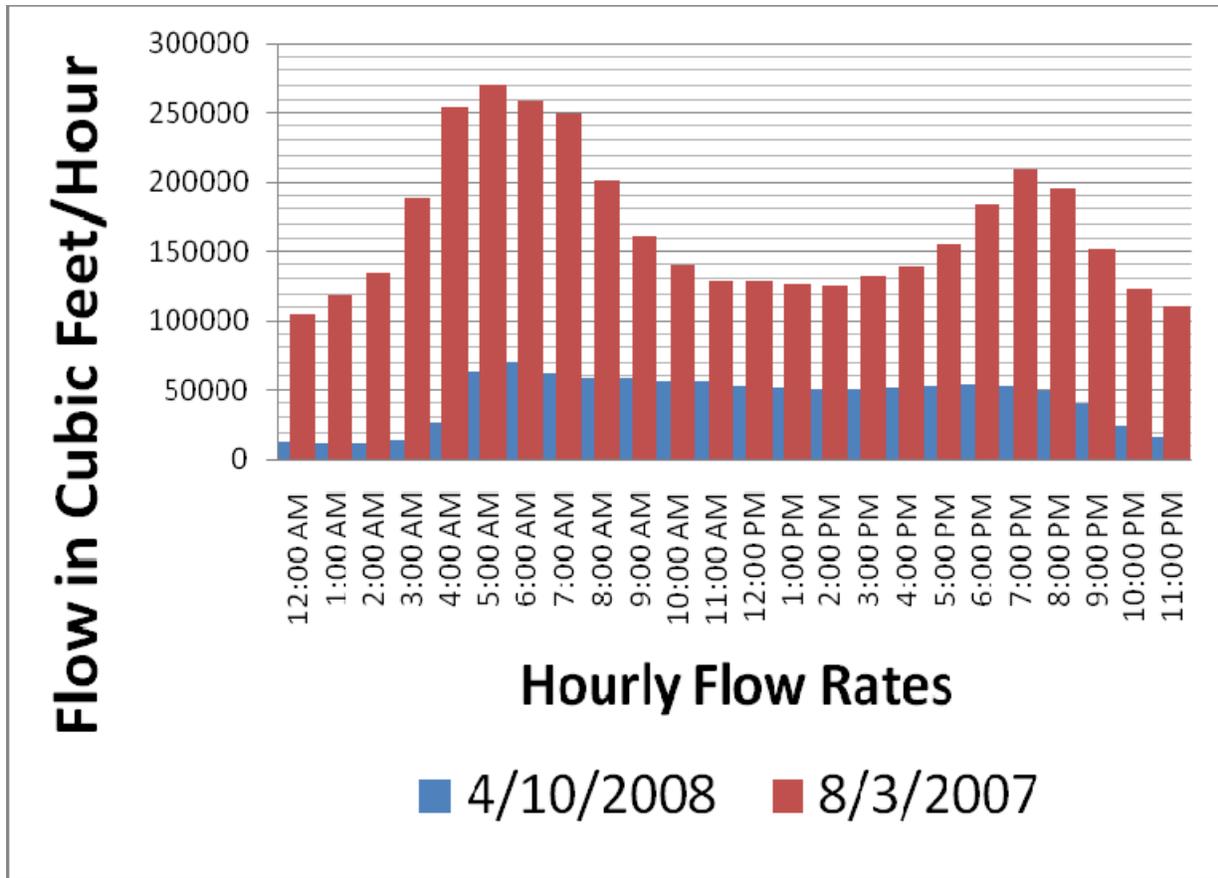
- Water rates are affected by City of Troy policies. These include ordinances and internal city water use policies that provide for controls of water consumption at peak times. (Goal 9)
- The City's landscape analyst, Ron Hynd, has reviewed the proposed new ordinance, and recommends watering between midnight and 5 am.

Options:

- City Management and the Public Works Department recommend that the City of Troy pass the proposed ordinance amendments.
- City Administration also recommends favorable consideration of the 30 year water contract with DWSD.

Reviewed and approved as to legality:

Lori Grigg Bluhm, City Attorney



Blue Graph- typical water use before irrigation season

Red graph- typical water use during peak irrigation season

This chart illustrates the hourly peak difference of water flow between a typical non-irrigating day (blue) and the peak water use of a high irrigation day (red). The times charted are Eastern Standard Time therefore, 4:00am EST is 5:00am Daylight Savings Time. Looking at the past five years of graphs there is a definite pattern to daily peak water usage. These peaks are from 5:00am – 9:00am and 6:00pm – 10:00pm DST.

Under the newly anticipated contract with Detroit Water and Sewerage Department, wholesale customers such as Troy can negotiate reductions in water rates by making commitments to lower these peak hour levels. Some of these commitments include:

- Educating residents on water conservation and peak hour usage (we are currently providing an informational brochure included in our water bills this spring),
- Demonstration of a high level capital improvement program (we have provided DWSD with our historical and 5 year future capital improvement program which meets this requirement),
- Low water loss percentage resulting from a highly efficient maintenance program (Troy is currently achieving this and is well below the national average over the last ten years)
- Implementation and commitment to an outdoor irrigation restriction by City Ordinance.

The recommended ordinance change is attached, it limits underground irrigation systems to be used only from 11:00pm to 5:00am daily, it allows for manual irrigation at anytime and has a special

exception provision included. With this ordinance in place, the wholesale rate savings is approximately \$500,000 per year. After two years the contract provides for an opener to adjust the rates dependent upon the controlling of water peaks.

Concerns have been brought to our attention about irrigating from 11:00pm- 5:00am and lawn diseases. Our landscape analyst for the City of Troy has provided a study from Michigan State University on the timing of irrigation for turf management. The report says “avoid irrigating in the early evening hours as this results in the turf remaining moist, damp and subject to disease activity over the entire night time”. The study goes on to say that each landscape will vary dependant on the needs and conditions of the area. Therefore an understanding of the site is important along with recognizing limitations to include local water restriction regulations.

CHAPTER 18 - CITY WATER UTILITY

1. Definitions. The following definitions shall apply in the interpretation of this Chapter:
 - (a) "Department" shall mean the Department of Water and Sewer of the City.
 - (b) "Person" shall mean any individual, firm, partnership, business, corporation, and any other association of individuals of whatever nature.
 - (c) "Public Water Supply System" shall mean the public water supply system of the City of Troy.
 - (d) "Superintendent" shall mean the Superintendent of the Department of Water and Sewer.
 - (e) "Water Connection" shall mean that part of the City water distribution system connecting the water main with the premises served.
 - (f) "Water Main" shall mean that part of the City water distribution system located within easement lines or streets designed to supply more than one (1) water connection.

(Rev. 09-25-78)

2. Service Connections. Application for water connections shall be made to the Department on forms prescribed and furnished by it. Water connections and water meters shall be installed in accordance with rules and regulations of the Department and upon payment of the required connection fee, meter installation fee and the water main benefit charge if applicable under the provisions of Chapter 20. All meters and water connections shall be the property of the City. Connection fees and meter installation charges shall not be less than the cost of the materials, installation and overhead attributable to such installations. Such fees and charges shall be established by resolution of the City Council from time to time, in accordance with the size of the connection furnished.

(Rev. 09-25-78)

- 2.43 Water Meters. All premises using water shall be metered, except as otherwise provided in this Code. No person except an authorized City employee shall break or injure the seal or change the location of, alter or interfere in any way with any water meter.

(Rev. 04-01-64)

- 2.44 Meter Location. Meters shall be set in an accessible location and in a manner satisfactory to the superintendent. Where the premises contain no basement or cellar or other suitable inside location the meter shall be installed outside in a meter pit, the location of which shall be approved by the superintendent. Where it is necessary to set the meter in a pit, such pit shall be built at the expense of the owner as directed by the superintendent.

(Rev. 04-01-64)

- 2.45 Access to Meters. The superintendent shall have the right to shut off the supply of water to any premises where authorized employees are not able to obtain access to the meter. Any authorized City employee shall at all reasonable hours, have the right to enter the premises where such meters are installed for the purpose of reading, testing, removing, or inspecting the meter or for the purpose of inspecting any pipe or fixture connected to the City Water System, and no person shall

Chapter 18 - City Water Utility

hinder, obstruct, or interfere with such employee in the lawful discharge of his duties in relation thereto.

(Rev. 04-01-64)

- 2.46 Responsibility for Meter. The owner of the premises upon which a meter is installed, is hereby made responsible for the same. If by any manner the meter is damaged or stolen such accident must be reported to the superintendent at once. It shall be the duty of the City to make all meter repairs and charge same to the party made responsible for the meter.

(Rev. 04-01-64)

- 2.47 Meter Failure. If any meter shall fail to register properly, the superintendent shall estimate the consumption on the basis of former consumption and bill accordingly.

(Rev. 04-01-64)

- 2.48 Meter Testing. A consumer may require that the meter be tested upon payment of the service fee in advance to cover the cost of the test. If the meter is found defective it shall be repaired or an accurate meter installed and the service fee payment refunded.

(Rev. 01-01-82)

- 2.49 Accuracy Required. A meter shall be considered accurate if when tested it registers not to exceed five (5%) percent more or five (5%) percent less than the actual quantity of water passing through it. If a meter registers in excess of five (5%) percent more than the actual quantity of water passing through it, it shall be considered "fast" to that extent. If a meter registers in excess of five (5%) percent less than the actual quantity of water passing through it, it shall be considered "slow" to that extent.

(Rev. 04-01-64)

- 2.50 Bill Adjustment. If a meter has been tested at the request of a consumer and shall have been determined to register "fast" the City shall credit the consumer with a sum equal to the percent "fast" multiplied by the amount of all bills incurred by said consumer within the three (3) months prior to the test, and if a meter so tested is determined to register "slow", the City may collect from the consumer a sum equal to the percent "slow" multiplied by the amount of all the bills incurred by the consumer for the prior three (3) months. When the City on its own initiative makes a test of a water meter, it shall be done without cost to the consumer, other than his paying the amount due the City for water used by him as above provided, if the meter is found to be "slow".

(Rev. 04-01-64)

- 2.51 Hydrant Use. No person, except an employee of the City in the performance of his duties, shall open or use any fire hydrant except in case of emergency, without first securing permission from the superintendent and paying such charges as may be prescribed.

(Rev. 04-01-64)

12. Outdoor Water Use Restrictions

12.01 ~~From Memorial Day through Labor Day each year, watering restrictions shall be in effect for the purposes of evening out the City water pressures and the Peak water usage.~~

The City of Troy, through its contract with the Detroit Water and Sewerage Department, is obligated to take steps to insure that whenever possible, the use of the municipal water system shall be used during the non-peak hours of 11pm to 5am. To satisfy this contractual commitment, the following municipal water use regulations are in effect:

- A. For those properties in the City of Troy that are serviced by an underground irrigation system, outdoor watering, including the sprinkling of lawns and landscaping, shall be only done during the non-peak hours of 11pm to 5am. Outdoor watering, including the sprinkling of lawns and landscaping and filling swimming pools, washing cars and all outdoor watering tasks shall only be allowed for properties with even-numbered addresses on even-numbered calendar dates within a month and for properties with odd-numbered addresses on odd-numbered calendar dates.
- B. A water user may manually irrigate landscaping, provided the irrigation is not connected to an underground system, and is attended and monitored by the water user. Watering of new sod or landscaping, one year old or less, is exempt from the odd/even water restriction.
- C. If the above provisions create a practical hardship for a municipal water user, the municipal water user can petition the Superintendent of the Department of Water and Sewer or his/her designee, asking for relief from one of the above referenced restrictions. The petition shall set forth the requested relief, and shall detail the extraordinary circumstances that would justify the requested relief, as well as the duration of the requested relief. The Director of Public Works or his/her designee can grant or deny or modify the petition, taking into consideration the contractual obligations of the City, as well as the articulated circumstances of the petitioner. The decision of the Director of Public Works or his/her designee shall be final.
- D. Any person, firm, or corporation violating any of the provisions, as set forth in paragraphs A and B, without obtaining relief, as provided in paragraph C, shall be responsible for a municipal civil infraction, in accordance with the provisions of Chapter 100 of the City of Troy ordinances.

(Rev. ~~06-05-06~~ 04-14-08)

12.02 Whenever the Manager receives notification from the Detroit Water and Sewerage Department or the City Council or the Michigan Department of Environmental Quality that current conditions of the water system of the City are likely to endanger the general welfare of the City, then additional emergency regulations can be imposed on all properties connected to the City water system, including an absolute temporary ban on Sprinkling of lawns and landscaping and all outdoor water use.

(Rev. 06-05-06)

Within 24 hours of notification, as set forth above, any additional emergency regulations shall be posted at the City offices and publicly announced by means of broadcasts or telecasts by the stations with a normal operating range covering the City. The announcement may also be further declared in newspapers of general circulation when feasible. The regulations shall become effective immediately upon the posting and publication of the additional emergency regulations. Upon notification from the Detroit Water and Sewerage Department in connection with the Michigan Department of Environmental Quality or the City Council, that the emergency regulations

Chapter 18 - City Water Utility

are no longer necessary, the City shall cause a public announcement lifting the water restrictions.

(Rev. 06-05-06)

~~12.03a Section 12.04 shall be temporarily suspended until such time that the Troy City Council has had opportunity to amend the ordinance.~~

(Rev. 06-19-06)

~~12.04 Any person, firm or corporation violating any provision of this ordinance shall be deemed responsible for a municipal civil infraction, in accordance with the provisions of Chapter 100 of the City of Troy ordinances, and will be responsible to pay a fine not to exceed five hundred dollars (\$500) for each violation.~~

(Rev. 06-05-06)

13. Additional Regulations. The City Manager may make and issue additional rules and regulations concerning the water distribution system, connections thereto, meter installations and maintenance, connection and meter installation fees, hydrants and water mains and the appurtenances thereto, not inconsistent herewith. Such rules and regulations shall be effective upon approval by the City Council. The rules and regulations now in effect shall continue until changed in accordance with this section.

(Rev. 09-25-78)

14. Injury to or Obstruction of Facilities. No person, except an employee of the City in the performance of his duties, shall break, damage, destroy, uncover, deface, obscure, obstruct or tamper with any structure, appurtenance or equipment which is a part of the City water distribution system.

No person, firm or corporation shall place debris, landscaping, earth or other materials in a manner that will obstruct, obscure or prevent normal access to or operation of any hydrant, valve, metering facility, Fire Department water connection or any other water system appurtenances. Any person violating this section shall be guilty of a misdemeanor and shall be punishable as provided in Chapter 1 of this Code. The

Superintendent may order the removal of said materials. The expenses incurred in the removal shall be a debt to the City from the responsible person, firm or corporation, and shall be collected as any other debt to the City.

(Rev. 09-25-78)

Cross Connections

15. It shall be unlawful for any person to make or maintain, or allow to be made or to be maintained, upon property owned by such person, a cross-connection between the public water supply system and a secondary water supply system. The City adopts, by reference, the water supply cross-connection rules of the Michigan Department of Public Health, being R325.431 to R-325.440 and amendments, inclusive, of the Michigan Administrative Code.

(Rev. 2-25-74)

17. It shall be the duty of the Superintendent of Public Services of the City of Troy or his authorized agent, to cause inspections to be made of all properties served by the public water supply system,

Chapter 18 - City Water Utility

where cross-connections with the public water supply are deemed possible. The frequency of inspections and re-inspections, based upon potential health hazards involved, shall be established by the Superintendent of Public Services, and as approved by the Michigan Department of Public Health.

(Rev. 02-25-74)

- 17A. Fees. The testing for cross-connections and backflow prevention devices shall be accomplished by the authorized personnel of the Public Services Department; a fee for such tests shall be charged to the owner and/or occupant based upon the average time and material costs as determined from time to time by the Public Services Department.

(Rev. 02-25-74)

- 17B. Notice of Violation; Compliance Period of Time. The Superintendent of Public Services, or his duly authorized agent, upon determining that a violation of the provisions herein exists, shall notify the owner and/or the occupant of the property so affected, in writing, of the nature of the violation, said notice to include a period of time for compliance which shall be commensurate with the degree of the hazard involved, but in no case shall that period of time exceed nine (9) months. Violations which pose an extreme hazard will be disconnected immediately. The failure to correct the violation within the period of time prescribed, and each day thereafter, shall constitute a separate violation of this Chapter.

(Rev. 09-25-78)

18. The Superintendent of Public Services, or his representatives, shall have the right to enter, at any reasonable time, any property served by a connection to the public water supply system of the City for the purpose of inspecting the piping system or systems thereof for the cross-connections. Upon request, the owner or occupants of any property so served shall furnish to the inspection agency any pertinent information regarding the piping system or systems on such property. The refusal of such information or refusal of access, when requested, shall be deemed (prima facie) evidence of the presence of cross-connections. If there is a refusal, the City is authorized to discontinue services upon (Sixty (60) days written notice by regular mail) given to (the last known address of) the owner (and/or) occupants.

(Rev. 02-25-74)

19. The Superintendent of Public Services, or his authorized agent, is hereby authorized, any may direct the discontinuance of water service after giving sixty (60) days written notice, to any property owner and/or occupant, at its last known address, wherein any connection is in violation of this Chapter, and to take such additional precautionary measures which may be deemed necessary to eliminate any danger of contamination of the public water supply system. Where it is determined that the public water supply system is being contaminated, such services may be terminated immediately. Water service to such property shall not be restored until any cross-connection has been eliminated in compliance with the provisions of this Chapter.

(Rev. 09-25-78)

20. The potable water supply made available on the properties served by the public water supply shall be protected from possible contamination, as specified by this Chapter, and by the State and City Plumbing Code. Any water outlet which could be used for potable or domestic purposes, and which is not supplied by the potable system, must be labeled in a conspicuous manner as "Water Unsafe For Drinking".

Chapter 18 - City Water Utility

(Rev. 09-25-78)

21. This Chapter shall supplement the State Plumbing Code and City of Detroit Plumbing Ordinance No. 849E which has been adopted by the City of Troy Reference Article 17, Chapter 79, of the City Code. If a conflict should occur, the Code which is most restrictive shall govern.

(Rev. 09-25-78)

22. Any person who shall violate any of the provisions of this Chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined, not exceeding Five Hundred and 00/100 (\$500.00) Dollars, or by imprisonment, not to exceed ninety (90) days, or both such fine and imprisonment, in the discretion of the Court.

(Rev. 09-25-78)

**CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 18 OF THE CODE
OF THE CITY OF TROY**

THE CITY OF TROY ORDAINS:

Section 1. Short Title

This Ordinance shall be known and may be cited as the 9th amendment to Chapter 18, City Water Utility, of the Code of the City of Troy.

Section 2. Amendment

Chapter 18 of the Code of the City of Troy is amended by the repeal of Sections 12.03a and 12.04, and the amendment to Section 12.01 to read as follows:

Outdoor Water Use Restrictions

12.01 The City of Troy, through its contract with the Detroit Water and Sewerage Department, is obligated to take steps to insure that whenever possible, the use of the municipal water system shall be used during the non-peak hours of 11pm to 5am. To satisfy this contractual commitment, the following municipal water use regulations are in effect:

- A. For those properties in the City of Troy that are serviced by an underground irrigation system, outdoor watering, including the sprinkling of lawns and landscaping, shall only be done during the non-peak hours of 11pm to 5am.
- B. A water user may manually irrigate landscaping, provided the irrigation is not connected to an underground system, and is attended and monitored by the water user.
- C. If the above provisions create a practical hardship for a municipal water user, the municipal water user can petition the Superintendent of the Department of Water and Sewer or his/her designee, asking for relief from one of the above referenced restrictions. The petition shall set forth the requested relief, and shall detail the extraordinary circumstances that would justify the requested relief, as well as the duration of the requested relief. The Director of Public Works or his/her designee can grant or deny or modify the petition, taking into consideration the contractual obligations of the City, as well as the articulated circumstances of the petitioner. The decision of the Director of Public Works or his/her designee shall be final.
- D. Any person, firm, or corporation violating any of the provisions, as set forth in paragraphs A and B, without obtaining relief, as provided in paragraph C, shall be responsible for a municipal civil infraction, in accordance with the provisions of Chapter 100 of the City of Troy ordinances.

12.03a Repealed

12.04 Repealed

Section 3. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 4. Savings

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

Section 5. Severability Clause

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

Section 6. Effective Date

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

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the 19th day of June, 2006.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk



CITY OF DETROIT
LAW DEPARTMENT

FIRST NATIONAL BUILDING
660 WOODWARD AVE., STE. 1650
DETROIT, MICHIGAN 48226-3535
PHONE 313•224•4550
FAX 313•224•5505
WWW.CI.DETROIT.MI.US

April 17, 2008

Tonni L. Bartholomew
City Clerk
City of Troy
500 W. Big Beaver
Troy, Michigan 48084

RE: Water Service Contract

Dear Ms. Bartholomew:

Enclosed please find three copies of the Water Service Contract Between the City of Detroit and City of Troy for your approval. Please execute three original contracts, including witness signatures and the date on which your legislative body approved the contract. Please return all three sets to my attention and include a copy of your legislative body's resolution approving the contract. Once the Board of Water Commissioners and the Detroit City Council approve the contract, I will return one fully executed, original contract to your attention.

Should you have any questions regarding this matter, please contact me at your convenience at 313-237-5032.

Sincerely,

A handwritten signature in cursive script, reading "Laurie A. Koester".

Laurie A. Koester
Assistant Corporation Counsel

Enclosures

WATER SERVICE CONTRACT

BETWEEN

CITY OF DETROIT

AND

CITY OF TROY

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**WATER SERVICE CONTRACT
BETWEEN
CITY OF DETROIT
AND
CITY OF TROY**

This Water Service Contract (“Contract”) is made between the City of Detroit, a municipal corporation, by its Water and Sewerage Department and Board of Water Commissioners (the “Board”), and the City of Troy, a municipal corporation (“Customer”). The Board and Customer may be referred to individually as “Party” or collectively as the “Parties.”

Whereas, the City of Detroit owns a public water supply system (“System”) operated by the Board; and

Whereas, the Board supplies water service to numerous governmental entities in the Board’s water service area; and

Whereas, Customer desires to obtain water service from the Board; and

Whereas, the purpose of this Contract is to provide for the long-term service of potable water to Customer; and

Whereas, the Board implemented a voluntary partnering effort with its wholesale water customers, of which the Technical Advisory Committee is a central part, and which is intended to assist the Board in data gathering, alternative evaluations and recommendations, achieving full disclosure of rates, identifying true cost of service principles to guide revenue collection, and to provide assistance with a cohesive planning effort for the Board’s water service area;

ACCORDINGLY, THE PARTIES AGREE AS FOLLOWS:

**Article 1.
Definitions**

1.01 The following words and expressions, or pronouns used in their stead, shall be construed as follows:

“**Adjusted Prevailing Water Rate**” shall have the meaning ascribed in Article 3 herein.

“**Annual Volume**” shall mean the actual volume of water used by Customer for the period of July 1st to June 30th as measured on bills issued from August 1st through July 31st.

“**Board**” shall mean the City of Detroit Board of Water Commissioners.

“**City**” shall mean the City of Detroit, a municipal corporation, acting through its Board of Water Commissioners.

“**Contract**” shall mean each of the various provisions and parts of this document, including all attached Exhibits and any amendments thereto, as may be executed and approved by Customer’s governing body, the Board of Water Commissioners, and the Detroit City Council.

“**Contract Term**” shall have the meaning ascribed in Article 2 herein.

“**Customer**” shall mean the Party that enters into a contract with the City of Detroit by way of this Contract, whether an authority, city, township, village or other municipal corporation recognized by the State of Michigan.

“**Customer Maximum Day Demand**” shall mean the Customer’s recorded water usage on the DWSD Maximum Day. Customer Maximum Day Demand shall, in conjunction with Customer Peak Hour Demand, be a component of its Maximum Flow Rate.

“**Customer Peak Hour Demand**” shall mean the Customer’s recorded water usage during the DWSD Peak Hour. Customer Peak Hour Demand, in conjunction with Customer Maximum Day Demand, shall be a component of its Maximum Flow Rate.

“**DWSD**” shall mean the City of Detroit Water and Sewerage Department.

“**DWSD Maximum Day**” shall mean the maximum reported water production day for the System during any twenty-four hour period as measured from 12:00 a.m. Eastern Standard Time in any given calendar year, as determined by DWSD in reviewing water production and storage reports.

“**DWSD Peak Hour**” shall mean the hour during the DWSD Maximum Day in which the most water is delivered to the System, measured from top-of-the-hour to top-of-the-hour (e.g. 7:00 a.m. to 8:00 a.m.), and as determined by DWSD in reviewing water production and pumping reports. In calculating the DWSD Peak Hour, the time period from 11:00 PM to 5:00 AM Eastern Standard Time (EST) shall not be considered provided, however, that if Customer has an approved Filling Schedule, the time period specified in the Filling Schedule shall supersede the time period of 11:00 PM to 5:00 AM EST.

“**Early Termination Costs**” shall have the meaning ascribed in Article 3 herein.

“**Filling Schedule**” shall have the meaning ascribed in Article 22 herein.

“**Maximum Flow Rate**” shall mean the aggregate amount of water usage that Customer commits not to exceed, as determined by the Customer Maximum Day Demand and the Customer Peak Hour Demand, collectively.

“**Meter Facilities**” shall mean a location in which a water meter is housed including, without limitation, meter pits and meter vaults.

“Minimum Annual Volume” shall mean fifty percent of Customer’s Projected Annual Volume.

“Notices” shall mean all notices, consents, approvals, requests and other communications required to be given under the terms of this Contract.

“Pressure Problem” shall have the meaning ascribed in Article 5 herein.

“Pressure Range” shall have the meaning ascribed in Article 5 herein.

“Projected Annual Volume” shall mean the projected annual water sales to Customer as set forth in Exhibit B.

“Service Area” shall mean the mutually agreed upon area where Customer is permitted to distribute water received from the Board under the terms of this Contract which (a) may be entirely within the corporate limits of Customer or may exceed the corporate limits of Customer and (b) which may or may not include the entire geographical area within the Customer’s corporate limits.

“System” shall mean the public water works system owned and operated by the City of Detroit, acting through its Board of Water Commissioners and its Water and Sewerage Department.

“Technical Advisory Committee” shall mean the committee consisting of representatives of the Detroit Water and Sewerage Department, wholesale water customers of the Detroit Water and Sewerage Department and their respective representatives, and shall include its successor or replacement if altered or discontinued. The Technical Advisory Committee or its successor shall remain in existence for a minimum term of January 1, 2008 until December 31, 2038 unless the committee determines otherwise.

“Water Distribution Points” shall have the meaning ascribed in Article 4 herein.

Article 2. Contract Term

- 2.01 Term. The Board shall sell and supply water to Customer from the System in accordance with the terms of this Contract for a period of thirty years from the effective date of this Contract and any ten-year renewal terms (collectively the “Contract Term”), subject to Article 3 herein. The effective date of this Contract shall be the date that this Contract is approved by the Detroit City Council or Customer’s governing body whichever is later. This Contract replaces and supersedes any prior water service contracts between the Parties.

- 2.02 Renewal. This Contract shall automatically renew at the conclusion of the thirty-year term for an additional ten-year term, unless a Party provides written notification to the other Party in accordance with Article 16 on or before the conclusion of the twenty-fifth year of the thirty-year term stating its intent not to renew this Contract. Thereafter, this Contract shall automatically renew every ten years for an additional ten-year term, unless a Party provides written notification to the other Party in accordance with Article 16 on or before the conclusion of the fifth year of the then current ten-year term stating its intent not to renew this Contract. The automatic renewals of this Contract shall not preclude a review of its terms and the Parties are encouraged to reaffirm or amend its terms as necessary. The Parties may, in writing, mutually agree upon a longer renewal term.
- 2.03 Notification of Renewal. The Board shall notify Customer of its first Contract renewal option during the twenty-fifth year of the thirty-year term; provided, however, that the Board's failure to so notify Customer shall not obviate Customer's obligations as set forth in Section 2.02.

Article 3. Early Termination Costs

- 3.01 Early Termination Costs. In addition to any other remedies provided for by law or by the terms of this Contract, Customer shall be liable to the Board for the payment of any costs incurred by the Board related to providing water to Customer in the event Customer terminates this Contract before the conclusion of a Contract Term ("Early Termination Costs"); provided, however, that payment of such Early Termination Costs by Customer shall not entitle Customer to receive water service from the Board.
- 3.02 Calculation of Costs. Payment of Early Termination Costs will be calculated by applying the Adjusted Prevailing Water Rate to the Minimum Annual Volume requirements for the remainder of the Contract Term. The Adjusted Prevailing Water Rate shall be the rate charged by the Board to Customer as of Customer's effective termination date, adjusted annually to reflect projected inflationary increases utilizing a locally based wholesale price index. The Parties may agree upon another standardized price index. The Board may seek a recommendation from the Technical Advisory Committee on the amount of the Early Termination Costs.
- 3.03 Specifically Constructed Facilities. If the Board has constructed facilities specifically for the benefit of Customer, additional costs may be included in the calculation of the Early Termination Costs, provided that any such facilities shall be identified in a written agreement between the Board and Customer at or near the time of construction.
- 3.04 Formation of Water Authority. Customer may join with another authority, city, township, village or other municipal corporation recognized by the State of Michigan to form a water authority for the sole purpose of collectively contracting for water service from the Board. The exercise of this right shall not be construed as an early termination of this Contract and this Contract shall be voided upon the approval of a new water service contract by Customer's governing body, the Board and the Detroit City Council.

Article 4.
Service Area

- 4.01 Delivery Location. Water shall be delivered by the Board to Customer at the location(s) identified in Exhibit A (collectively, the “Water Distribution Points”), and at other locations as may be mutually agreed upon in writing by the Board and Customer.
- 4.02 Limit of Responsibility. The Board shall have no responsibility for distributing, operating, repairing, replacing and maintaining any portions of the Customer’s water supply system downstream of the Water Distribution Points shown in Exhibit A, provided, however, that this Section 4.02 does not prevent the application of the provisions of Section 11.02 herein.
- 4.03 Board Responsibility. The Board owns and is responsible for operating and maintaining all parts of its System upstream from Customer’s Water Distribution Points. Should the Board fail to maintain its Meter Facilities and/or any Board owned and maintained equipment within the Meter Facilities, Customer shall provide written notice to the Board which describes the objectionable condition of the Meter Facility and/or the equipment within, and its intent to take reasonable steps to maintain the condition and charge the reasonable cost of doing so to the Board. Upon receipt of the notice and subject to Section 11.01, the Board shall have thirty calendar days to repair the condition specified in the notice, unless a force majeure event prevents the repair within the thirty-day period. If the Board has not repaired the condition at the conclusion of the thirty-day period and has not provided a written explanation to Customer explaining the reason for the delay (e.g. necessary parts are on order or occurrence of a force majeure event specified in Section 11.01), then Customer may take reasonable steps to maintain the specified condition and charge the reasonable cost of doing so to the Board.
- 4.04 Extension of Service Area. Customer’s distribution of water supplied by the Board shall be limited to the Service Area stated in Exhibit A. The Parties agree that situations may arise in which Customer desires to extend its Service Area, either temporarily or permanently, beyond its corporate limits. Should such a situation arise, Customer shall provide written notice to the Board explaining the nature, duration and extent of the requested Service Area extension. The Board shall have the option, which it may exercise at any time, of requiring a written amendment to this Contract to accommodate the change in Service Area. Should the Board determine that an immediate amendment is required, the Parties shall, within thirty calendar days of Customer’s request, meet to negotiate mutually agreeable terms for the extension of the Service Area. The Board shall not unreasonably deny a request to extend the Service Area.
- 4.05 Change or Addition of Water Distribution Points. Water Distribution Points may be added or changed only by the express written agreement of the Board and Customer and shall be embodied in a written amendment to this Contract.
- 4.06 Sole Supplier. Except as provided in Article 17 herein, the Board shall be the sole supplier of public potable water to Customer’s Service Area.

Article 5.

Pressure; Maximum Flow Rate; Minimum Annual Volume

- 5.01 Pressure Range. The Board shall use its best efforts to deliver water at the Water Distribution Points at a pressure range ("Pressure Range") adequate to meet the reasonable requirements of Customer. For purposes of evaluating this effort, water pressure shall be determined by reviewing the average hourly pressure measured from top-of-the-hour to top-of-the-hour (e.g. 7:00 a.m. to 8:00 a.m.). The Pressure Range to be provided by the Board to Customer's Water Distribution Points is specified in Exhibit B. The location at which the water pressure will be measured shall be specified in Exhibit A and identified as point "P". A Pressure Range will not be established for water meters that are not located on a DWSD transmission main.
- 5.02 Remedy for Non-Compliance with Pressure Range. If the water pressure at Customer's Water Distribution Points is above or below the Pressure Range, the Parties shall meet to discuss the reasons for the non-compliance and, if agreed, develop and implement a mutually agreeable written corrective action plan within sixty calendar days of the pressure event, or as otherwise agreed. The corrective action plan shall include a timetable for resolution of the non-compliance issue(s).
- A. If it is determined that another customer's exceedence of the rates of flow established by that customer's Maximum Flow Rate caused or contributed to the Board's inability to meet its Pressure Range agreement with Customer, then the corrective action plan shall provide for the resolution of the issue.
- B. If Customer is exceeding the rates of flow established by its Maximum Flow Rate on a day other than the DWSD Maximum Day at the time Customer experiences a variation from the Pressure Range, then the Board shall be relieved from its obligation to provide water to Customer within the Pressure Range for that period of time during which Customer is exceeding the rates of flow established by its Maximum Flow Rate.
- 5.03 Maximum Flow Rate. Customer's Maximum Flow Rate is specified in Exhibit B. Customer shall not exceed the Maximum Flow Rate specified in Exhibit B, as measured in million gallons on the DWSD Maximum Day and during the DWSD Peak Hour.
- 5.04 Remedy for Non-Compliance with Maximum Flow Rate. The Board has no obligation to supply to Customer more than the Maximum Flow Rate. If Customer exceeds its Maximum Flow Rate on the DWSD Maximum Day or during the DWSD Peak Hour, the Board and Customer may, as needed, take one or more of the following steps:
- A. The Board may require that Customer take all reasonable steps to reduce its consumption to the Maximum Flow Rate. Such steps may include water conservation measures, outdoor water use restrictions, water loss studies and remediation, and an internal system operation evaluation.

- B. The Parties may meet to negotiate a new Maximum Flow Rate. If so negotiated, Customer shall pay the rate associated with the new Maximum Flow Rate in the subsequent rate year.
- C. The Board may recalculate Customer's rate for the Board's current fiscal year utilizing a revised cost allocation formula as follows:
- i. For cost allocation purposes only, a new Maximum Flow Rate will be established from the first exceedence date forward. The new Maximum Flow Rate will be at least equal to the flow rate demonstrated by Customer on the DWSD Maximum Day, and may be higher than the actual flow rate demonstrated by Customer. Pursuant to subsection (ii) below, the Board will seek a recommendation from the Technical Advisory Committee's Analytical Work Group (as defined in Section 6.07 herein) on the establishment of the new Maximum Flow Rate. If the Board receives a recommendation and the recommendation is higher than twice the amount by which the demonstrated flow rate exceeded the original Maximum Flow Rate, then the Board shall be limited to establishing a new Maximum Flow Rate that is at least equal to the flow rate demonstrated by Customer on the DWSD Maximum Day and no higher than the recommendation provided by the Analytical Work Group. If no recommendation is received by the Board, or if the Board receives a recommendation and the recommendation is less than twice the amount by which the demonstrated flow rate exceeded the original Maximum Flow Rate, then the Board shall be limited to establishing a new Maximum Flow Rate that is at least equal to the flow rate demonstrated by Customer on the DWSD Maximum Day and no higher than twice the amount by which the demonstrated flow rate exceeded the original Maximum Flow Rate. In any event, Customer's exceedence of its Maximum Flow Rate will continue to affect each subsequent year's rate calculation until renegotiated. If a rate has been approved for the next fiscal year (July 1st to June 30th) but the rate has not yet been applied, the Board may modify Customer's rate to account for an exceedence of its Maximum Flow Rate. If the Board has built capital facilities based upon Customer's negotiated Maximum Flow Rate and Customer consistently exceeds its Maximum Flow Rate, then the Board may re-calculate the amount of Customer's percentage of the capital cost of such facilities.
 - ii. The Board will seek a recommendation from the Technical Advisory Committee's Analytical Work Group, or its successor, whenever it intends to invoke subsection 5.04(C)(i). Any recommendation from the Analytical Work Group shall be received by the Board within sixty calendar days after the Board's request for a recommendation.

- 5.05 Procedure for Non-Compliance with Maximum Flow Rate. If Customer has failed in its obligations under Section 5.03, the Parties shall meet to discuss the reasons for the non-compliance and develop and implement a mutually agreeable written corrective action plan within sixty calendar days of the non-compliance event, or as otherwise agreed. If the Parties determine that a corrective action plan is not required and a subsequent incident of non-compliance occurs, the Parties shall meet to develop and implement a mutually agreeable written corrective action plan within sixty calendar days of the subsequent incident of non-compliance, or as otherwise agreed. Any corrective action plan required under this Section 5.05 shall include a timetable for resolution of the non-compliance issue(s). In the event the reason for Customer's non-compliance under Section 5.03 is due to a Customer water main break, fire or meter calibration performed by DWSD, these events will be taken into consideration in determining (1) whether a corrective action plan is warranted and (2) the extent to which, if any, the steps specified in Section 5.04 should apply.
- 5.06 Minimum Annual Volume. Customer shall purchase from the Board not less than the Minimum Annual Volume of water specified in Exhibit B. If Customer's Annual Volume is less than the Minimum Annual Volume, Customer shall pay to the Board an amount computed by applying the current rate to the Minimum Annual Volume less any amounts already billed to the Customer by the Board.
- 5.07 Periodic Review. For Customer and System planning purposes and, with regard to the Minimum Annual Volume, enforcement of the provisions of Article 3, a Maximum Flow Rate, Pressure Range, Projected Annual Volume and Minimum Annual Volume shall be established by mutual agreement for the Contract Term. A contractually binding Maximum Flow Rate, Pressure Range, Projected Annual Volume and Minimum Annual Volume shall be established by mutual agreement for first two years of the Contract Term. Not later than the second year of the Contract Term, the Board and Customer shall negotiate a contractually binding Maximum Flow Rate, Pressure Range, Projected Annual Volume and Minimum Annual Volume for the succeeding three years of the Contract Term. Not later than the fifth year of the Contract Term, and every five years thereafter, the Board and Customer shall negotiate a contractually binding Maximum Flow Rate, Pressure Range, Projected Annual Volume and Minimum Annual Volume for the succeeding five years of the Contract Term. If the Parties do not negotiate new or revised Maximum Flow Rates, Pressure Ranges, Projected Annual Volumes and Minimum Annual Volumes according to the aforementioned schedule, then the figures established for planning purposes (as shown in italicized type in Exhibit B) shall become contractually binding for the then-current three or five year term.
- 5.08 Remedy for Excessive Rate(s) of Flow Causing Pressure Problem(s). Customer acknowledges that Customer's rates of flow may cause and/or contribute to the Board's inability to meet its Pressure Range agreements with Customer and/or the Board's other customers (hereinafter, "Pressure Problem"). The Board may review or monitor Customer's daily rates of flow if a Pressure Problem occurs and the Board's Pressure Range agreement with Customer and/or another customer of the Board is alleged to have been breached. The approximate rate of flow by individual meter location used to establish the Pressure Range and Maximum Flow Rate is specified in Exhibit B. If a Pressure Problem occurs, the Parties shall meet to discuss the reasons for the Pressure

Problem and develop and implement a mutually agreeable written corrective action plan within sixty calendar days of the Pressure Problem, or as otherwise agreed. The corrective action plan may require one or both of the following steps:

- A. The Board may require that Customer take all reasonable steps to reduce its consumption to the rate of flow established by the Maximum Flow Rate. Such steps may include water conservation measures, outdoor water use restrictions, water loss studies and remediation, and an internal system operation evaluation. In addition, the Board may require that Customer adjust its rate of flow at individual meters, including the establishment of a not-to-exceed flow rate for individual meters.
- B. The Parties may meet to negotiate a new Maximum Flow Rate. If so negotiated, Customer shall pay the rate associated with the new Maximum Flow Rate in the subsequent rate year.

If the Parties determine that a corrective action plan is not required and a subsequent Pressure Problem occurs, the Parties shall meet to develop and implement a mutually agreeable written corrective action plan within sixty calendar days of the subsequent Pressure Problem, or as otherwise agreed. Any corrective action plan required under this Section 5.08 shall include a timetable for resolution of the Pressure Problem. In the event the reason for the Pressure Problem is due to a Customer water main break, fire or meter calibration performed by DWSD, these events will be taken into consideration in determining (1) whether a corrective action plan is warranted and (2) the extent to which, if any, the steps specified above in this Section 5.08 should apply.

5.09 Board Costs for Corrective Action Plan. If at any time the Board is required under the terms of this Article 5 to develop and implement a corrective action plan and the plan involves incurring capital costs, the Board will determine whether the costs will be charged as a System cost or whether the cost will be borne by a specific customer or customers. If the Board determines that all or part of the costs should be borne by a specific customer or customers, the Board will seek a recommendation from the Technical Advisory Committee on the assessment of the costs.

5.10 Customer Costs for Corrective Action Plan. If at any time Customer is required under the terms of this Article 5 to develop and implement a corrective action plan, Customer will pay all costs related thereto.

Article 6.
Technical Advisory Committee

6.01 Establishment. The Technical Advisory Committee is formed to facilitate a cooperative working partnership between the Board and its wholesale water customers by facilitating the development of recommendations regarding System planning and supply to DWSD management and the Board. The Technical Advisory Committee shall maintain bylaws that govern the way it conducts its business. In the event of a conflict between the terms of the bylaws adopted by the Technical Advisory Committee and the terms of this Contract, the terms of this Contract shall control.

- 6.02 General Responsibilities. The Technical Advisory Committee shall periodically review and evaluate the rates, rate methodology, and performance of the System. The Technical Advisory Committee shall review and evaluate flow rates, pressures and Annual Volumes for the System at a minimum of every five years to assist the Board in its System planning effort. The Technical Advisory Committee shall have the opportunity each year to review the Capital Improvement Program as prepared by DWSD, prior to its adoption by the Board. The Technical Advisory Committee may consider Customer proposals for improving the operation of Customer's water system and/or the System. The Board will supply the Technical Advisory Committee with information the Board deems reasonably necessary to accomplish the general responsibilities defined in this Section 6.02.
- 6.03 Annual Report by Board. The Board will present an annual report to the Technical Advisory Committee which shall consist of (1) all instances of non-compliance with the Parties' obligations contained in Article 5 herein, including Customer and Board responses thereto; (2) a general report on System operation and maintenance; and (3) a report that lists those contracts, if any, that have been entered into by the Board and another customer(s) where the terms of the contract(s) invoke the application of Article 14 herein.
- 6.04 Notification of Rates. The Board shall provide Customer and the Technical Advisory Committee with notice of the proposed rates for each fiscal year as early as possible before the implementation of the rates.
- 6.05 Disclosure of Rate Information by Board. Each year, the Board will disclose to Customer and the Technical Advisory Committee information related to wholesale rates.
- 6.06 Disclosure of Rate Information by Customer. Each year, Customer will disclose to its customers information related to its retail rates and other charges, and information regarding what portion of those costs is related to charges from DWSD and/or other major service providers.
- 6.07 Work Groups. The Technical Advisory Committee may create work groups to address specific issues facing the System. The work groups in existence as of January 1, 2008 are the Analytical Work Group, the Best Practices Work Group, the Contract Work Group, the Customer Service Work Group, the Emergency Preparedness Work Group, and the Rates Work Group. Any reference to a particular work group in this Contract shall include its successor or replacement if altered or discontinued.

Article 7.

Rates

- 7.01 Rates. Customer agrees to pay for all water supplied by the Board at such rates as the Board may establish. Rates shall be reasonable in relation to the costs incurred by the Board for the supply of water and shall conform to Public Act 34 of 1917, Michigan Compiled Laws, Sec. 123.141, et seq., as amended. The Board shall give written notice of any changes in the rates. Notice shall be made in accordance with Section 5e of Public Act 279 of 1909, Michigan Compiled Laws, Sec. 117.5e, as amended, ("Act 279").

- 7.02 Notification of Rates. As soon as possible in the ratemaking process, the Board shall provide information on proposed rates and the draft data and information used in the calculation of proposed rates in a format that will enable Customer to assist in the ratemaking process. Not less than thirty calendar days prior to the hearing required by Act 279, the Board shall provide Customer with written notice of a proposed rate and the underlying data used to calculate the rate. The Board shall meet with Customer to review the rate and the data.
- 7.03 Estimate of Usage. In the event meters fail to correctly measure the quantity of water supplied to Customer for any period of time, the Board shall provide a reasonable estimate of the quantity of water supplied to Customer for such period provided that there is a reasonable basis for the estimate. Customer and the Board shall, either through their respective technical representatives and/or the Technical Advisory Committee, seek agreement upon a method to estimate such quantities. In the event the Parties are unable to agree upon a method to estimate such quantities, the Board's determination of a method shall be conclusive and the Customer agrees to accept the estimate established by the Board.
- 7.04 Rate Methodology. The Board agrees to provide to Customer a description of the current methodology for rate making in the form of the "Rates 101" document produced by the Technical Advisory Committee, as may be periodically updated. The "Rates 101" document, entitled *DWSD Rates: Understanding DWSD Wholesale Water Rates*, and any updates thereto shall be provided to Customer via posting on the DWSD website.

Article 8.
Meters and Meter Facilities

- 8.01 Metering Requirement. All water furnished by the Board to Customer shall be measured by water meters installed in Meter Facilities at Customer's Water Distribution Points unless, in the Board's determination, it is not feasible to install water meters due to the configuration of Customer's water system.
- 8.02 Existing Distribution Points. As of the effective date of this Contract, the Board shall own, operate and maintain all water meters and Meter Facilities for all existing Water Distribution Points, unless specifically indicated otherwise in Exhibit A.
- 8.03 Customer Maintenance Responsibilities. Customer shall be responsible for maintaining at its Water Distribution Points any and all appurtenances as may be designated as Customer's responsibility in Exhibit A. Should Customer fail to maintain the appurtenances shown in Exhibit A, the Board may take reasonable steps to maintain the appurtenances and charge the reasonable cost of doing so to Customer. Prior to the Board taking action to maintain the appurtenances, the Board shall give Customer thirty days written notice to complete the required maintenance. Notice to the Customer shall not be required if, in the Board's determination, there exists an emergency condition affecting the operation of the System or if the health, safety and welfare of the general public may be jeopardized.

- 8.04 New Distribution Points. For any new Water Distribution Points that may be constructed or installed after the effective date of this Contract, Customer shall furnish at Customer's expense, a water meter and Meter Facility that meets the Board's specifications. Thereafter, the Board shall furnish any replacement water meters for new Water Distribution Points and the expense shall be recovered through the Board's rates as a System cost. The Board shall own, operate and maintain all water meters and Meter Facilities after construction, installation or replacement, unless specifically indicated otherwise in Exhibit A.
- 8.05 Meter Repair and Replacement. If the Board initiates a meter repair or meter replacement, the cost shall be recovered through the Board's rates as a System cost. If Customer requests a meter replacement for reasons other than malfunction or disrepair, Customer shall pay the cost of the replacement.
- 8.06 Pressure Regulating Facilities. After the effective date of this Contract, all newly installed Customer-owned pressure regulating facilities shall be installed in a facility that is separate from the Board's Meter Facility.

Article 9.
Dispute Resolution

- 9.01 Any and all claims alleging a breach of this Contract may first be submitted to an alternative dispute resolution process. An alternative dispute resolution process may include, but is not limited to, facilitation, binding arbitration, or non-binding arbitration. Each Party shall be responsible for its own costs and fees (including expert witness fees and attorney fees), unless otherwise agreed to in writing. The Parties shall agree upon the form and procedures for the agreed upon alternative dispute resolution process. This Article 9 shall not prohibit a Party from seeking relief directly from a court of competent jurisdiction at any time.

Article 10.
Default Provisions

- 10.01 In the event either Party commits a material breach of this Contract, the Party alleging the breach shall give written notice of the breach to the other Party within a reasonable time of discovering the breach. The Party in breach shall be given a reasonable time to cure the breach. If the Party in breach fails to cure the breach, the non-breaching Party may declare this Contract in default and pursue all available legal remedies, including termination of this Contract for cause. In the event that the Party in breach is showing reasonable progress toward curing the breach, the Party alleging the breach may extend the time for curing the breach.

Article 11.
Force Majeure and Other Events

- 11.01 Force Majeure. No failure or delay in performance of this Contract, by either Party, shall be deemed to be a breach thereof when such failure or delay is caused by a force majeure event including, but not limited to, any Act of God, strikes, lockouts, wars, acts of terrorism, riots, epidemics, explosions, sabotage, breakage or accident to machinery or lines of pipe, the binding order of any court or governmental authority, or any other cause, whether of the kind herein enumerated or otherwise, not within the control of a Party, except that no cause or contingency shall relieve Customer of its obligation to make payment for water delivered by the Board.
- 11.02 Board Liability. Except to the extent that the Board is the proximate cause, the Board shall not be held liable or accountable for any bursting, leakage, breakage, damage or accident of any kind that may occur to Customer's water works system, or any damages of any kind or nature, including, but not limited to, injury to persons or damage to property, resulting from such bursting, leakage, breakage, damage or accident that may occur to water mains or pipes located downstream of the Water Distribution Points specified herein, or located within Customer's distribution system.
- 11.03 Discontinuance of Service. In the event the public health, safety and welfare requires the Board to discontinue temporarily all or part of the supply of water to Customer, no claims for damages of any kind or nature for such discontinuance shall be made by Customer against the Board. The Board will provide notice to Customer of any temporary discontinuance of the water supply.

Article 12.
Timely Payment

- 12.01 Bills for water service shall be rendered to Customer on a monthly basis. All such bills shall be due and payable within forty-five calendar days from the date shown on the bill. Any portion of the charges that are not paid by the due date shall be subject to a finance charge at a rate of 1.5% per month for each month that they remain unpaid. Any portion of the total bill, plus any finance charges applied to the bill which are not paid by the next billing date, shall be shown on the next bill as arrears. The Board may disconnect water service if bills are overdue ninety calendar days from the billing date. The Board shall not terminate water service if there is a good faith dispute concerning the accuracy of billings. If the accuracy of a bill is in dispute, Customer shall place the disputed amount in an escrow account pending resolution of the dispute. Accrued interest on the escrow account shall belong to the Party that prevails in the resolution of the dispute.

Article 13.
Assignment

- 13.01 This Contract shall not be assigned, in whole or in part, by either Party without the prior written consent of the other Party. Consent to an assignment by either Party shall not be unreasonably withheld.

Article 14.
Ensuring Equality of Contract Terms

14.01 If the Board enters into any contract, and any amendments thereto, with a water service customer other than Customer, and the material terms of such other contract are more favorable than the material terms of Customer's Contract, Customer may elect to adopt all of such other material terms. However, if Customer exercises the option provided for in this Article 14, Customer must accept all material terms of the other contract in their entirety and may not select among various terms contained in multiple other contracts by, for example, selecting the Contract Term from one contract and the Early Termination Costs provision of another contract. The terms and conditions of Exhibit B of this Contract are specifically excluded from the application of this Article 14.

Article 15.
Amendment

- 15.01 The Parties may periodically consider it in their best interests to change, modify or extend a term, condition or covenant of this Contract for reasons which may include, but are not limited to, the creation, expansion or closing of industry or other business. Any change, addition, deletion, extension or modification that is mutually agreed upon by the Board and Customer shall be incorporated in a written amendment to this Contract. Such amendments shall not invalidate this Contract nor relieve or release either Party of any of its respective obligations under this Contract unless so stated in the amendment.
- 15.02 No amendment to this Contract shall be effective and binding upon the Parties unless it expressly makes reference to this Contract, is in writing, is signed and acknowledged by duly authorized representatives of both Parties, is approved by Customer's governing body, and is approved by the Board and the Detroit City Council.

Article 16.
Notices

- 16.01 Except as otherwise specified herein, all notices, consents, approvals, requests and other communications (collectively, "Notices") required or permitted under this Contract shall be given in writing and mailed by first class mail to the Parties and at the addresses identified in Exhibit B.
- 16.02 All Notices shall be deemed given on the day of post-marked mailing. Any Notice given by a Party hereunder must be signed by an authorized representative of such Party.
- 16.03 Notwithstanding the requirement above as to the use of first-class mail, change of address notices, termination notices, and other Notices of a legal nature, shall be sent by certified first-class mail, postage prepaid, return receipt requested.

Article 17.
Water Quality

- 17.01 Contamination. For the protection of the health of all consumers supplied with water from the System, Customer agrees to guard carefully against all forms of contamination. Should contamination occur, the area or areas affected shall immediately be shut off and isolated, and shall remain so until such conditions shall have been abated, and the water declared safe and fit for human consumption by the properly constituted governmental health agencies having jurisdiction of the area affected. Customer shall immediately notify the Board, and the Board shall immediately notify Customer, of any emergency or condition that may affect the quality of water in either Party's system.
- 17.02 Co-mingling of Water Sources. Except in cases of emergency, Customer will not permit water from any other source of supply to be mixed or mingled with water from the System without prior written approval from the Board. In cases of emergency, only such water from sources other than the Board shall be used as shall meet the requirements of the Michigan Department of Environmental Quality, and then only in such quantities as shall be necessary to relieve the emergency.
- 17.03 Emergency Connections. During emergencies, Customer's water facilities may be used and connected, at the discretion of the Board, to water facilities serving other communities for flow in either direction to provide an adequate water supply from the System to Customer and to other areas and other units of government. Customer shall be permitted to immediately make an emergency connection when the connection point to be used has been previously approved for emergency use by the Board in writing, provided that Customer shall, after making the connection, promptly notify the Board of such event. When the emergency has been abated, the emergency connection must be severed as soon as practicable. The Board, or its designee, must approve, in writing, the continuation of any emergency connection that is required for longer than seven calendar days. If an approved emergency connection continues for more than seven calendar days, Customer must provide the Board with weekly updates on the emergency and a schedule for abatement of the emergency that must be approved by the Board in writing.
- 17.04 Water Quality. The Board shall endeavor to remain in compliance with all applicable Michigan and Federal laws, rules and regulations regarding drinking water quality.

Article 18.
Rights-of-Way

- 18.01 Use of Rights-of-Way. The Customer shall assist the Board to obtain permission to use streets, highways, alleys, and/or easements in the local governmental units within the Customer's jurisdiction for the purpose of constructing, maintaining, and operating water facilities to adequately service the Customer's jurisdiction and other areas. This assistance shall include obtaining the consent of the local governmental units, as provided in Article 7, Section 29, Michigan Constitution of 1963. In the event of such construction, the Board shall request the Customer and local governmental units within the Customer's jurisdiction to execute such separate instruments granting rights-of-way in its streets, highways, and alleys as may be reasonably required by the Board. The

Board shall give the Customer notice of any construction work in the Customer's jurisdiction. The Board shall comply with any of Customer's ordinances that apply to the construction. Customer shall inform the Board of the applicable ordinances. The Board and Customer shall meet to review the construction and its impact on their respective operations. The Board shall restore all existing structures and/or improvements laying in the right-of-way of construction to as good a condition as before the construction took place. Any such facilities constructed, maintained and operated under this section shall remain the property of the Board and shall not be operated or maintained by any entity other than the Board or its authorized representatives.

18.02 Relocation of Facilities. Should future construction by any federal, state or county agency require relocation of a water transmission main, Meter Facility or other Board facility, the cost incurred by the Board for such relocation, if not reimbursed by the agency requiring the relocation, will be charged in future rates as a common-to-all cost to all System users. Otherwise, the cost incurred by the Board for construction requiring the relocation of a water transmission main, Meter Facility or other Board facility that is proposed, required, undertaken, conducted or facilitated by Customer will be charged to Customer.

18.03 Easements. Subject to the provisions of Section 18.01 herein and to the extent that Customer has jurisdiction, the Board shall be granted temporary and permanent easements, and shall be permitted to use the streets, alleys and highways within Customer's legal jurisdiction for the purpose of constructing, operating and maintaining the System. This consent by Customer is given in compliance with Article 7, Sec. 29 of the Michigan Constitution of 1963, provided that the Board shall provide Customer with a written explanation of the type of easement required and the duration thereof.

Article 19.

Access to Towers and Antennas

19.01 Where possible, each Party shall give to the other Party access to towers and antennas under its respective jurisdiction for the purpose of transmitting information recorded in the Meter Facilities. Access shall not be unreasonably denied by either Party.

Article 20.

Relationship to Wastewater Services

20.01 Customer and the Board acknowledge that future growth in the System may place additional burdens on their respective wastewater systems. Customer, if it is also a wastewater disposal services customer of the Board, understands that any increase in the volume of water it receives from the System is not a guarantee of increased capacity in the Board's wastewater disposal system.

Article 21.
Construction Standards

- 21.01 The Board shall have the right to review and approve Customer's construction plans for Meter Facilities at new Water Distribution Points, water mains sized twenty-four inches and larger, pump stations, reservoirs and water towers. The Board's approval of construction plans shall be timely and shall not be unreasonably withheld.

Article 22.
Operation of Storage

- 22.01 Prior to Customer's operation of any new or existing water storage facility, Customer shall seek the Board's written approval of the filling schedule ("Filling Schedule") of the storage facility. The Board may periodically require Customer to change or adjust a previously approved Filling Schedule. The Parties shall collaborate on devising a mutually beneficial Filling Schedule. If the Parties are unable to agree upon a Filling Schedule, the Board's determination of a Filling Schedule shall be final. All Filling Schedules shall be for a period of six consecutive hours. Customer shall at all times abide by the then-current Board approved Filling Schedule. The Board shall act promptly in approving Filling Schedule requests. Nothing in this Article 22 shall prevent Customer from operating its storage facility at any time, provided that any storage operation that falls outside of the approved Filling Schedule shall not be exempt from the terms of Sections 5.03 and 5.04 herein.

Article 23.
Miscellaneous

- 23.01 If any provision of this Contract or its application to any person or circumstance shall to any extent be invalid or unenforceable, the remainder of this Contract shall not be affected and shall remain valid and enforceable to the fullest extent permitted by law.
- 23.02 This Contract contains the entire agreement between the Parties and all prior negotiations and agreements are merged into this Contract. Neither Party has made any representations except those expressly set forth in this Contract, and no rights or remedies are, or shall be, acquired by either Party by implication or otherwise unless expressly set forth in this Contract.
- 23.03 Unless the context otherwise expressly requires, the words "herein," "hereof," and "hereunder," and other words of similar import, refer to this Contract as a whole and not to any particular section or subdivision.
- 23.04 The headings of the sections of this Contract are for convenience only and shall not be used to construe or interpret the scope or intent of this Contract or in any way affect the same.

- 23.05 The rights and remedies set forth in this Contract are not exclusive and are in addition to any of the rights or remedies provided by law or equity. This Contract and all actions arising under it shall be governed by, subject to, and construed according to the law of the State of Michigan. Each Party agrees, consents and submits to the exclusive personal jurisdiction of any state or federal court of competent jurisdiction in Wayne County, Michigan, for any action arising out of this Contract. Each Party also agrees that it shall not commence any action against the other Party because of any matter whatsoever arising out of or relating to the validity, construction, interpretation and enforcement of this Contract in any state or federal court of competent jurisdiction other than one in Wayne County, Michigan.
- 23.06 There are no third party beneficiaries to this Contract and this Contract shall not be construed to benefit any persons other than the Board and Customer.
- 23.07 This Contract may be executed in any number of originals, any one of which shall be deemed an accurate representation of this Contract. Promptly after the execution of this Contract, the Board shall provide a copy to the Customer.
- 23.08 The rights and benefits under this Contract shall inure to the benefit of and be binding upon the respective Parties hereto, their agents, successors, and assigns.
- 23.09 Any and all documents, memoranda, reports, exhibits or other written material referred to in this Contract are and shall be incorporated by reference herein.
- 23.10 This Contract shall be deemed to be mutually drafted.

(Signatures appear on next page)

In Witness Whereof, the City and Customer, by and through their duly authorized officers and representatives, have executed this Contract.

Witnesses:

1. _____
(signature)

2. _____
(signature)

1. _____
(signature)

2. _____
(signature)

Witnesses:

1. _____
(signature)

2. _____
(signature)

City of Troy:

By: _____
Louise E. Schilling

Its: Mayor

By: _____
Tonni L. Bartholomew

Its: City Clerk

City of Detroit:

By: _____
Kwame M. Kilpatrick

Its: Mayor

APPROVED BY
TROY CITY COUNCIL ON:

Date

APPROVED BY
BOARD OF WATER COMMISSIONERS ON:

Date

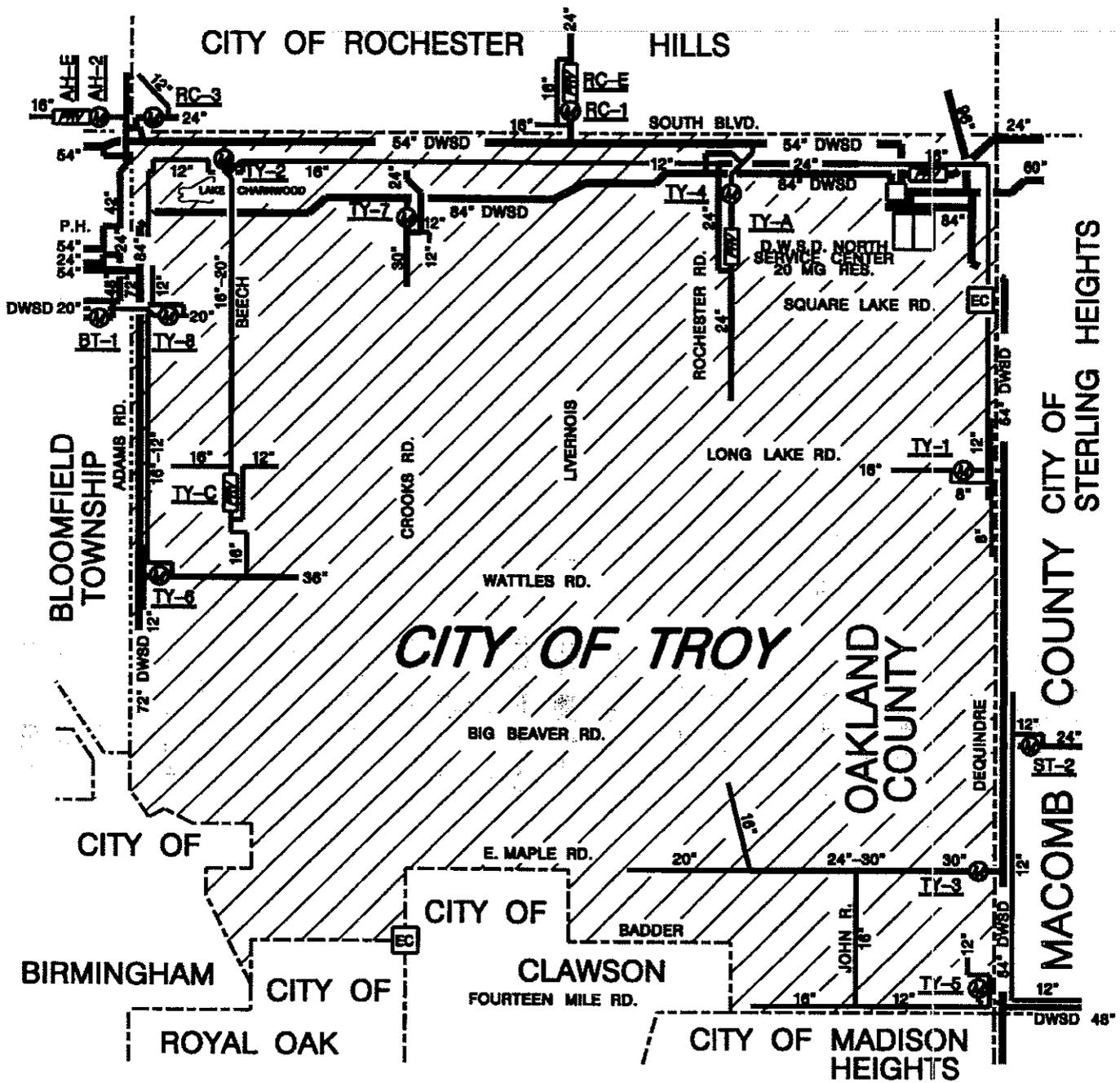
APPROVED BY
DETROIT CITY COUNCIL ON:

Date

EXHIBIT A
Customer's Water Distribution Points

This Exhibit contains the following information:

1. The corporate limits of Customer;
2. The agreed upon water Service Area of Customer which (a) may or may not be entirely within the corporate limits of Customer and (b) which may or may not include the entire area within the Customer's corporate limits;
3. The specific location of the Water Distribution Points, including any Board approved emergency connections;
4. The designation of appurtenances to be maintained by Customer and those to be maintained by the Board; and
5. A list of any closed meter locations.



LEGEND

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
	DWSD METER PIT		SERVICE AREA
	COM METER PIT		CITY OR TWP LINE
	PRV		CITY-TWP LINE
	EMERGENCY CONNECTION		

REVISED	DATE	EXHIBIT-A	<i>SERVICE AREA LOCATION MAP</i>
JT	04/07/08		CITY OF TROY
DLE	04/17/08		

Exhibit A

City of Troy Emergency Connections:

Connection to City of Clawson (SOCWA)

8" GV&W at the intersection of Main Street (Livernois) and Elmwood

Connection to Sterling Heights

8" GV&W across from Beaumont Hospital, 44201 Dequindre Road

City of Troy Water Customers Outside Corporate Limits:

3300 W. South Boulevard, Rochester Hills

3061 Adams Road, Bloomfield Township

6001 Adams Road, Bloomfield Township

City of Troy Master Meter(s) Not In Service:

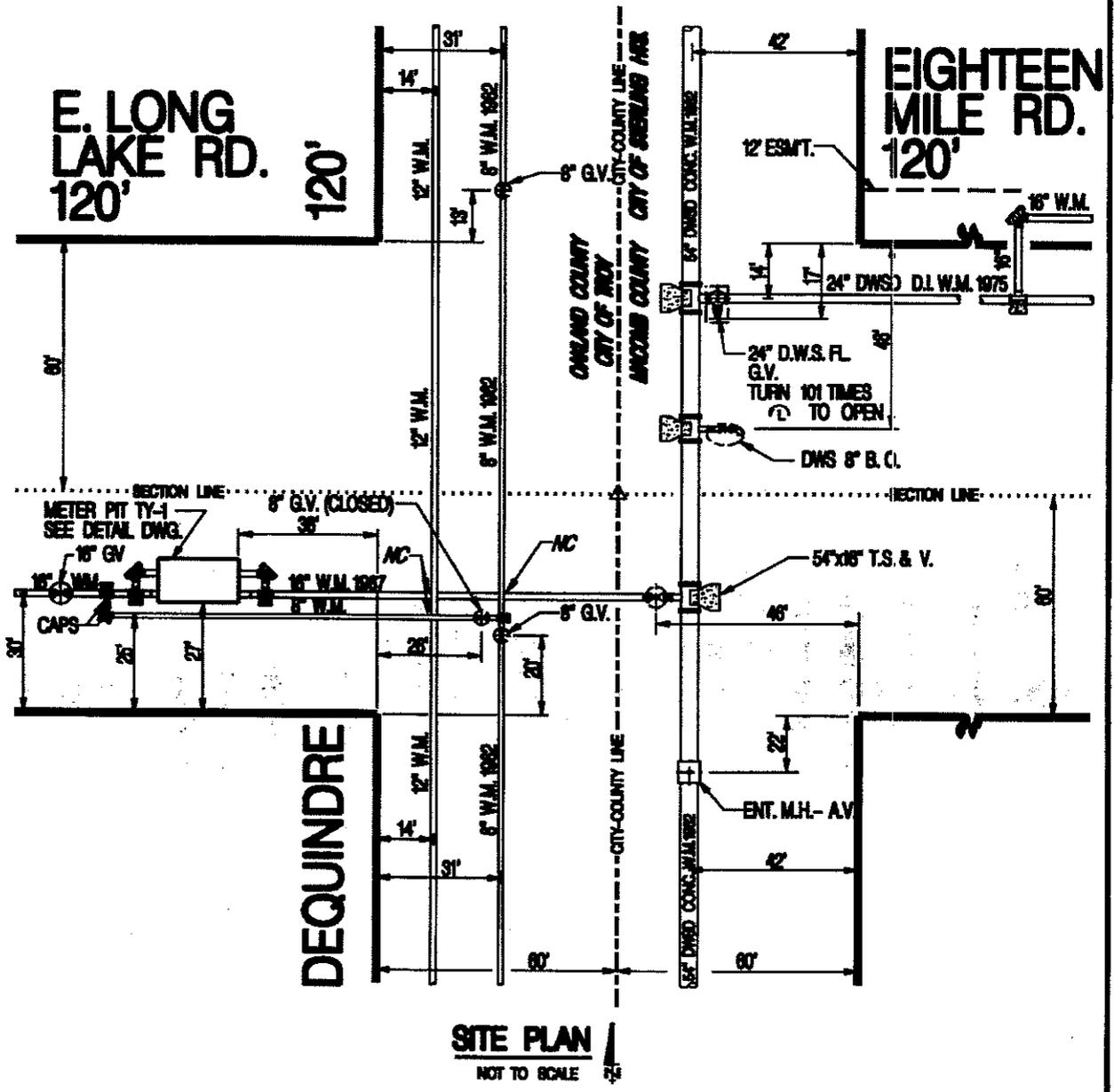
TY-02

TY-05

EXHIBIT A TY-01

DEQUINDRE & LONG LAKE RD.

CITY OF TROY



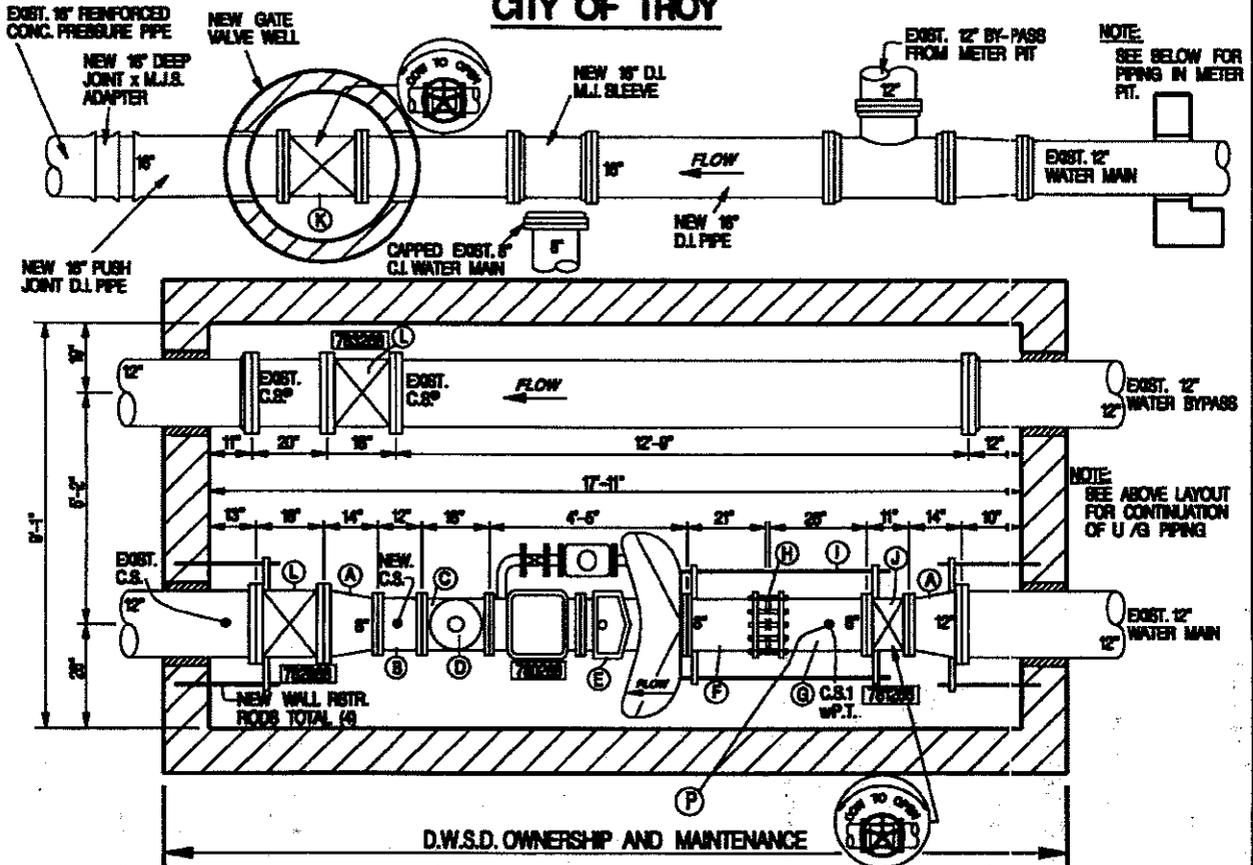
LOCATIONS SUBJECT TO VERIFICATION IN THE FIELD.

TY
1

EXHIBIT A TY-01

DEQUINDRE & LONG LAKE RD.

CITY OF TROY



LEGEND			
TAG	QTY.	DESCRIPTION	SIZE
A	2	12"x8" FLGD. CONCENTRIC REDUCERS, 14" F-F	12"x8"
B	1	8"x1" F-F PIPE w/1" TAP, D.I.	8"
C	1	8"x3" FLGD. TEST TEE, D.I., 9" C-F	8"x3"
D	1	TEST TEE ASSEMBLY w/3" COMPANION FLANGE	-
E	1	8"x2" FLGD. FIRELINE COMPACT METER, W3600, 53" F-F	8"x2"
F	1	8"x1"-9" F-FE PIPE, GADR, D.I.	8"
G	1	8"x2"-2" F-FE PIPE, w/1" TAP, GADR, D.I.	8"
H	1	8" DRESSER STYLE PIPE COUPLING	8"
I	LOT	COUPLING RESTRAINTS: (4) 80" LONG THRD. RODS, (8) EAR PLATES, 7/8" DIA.	
J	1	8" FLGD. GATE VALVE, RESILIENT SEAT, 11.5" F-F, 'A.F.C.'	8"
K	1	18" M.I. GATE VALVE, 'E.J.I.W.'	18"
L	2	GATE VALVE	12"

⊕ - UPSTREAM PRESSURE TRANSMITTER

METER PIT DETAIL

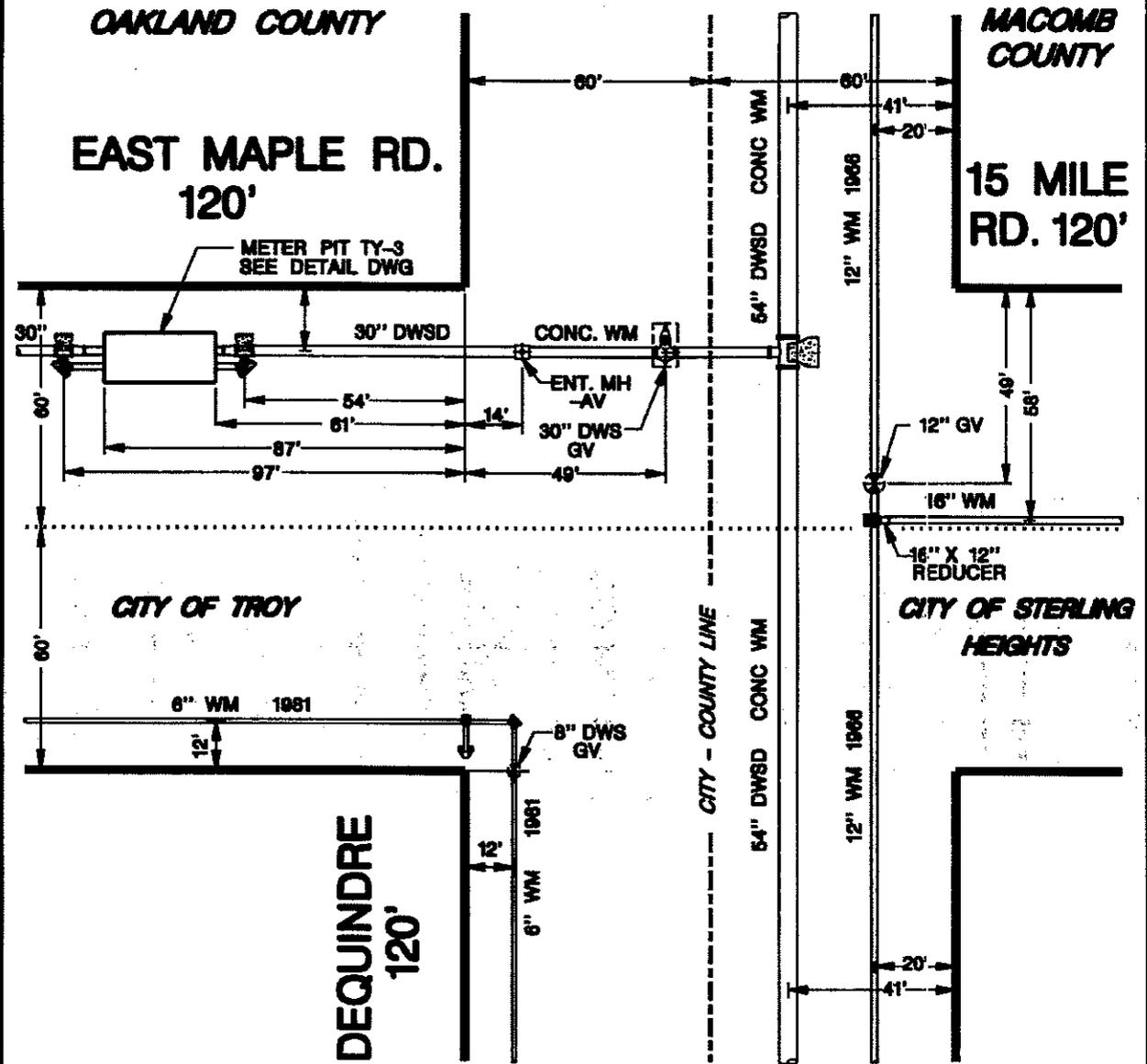
NOT TO SCALE

TYPICAL PRESSURE LOSS THRU METER	
METER TYPE	P.S.I. LOSS
VENTURI	1 TO 2
INAG	0
TURBINE	4 - 6

ADDRESS _____ 40999 DEQUINDRE
 FEED TO _____ CITY OF TROY
 FEED FROM _____ 54" D.W.S.D. TRANS. MAIN
 TYPE OF METER _____ SENSUS TURBO
 SIZE OF METER _____ 8"x2"
 METER NUMBER _____ 8")1566198 & 2")1565827
 DATE METER SET _____ 5 / 4 / 2001
 METER PIT CONST & SIZE _____ 18'-0" x 9'-1" REINF. CONCRETE
 SECTION MAP _____ 20-Y
 REMARKS _____ NONE
 GATE BOOK _____ N-1073
 DRAWN BY _____ NICHOLS 2 / 14 / 08

TY
1

EXHIBIT A TY-03 EAST MAPLE ROAD AND DEQUINDRE CITY OF TROY



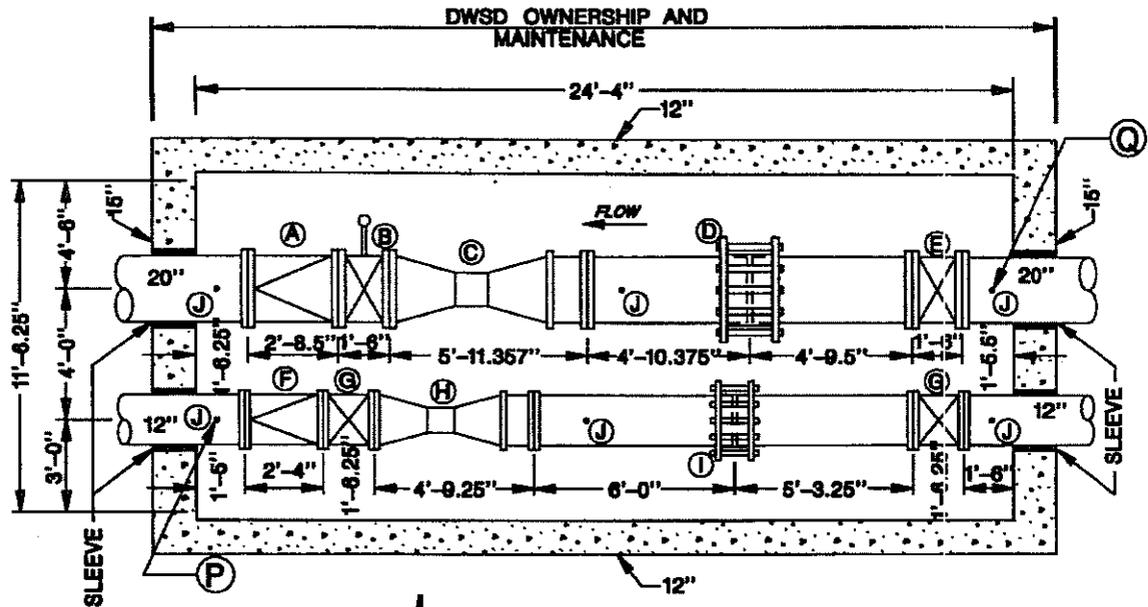
SITE PLAN
NOT TO SCALE



LOCATIONS SUBJECT
TO VERIFICATION IN
THE FIELD.

TY
3

EXHIBIT A TY-03 EAST MAPLE ROAD AND DEQUINDRE CITY OF TROY



METER PIT DETAIL
NOT TO SCALE

TYPICAL PRESSURE LOSS THRU METER	
METER TYPE	P.S.I. LOSS
VENTURI	1 TO 2
MAG	0
TURBINE	4 - 6

- (P) - UPSTREAM PRESSURE TRANSMITTER
- (Q) - DOWNSTREAM PRESSURE TRANSMITTER

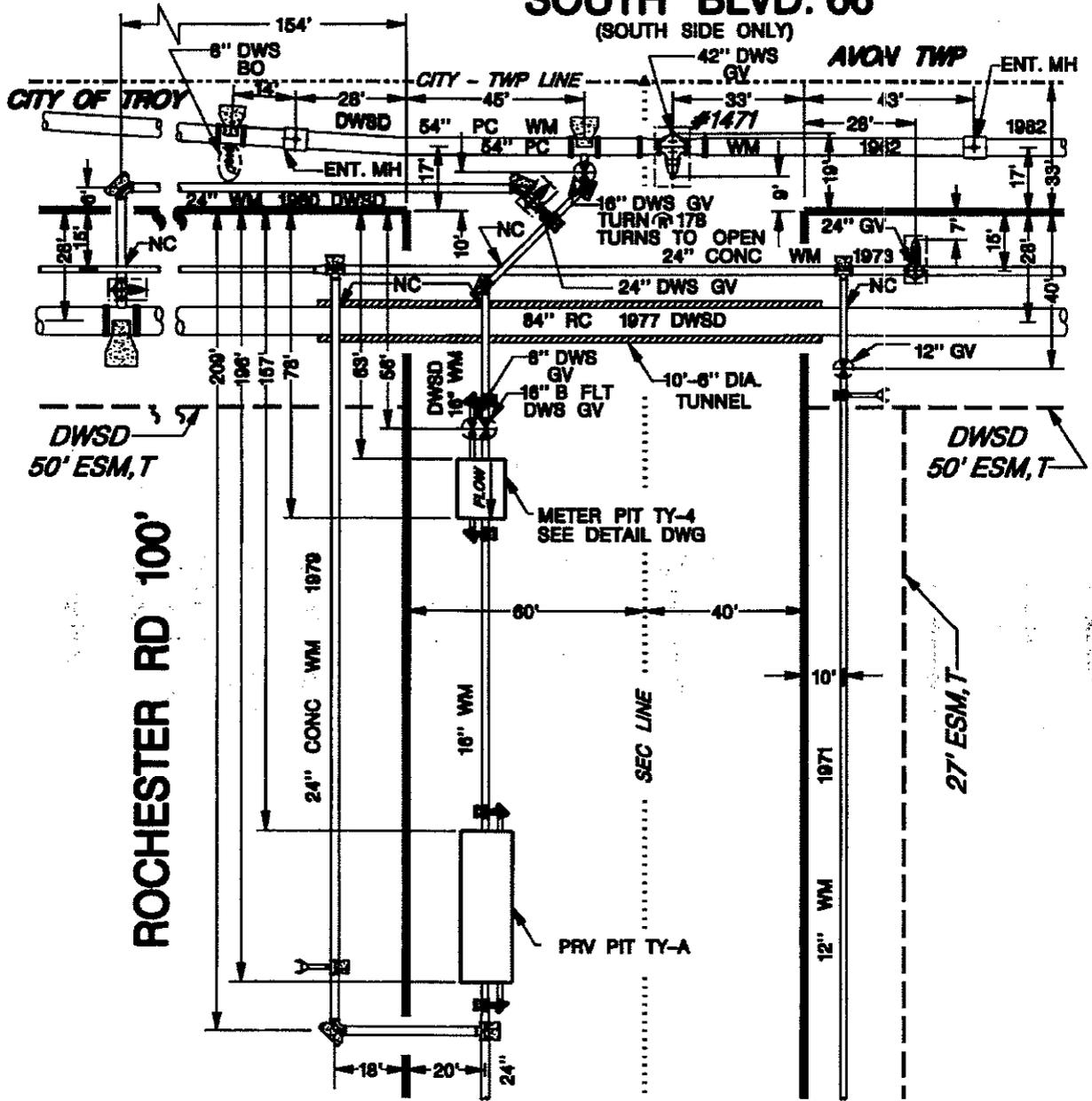
LEGEND			
TAG	QTY.	DESCRIPTION	SIZE
A	1	CHECK VALVE	20"
B	1	BUTTERFLY VALVE /HYDRAULIC OPERATOR	20"
C	1	B.I.F VENTURI TUBE	20" X 14.046"
D	1	DRESSER COUPLING	20"
E	1	GATE VALVE (CCW)	20"
F	1	CHECK VALVE	12"
G	2	GATE VALVE	12"
H	1	B.I.F VENTURI TUBE	12" X 6.773"
I	1	DRESSER COUPLING	12"
J	6	CORP	1"

ADDRESS _____ 2971 E. MAPLE
 FEED TO _____ CITY OF TROY
 FEED FROM _____ 54" DWSD TRANS. MAIN
 TYPE OF METER _____ B.I.F. VENTURI TUBES (2)
 SIZE OF METER _____ 20" X 14.046" 12" 6.773"
 METER NUMBER _____ 20"-55424-1 12"-55424-2
 DATE METER SET _____ 12/7/1966
 METER PIT CONST & SIZE _____ 24'-4" x 11'-6.25" ID REINF. CONC
 SECTION MAP _____ 20-Y
 GATE BOOK _____ E-1064
 FIELD BOOK _____ 1967-MP-32-35
 DRAWN BY _____ A.D. BOLTON 2/14/08
 REMARKS _____

TY
3

EXHIBIT A TY-04 ROCHESTER AND SOUTH BLVD. CITY OF TROY

SOUTH BLVD. 66'
(SOUTH SIDE ONLY)



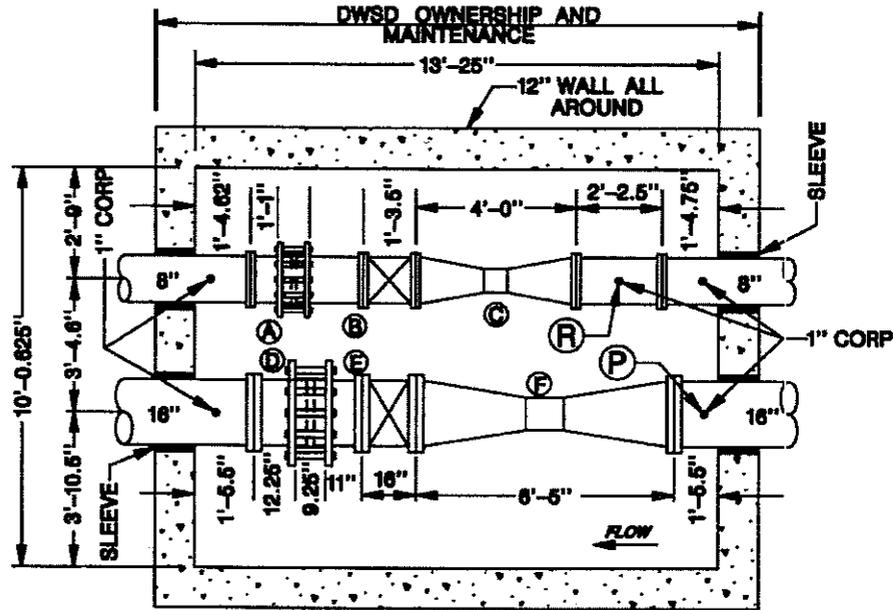
SITE PLAN
NOT TO SCALE



LOCATIONS SUBJECT TO VERIFICATION IN THE FIELD.

TY
4

EXHIBIT A TY-04 ROCHESTER AND SOUTH BLVD. CITY OF TROY



METER PIT DETAIL
NOT TO SCALE

TYPICAL PRESSURE LOSS THRU METER	
METER TYPE	P.S.I. LOSS
VENTURI	1 TO 2
MAG	0
TURBINE	4 - 6

- (P)** - UPSTREAM PRESSURE TRANSMITTER
- (R)** - DOWNSTREAM PRESSURE TRANSMITTER

LEGEND			
TAG	QTY.	DESCRIPTION	SIZE
A	1	DRESSER COUPLING	8"
B	1	GATE VALVE (CCW) 786271	8"
C	1	B.I.F. VENTURI TUBE 783271	8" X 3.494"
D	1	DRESSER COUPLING	16"
E	1	B.FLY VALVE HYD. OPER. 782271	16"
F	1	B.I.F. VENTURI TUBE 780271	16" X 9.142"

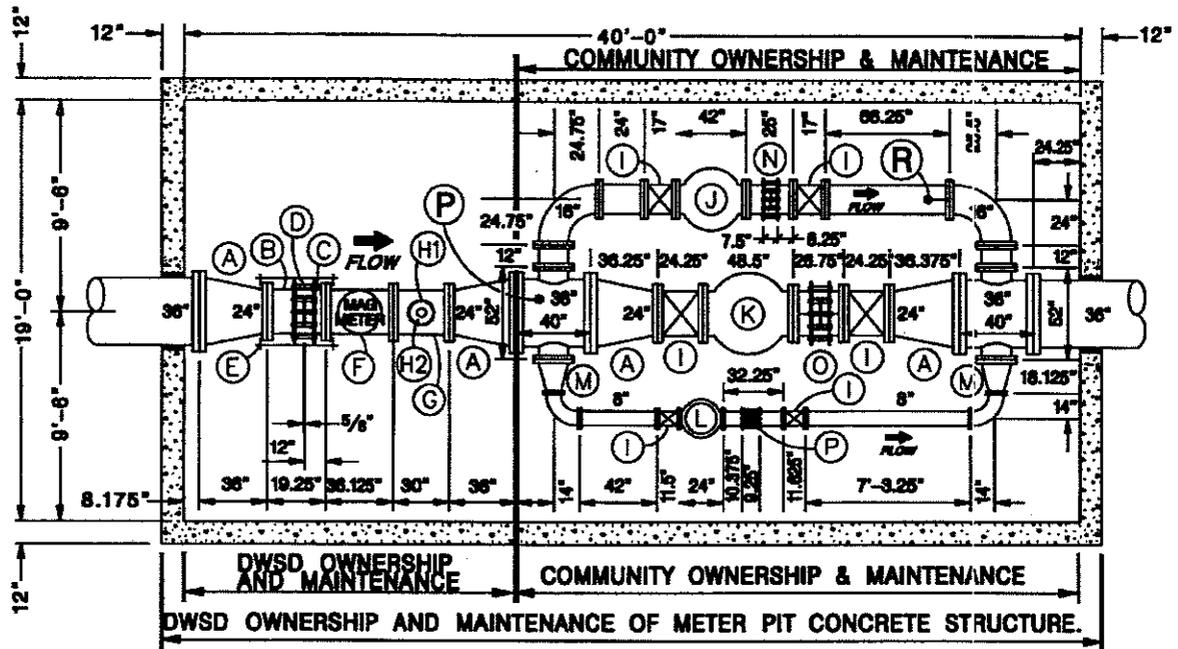
ADDRESS _____ 6971 ROCHESTER
 FEED TO _____ CITY OF TROY
 FEED FROM _____ 54" DWSD TRANS MAIN
 TYPE OF METER _____ 2 - B.I.F. VENTURI TUBES
 SIZE OF METER _____ 16" X 9.142" 8" X 3.494"
 METER NUMBER _____ 83870-1 83869-1
 DATE METER SET _____ 02/02/1971
 METER PIT CONST & SIZE _____ 13'-0.25" X 10'-0.625" ID REINF CONC
 SECTION MAP _____ 18-4
 GATE BOOK _____ N-1087
 FIELD BOOK _____
 DRAWN BY _____ A.D. BOLTON 02/19/2008
 REMARKS _____



EXHIBIT A TY-06

ADAMS AND WATTLES

CITY OF TROY



TYPICAL PRESSURE LOSS	TRIPUJ METER
METER TYPE (P.S.I. LOSS)	
VENTUR	1 TO 2
MAG	0
TURBINE	4-8

METER PIT DETAIL

N.T.S.

- (P) UPSTREAM PRESSURE TRANSMITTER
- (R) OTHER PRESSURE TRANS.

TAG QTY.	DESCRIPTION	SIZE
A 4	36" x 24" FLGD. CONCENTRIC REDUCERS, D.I. 18" F-F	36" x 24"
B 1	24" x 1'-7 1/4" F-PE PIPE, GADR. D.I.	24"
C 1	24" x 1'-0" F-PE PIPE, GADR. D.I.	24"
D 1	24" 'DRESSER STYLE' PIPE COUPLING	24"
E LOT	COUPLING RESTR. (8) 48" LONG THRD. RODS. (2) EAR PLATES	1"
F 1	24" FLGD. MAGNETIC FLOWMETER, 36.125" F-F	24"
G 1	24" x 8" FLGD. TEST TEE, D.I. 18" C-F	24" x 8"
H1	8" x 4" FLGD. CONC. REDUCER, D.I. 8" F-F	8" x 4"

TAG QTY.	DESCRIPTION	SIZE
H2 1	TEST TEE ASSEMBLY w/ 5" x 8" O.D. COMPANION FLANGE	-
I 6	GATE VALVE	8", 16", 24"
J 1	16" ROSS P.R.V.	16"
K 1	24" ROSS P.R.V.	24"
L 1	8" ROSS P.R.V.	8"
M 1	8" x 16" REDUCER	8" x 16"
N 1	16" 'DRESSER STYLE' PIPE COUPLING	16"
O 1	24" 'DRESSER STYLE' PIPE COUPLING	24"
P 1	8" 'DRESSER STYLE' PIPE COUPLING	8"

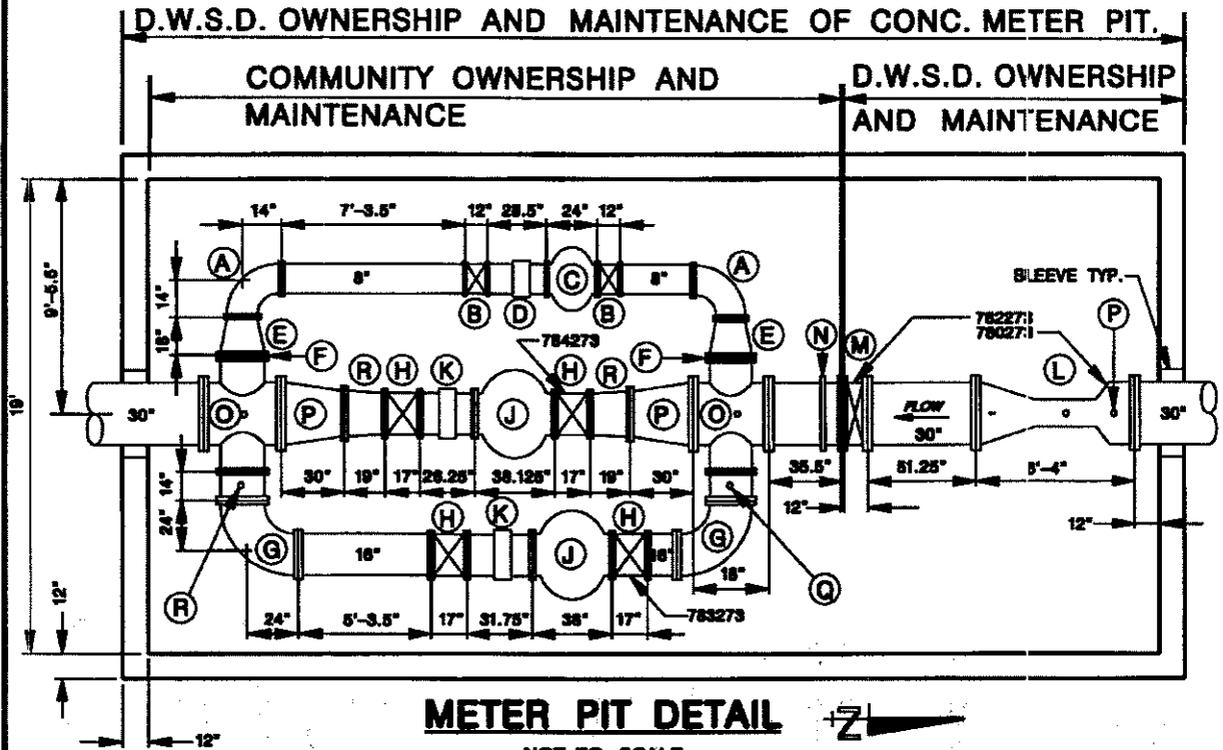
LOCATION _____ ADAMS AND WATTLES
 FEED TO _____ CITY OF TROY
 FEED FROM _____ 72" DWSD TRANSMISSION MAIN
 TYPE OF METER _____ ABB MAG
 SIZE OF METER _____ 24"
 METER NUMBER _____ V/34729/17/1
 DATE OF METER SET _____ 5/12/2000
 METER PIT SIZE & CONST. _____ 19'-0" x 40'-0" REINF CONCRETE
 TYPE & SIZE OF P.R.V. _____ ROSS PRV - 24", 16" & 8"
 DATE VALVE SET _____
 SECTION MAP NO. _____ 13-1
 GATE BOOK NO. _____ NONE
 REMARKS _____ NONE
 DRAWN BY: _____ DWS-805 01/01/2003
 DRAWN BY: _____ D.G. LLAMAS 03/08

TY
6

EXHIBIT A TY-07

CROOKS AND SOUTH BLVD.

CITY OF TROY



NOT TO SCALE

LEGEND			
TAG	QTY.	DESCRIPTION	SIZE
A	2	8" 90° BEND	8"
B	2	8" G.V. & W.	8"
C	1	8" ROSS P.R.V.	8"
D	1	8" DRESSER COUPLING	8"
E	2	16"x8" REDUCER	16"x8"
F	2	16" FILLER RINGS @ 7" EACH	16"
G	2	18" 90° BEND	18"
H	2	16" G.V. & W.	16"
J	1	16" ROSS P.R.V.	16"
K	1	16" DRESSER COUPLING	16"

LEGEND			
TAG	QTY.	DESCRIPTION	SIZE
L	1	30" B.I.F. VENTURI METER	30"
M	1	30" BUTTERFLY VALVE	30"
N	1	30" DRESSER COUPLING	30"
O	2	30" X 16" TEE	30"x16"
P	2	30" X 16" REDUCER	30"x16"
R	2	16" X 16" REDUCER	16"x16"

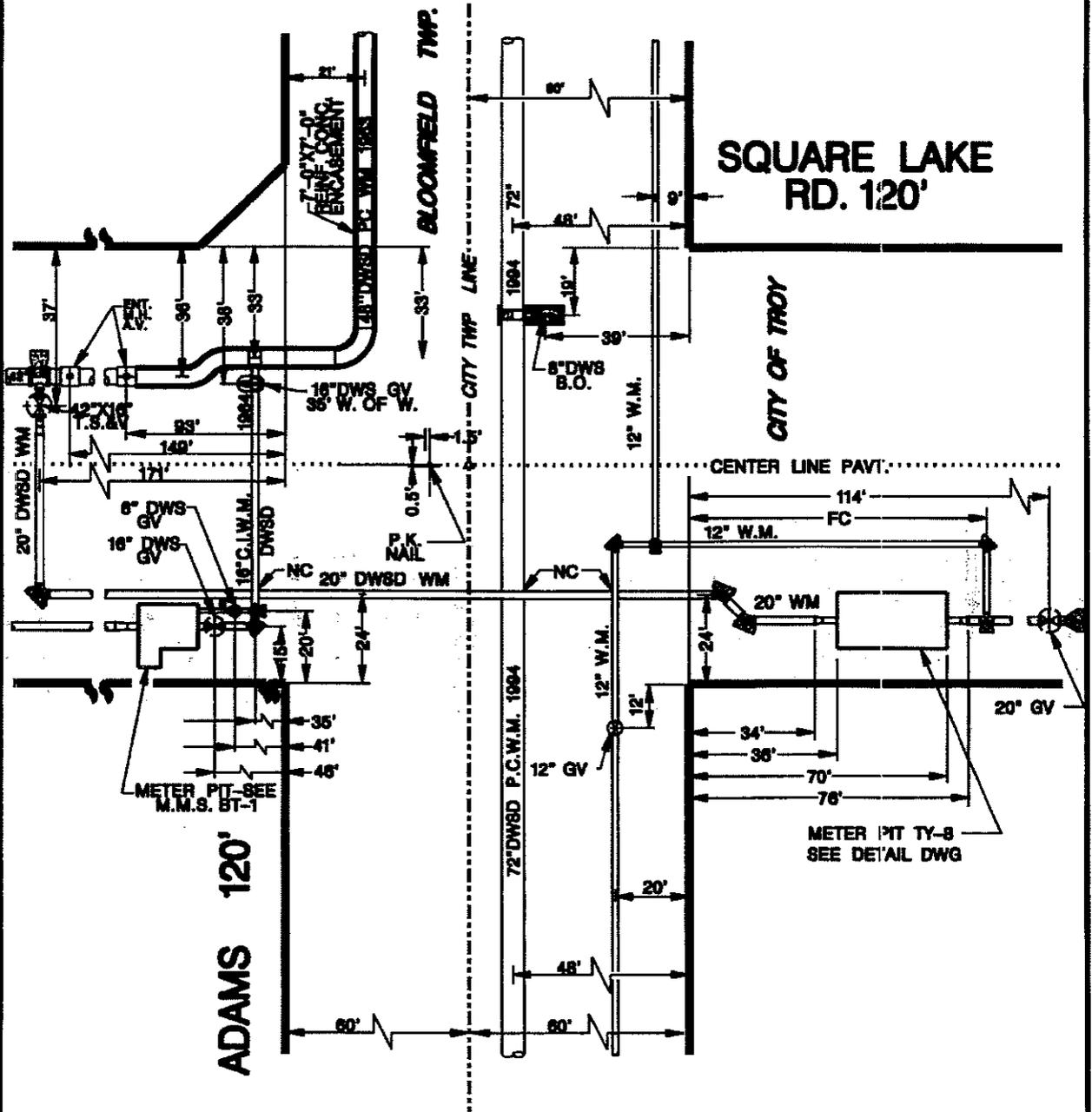
TYPICAL PRESSURE LOSS THRU METER	
METER TYPE (P.&L. LOSS)	
VENTURI	1 TO 2
ORIFICE	0
TURBINE	4 - 8
B.I.F. VENTURI	10 - 15

- P UPSTREAM PRESSURE TRANSMITTER
- Q DOWNSTREAM PRESSURE TRANSMITTER
- R OTHER PRESSURE TRANSMITTER

FEED TO	CITY OF TROY
FEED FROM	84" D.W.S.D. TRANS. MAIN
TYPE OF METER	B.I.F. VENTURI & ORIFICE
SIZE OF METER	30" X 17.4" 30" X 5.994"
TYPE OF P.R.V.	8") ROSS 16") ROSS
SIZE OF P.R.V.	8" 16" X 2
METER NUMBER	37194-1 37200-1
DATE METER SET	01/06/1981
METER PIT CONST & SIZE	40'-0" X 19'-0" I.D., REINF. CONC.
SECTION MAP	14-4 & 16-4
REMARKS	
GATE BOOK	N-1095 & N-1145
DRAWN BY	M. SCOTT 03/28/08

TY
7

EXHIBIT-A TY-08 SQUARE LAKE RD. AND ADAMS CITY OF TROY

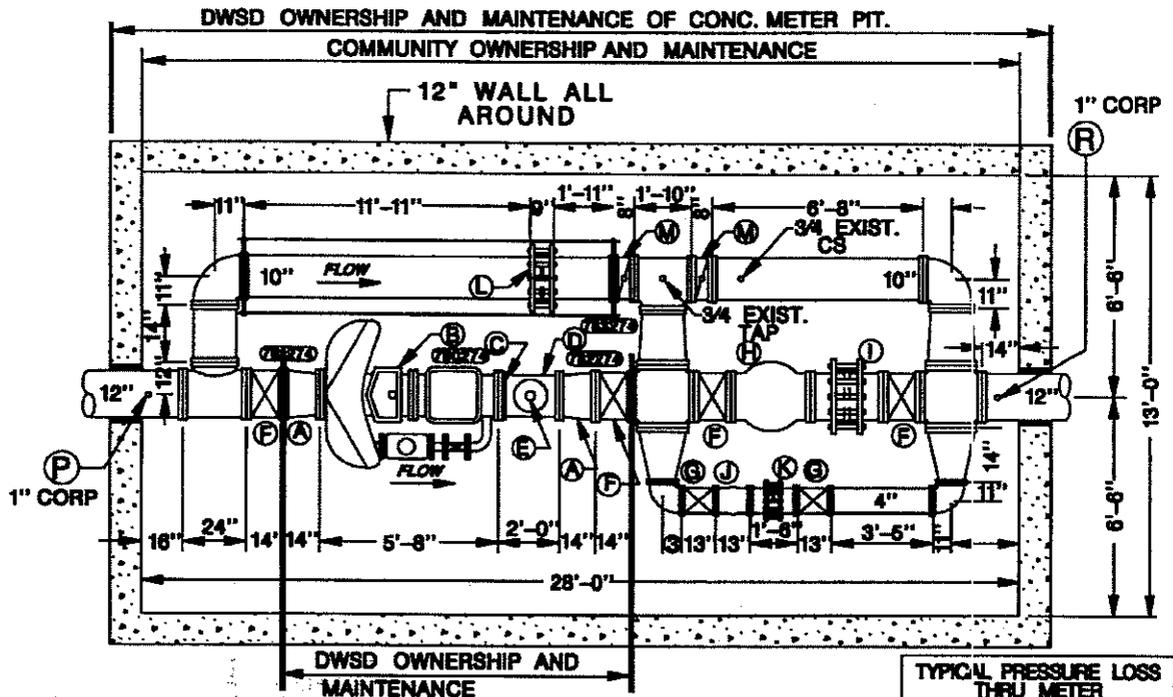


LOCATIONS SUBJECT TO VERIFICATION IN THE FIELD.

SITE PLAN
NOT TO SCALE

TY
8

EXHIBIT-A TY-08 SQUARE LAKE RD. AND ADAMS CITY OF TROY



- (P) - UPSTREAM PRESSURE TRANSMITTER
- (R) - OTHER PRESSURE TRANSMITTER

METER PIT DETAIL
NOT TO SCALE

TYPICAL PRESSURE LOSS THRU METER	
METER TYPE	P.S.I. LOSS
VENTURI	1 TO 2
MAG	0
TURBINE	4 - 6

LEGEND			
TAG	QTY.	DESCRIPTION	SIZE
A	2	FLGD CONC REDUC DI F-F	12" X 10"
B	1	FIRELINE COMPACT METER W5500	10" X 2"
C	1	MEGALUG FLANGE ADAPTER	10"
D	1	10" X 1'-11.5" F-PE PIPE w3" TOL DI	10"
E	1	TEST TEE ASSEMBLY w3" COMP FLANGE	-
F	4	GATE VALVE	12"
G	1	GATE VALVE	4"

LEGEND			
TAG	QTY.	DESCRIPTION	SIZE
H	1	ROSS PRV	12"
I	1	DRESSER CPLG.	12"
J	1	GOLDEN ANDERSON PRV	4"
K	1	DRESSER CPLG.	4"
L	1	DRESSER CPLG.	10"
M	2	BFLY. V. BIF TYPE H	10"

ADDRESS _____ 2985 E. SQUARE LAKE ROAD
 FEED TO _____ CITY OF TROY
 FEED FROM _____ 42" DWSD TRANS MAIN
 TYPE OF METER _____ FIRELINE COMPACT METER W5500
 SIZE OF METER _____ 10" X 2"
 METER NUMBER _____ 10") 1565968 & 2") 1566097
 DATE METER SET _____ 8/18/1999
 TYPE OF PRV _____ ROSS & GOLDEN ANDERSON
 SIZE OF PRV _____ 12" 4"
 METER PIT CONST & SIZE _____ 28'-0" X 13'-0" ID REINF CONC
 SECTION MAP _____ 13-3
 GATE BOOK _____ N-1127
 FIELD BOOK _____
 DRAWN BY _____ A.D. BOLTON 03/28/2008
 REMARKS _____



EXHIBIT B

Projected Annual Volume and Minimum Annual Volume (Table 1)
Pressure Range and Maximum Flow Rate (Table 2)
Flow Split Assumptions (Table 3)
Addresses for Notice (Table 4)

Table 1 and Table 2 set forth the agreed upon Projected Annual Volumes, Minimum Annual Volumes, Pressure Ranges and Maximum Flow Rates for the term of this Contract provided that figures in bold type face are immediately enforceable pursuant to the terms of Section 5.07 and italicized figures are contained for planning purposes only but will become effective absent the negotiated replacements anticipated in Section 5.07.

The approximate rate of flow by individual meter set forth in Table 3 is the assumption upon which the Pressure Range commitments established in Table 2 have been devised. Should Customer deviate from these assumptions at any meter(s), the Board may be unable to meet the stated Pressure Range commitments in this Contract or in the contract of another customer of the Board and Section 5.08 of this Contract may be invoked.

EXHIBIT B

Table 1
 Projected Annual Volume and Minimum Annual Volume

Fiscal Year Ending June 30	Projected Annual Volume (mcf)	Minimum Annual Volume (mcf)
2009	630,000	315,000
2010	630,000	315,000
2011	630,000	315,000
2012	630,000	315,000
2013	630,000	315,000
2014	630,000	315,000
2015	630,000	315,000
2016	630,000	315,000
2017	630,000	315,000
2018	630,000	315,000
2019	630,000	315,000
2020	630,000	315,000
2021	630,000	315,000
2022	630,000	315,000
2023	630,000	315,000
2024	630,000	315,000
2025	630,000	315,000
2026	630,000	315,000
2027	630,000	315,000
2028	630,000	315,000
2029	630,000	315,000
2030	630,000	315,000
2031	630,000	315,000
2032	630,000	315,000
2033	630,000	315,000
2034	630,000	315,000
2035	630,000	315,000
2036	630,000	315,000
2037	630,000	315,000
2038	630,000	315,000

EXHIBIT B

Table 2
Pressure Range and Maximum Flow Rate

Calendar Year	Pressure Range (psi)											
	Meter TY-01		Meter TY-03		Meter TY-04		Meter TY-06		Meter TY-07		Meter TY-08	
	Min	Max										
2008	35	74	51	77	114	149	87	111	72	96	104	134
2009	35	74	51	77	114	149	87	111	72	96	104	134
2010	35	74	51	77	114	149	87	111	72	96	104	134
2011	35	74	51	77	114	149	87	111	72	96	104	134
2012	35	74	51	77	114	149	87	111	72	96	104	134
2013	50	75	65	82	114	149	87	111	80	96	104	134
2014	50	75	65	82	114	149	87	111	80	96	104	134
2015	50	75	65	82	114	149	87	111	80	96	104	134
2016	50	75	65	82	114	149	87	111	80	96	104	134
2017	50	75	65	82	114	149	87	111	80	96	104	134
2018	50	75	65	82	114	149	87	111	80	96	104	134
2019	50	75	65	82	114	149	87	111	80	96	104	134
2020	50	75	65	82	114	149	87	111	80	96	104	134
2021	50	75	65	82	114	149	87	111	80	96	104	134
2022	50	75	65	82	114	149	87	111	80	96	104	134
2023	50	75	65	82	114	149	87	111	80	96	104	134
2024	50	75	65	82	114	149	87	111	80	96	104	134
2025	50	75	65	82	114	149	87	111	80	96	104	134
2026	50	75	65	82	114	149	87	111	80	96	104	134
2027	50	75	65	82	114	149	87	111	80	96	104	134
2028	50	75	65	82	114	149	87	111	80	96	104	134
2029	50	75	65	82	114	149	87	111	80	96	104	134
2030	50	75	65	82	114	149	87	111	80	96	104	134
2031	50	75	65	82	114	149	87	111	80	96	104	134
2032	50	75	65	82	114	149	87	111	80	96	104	134
2033	50	75	65	82	114	149	87	111	80	96	104	134
2034	50	75	65	82	114	149	87	111	80	96	104	134
2035	50	75	65	82	114	149	87	111	80	96	104	134
2036	50	75	65	82	114	149	87	111	80	96	104	134
2037	50	75	65	82	114	149	87	111	80	96	104	134

EXHIBIT B

Table 2 (continued)
 Pressure Range and Maximum Flow Rate

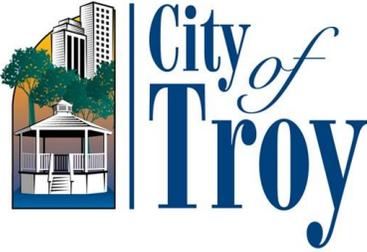
Calendar Year	Maximum Flow Rate (mgd)	
	<u>Max Day</u>	<u>Peak Hour</u>
2008	35.0	55.0
2009	35.0	55.0
2010	35.0	55.0
2011	35.0	55.0
2012	35.0	55.0
2013	35.0	55.0
2014	35.0	55.0
2015	35.0	55.0
2016	35.0	55.0
2017	35.0	55.0
2018	35.0	55.0
2019	35.0	55.0
2020	35.0	55.0
2021	35.0	55.0
2022	35.0	55.0
2023	35.0	55.0
2024	35.0	55.0
2025	35.0	55.0
2026	35.0	55.0
2027	35.0	55.0
2028	35.0	55.0
2029	35.0	55.0
2030	35.0	55.0
2031	35.0	55.0
2032	35.0	55.0
2033	35.0	55.0
2034	35.0	55.0
2035	35.0	55.0
2036	35.0	55.0
2037	35.0	55.0

Table 3
Flow Split Assumptions

Meter	Assumed Flow Split (2008-2009)
TY-01	1%
TY-03	11%
TY-04	45%
TY-06	5%
TY-07	31%
TY-08	7%

Table 4
Addresses for Notice

<p>If to the Board:</p> <p>Director Detroit Water and Sewerage Department 735 Randolph Detroit, Michigan 48226</p>	<p>If to Customer:</p> <p>City Clerk City of Troy 500 West Big Beaver Troy, Michigan 48084</p>
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CITY COUNCIL ACTION REPORT

April 23, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Admin.

SUBJECT: Approval of the Troy Downtown Development Authority's
Proposed Fiscal Year 2008/09 Budget

Background:

- The Downtown Development Authority (DDA) approved their proposed 2008/09 budget at the April 16, 2008 DDA meeting.
- The City-captured tax rate of 9.28 mills was used in determining the DDA property tax revenue. If City Council makes any adjustments to the City's rate, a corresponding adjustment will be needed to recalculate the DDA property tax capture.

Options:

- It is recommended that City Council approve the DDA's 2008/09 budget.



DOWNTOWN DEVELOPMENT AUTHORITY

PROPOSED ANNUAL BUDGET FISCAL YEAR JULY 1, 2008 - JUNE 30, 2009



Members

Al Aceves
Michael W. Culpepper
Stuart Frankel
David R. Hay
Michele Hodges
William Kennis
Alan M. Kiriluk
Daniel MacLeish
Ernest C. Reschke

Louise E. Schilling
Douglas J. Schroeder
Harvey Weiss
G. Thomas York

Executive Director
Brian P. Murphy
Secretary/Treasurer
John M. Lamerato



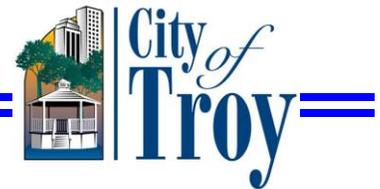


Introduction

In order to prevent further deterioration and to encourage economic development of the Downtown District, the City of Troy established the Downtown Development Authority of the City of Troy (the DDA) pursuant to Act 197 of 1975 (Act 197) and an Ordinance adopted by the City Council of the City of Troy on July 12, 1993, and amended on September 28, 1998, February 7, 2000, August 5, 2002, December 16, 2002 and June 4, 2007.

The DDA has identified specific sources of funding to finance the implementation of a plan for physical improvements to the Downtown District identified in this plan as the Development Area.

The purpose of the Tax Increment Financing and Development Plan is to provide for the construction and financing of the necessary streets, sidewalks, street lighting, landscaping, parking garage and other facilities; Kmart and Civic Center projects; widening of Rochester Road and Big Beaver to improve traffic flow; provide and expand existing public facilities on the civic center site to serve the needs of the DDA businesses and the citizens of the City of Troy; to fund improvements contained in the Big Beaver Corridor Study and to carry out the objectives of the DDA so as to prevent the further deterioration of the Development Area while preserving and promoting economic growth for the benefit of all taxing units located within and benefited by the Development Area.



2008-2009 Budget

Revenue

Property Taxes	\$ 3,819,000
Investment Income	300,000
Re-appropriation of Fund Balance	3,031,880
Total Revenue	\$ 7,150,880

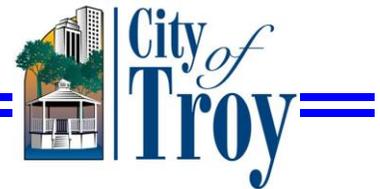
Expenditures

Administrative Expenses	\$ 76,000
Operating Expenses	250,000
Debt Service - Big Beaver Phase 2 & 3	1,195,000
Debt Service - MTF Bonds (Roch. Rd.)	239,000
Debt Service - Refund 1995 Dev. Bonds Series A	788,000
Debt Service - Community Center	1,113,000
Street Island Maint.	389,880
Corridor Study Improvements	3,000,000
Economic Development-MEGA Match	100,000
Total Expenditures	\$ 7,150,880

**Captured Taxable Value
2008-09**

	<u>Real Taxable</u>	<u>Personal Taxable</u>	<u>Total Taxable</u>
1993 - Initial Value	342,302,000	86,976,530	429,278,530
2008 - Taxable Value	548,608,230	126,994,950	675,603,180
Captured Taxable Value	<u>206,306,230</u>	<u>40,018,420</u>	<u>246,324,650</u>

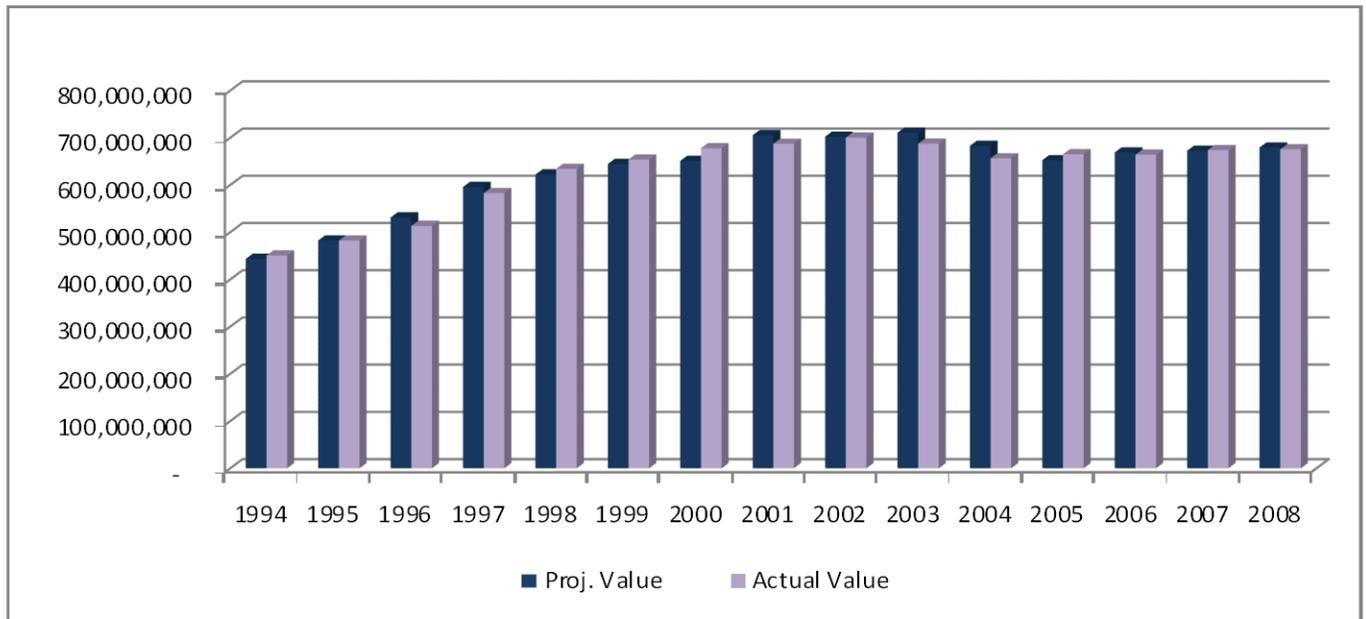
	<u>Oakland County</u>	<u>Oakland Comm. College</u>	<u>City of Troy</u>	<u>Total</u>
Millage Rates	\$ 4.65	\$ 1.58	\$ 9.28	\$ 15.51
Captured Yield	\$ 1,145,000	\$ 389,000	\$ 2,285,000	\$ 3,819,000



**Projected and Actual Captured Valuation
April 2, 2008**

Total DDA Base

Fiscal Year	Initial Valuation	Projected Valuation	Projected Captured	Actual Valuation	Actual Captured
1994	429,278,530	443,579,055	14,300,525	450,682,090	21,403,560
1995	429,278,530	482,321,290	53,042,760	482,321,290	53,042,760
1996	429,278,530	531,054,797	101,776,267	513,251,790	83,973,260
1997	429,278,530	595,752,807	166,474,277	582,784,390	153,505,860
1998	429,278,530	622,051,685	192,773,155	634,117,140	204,838,610
1999	429,278,530	644,521,355	215,242,825	653,782,621	224,504,091
2000	429,278,530	650,903,679	221,625,149	677,550,840	248,272,310
2001	429,278,530	705,343,067	276,064,537	687,261,110	257,982,580
2002	429,278,530	702,063,909	272,785,379	700,292,970	271,014,440
2003	429,278,530	710,501,087	281,222,557	687,610,440	258,331,910
2004	429,278,530	682,725,921	253,447,391	656,443,260	227,164,730
2005	429,278,530	652,413,515	223,134,985	664,930,800	235,652,270
2006	429,278,530	668,894,972	239,616,442	664,121,560	234,843,030
2007	429,278,530	672,433,613	243,155,083	673,838,080	244,559,550
2008	429,278,530	679,300,371	250,021,841	675,603,180	246,324,650



This chart displays the projected and actual taxable value of the entire Downtown Development District.

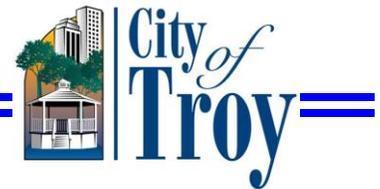


**Bond Debt Service
Development Bonds, Series 2001**

**Big Beaver Phase 2 & 3
Final Pricing**

Dated Date 07/19/2001
Delivery Date 07/19/2001

Period	Principal	Coupon	Interest	Debt Service	Annual Debt Service
Ending					
7/19/2001					
11/1/2001	\$ 605,000	4.00%	\$ 193,848.17	\$ 798,848.17	\$ -
5/1/2002			329,985.00	329,985.00	1,128,833.17
11/1/2002	545,000	4.00%	329,985.00	874,985.00	
5/1/2003			319,085.00	319,085.00	1,194,070.00
11/1/2003	565,000	4.00%	319,085.00	884,085.00	
5/1/2004			307,785.00	307,785.00	1,191,870.00
11/1/2004	590,000	4.00%	307,785.00	897,785.00	
5/1/2005			295,985.00	295,985.00	1,193,770.00
11/1/2005	615,000	4.00%	295,985.00	910,985.00	
5/1/2006			283,685.00	283,685.00	1,194,670.00
11/1/2006	640,000	5.00%	283,685.00	923,685.00	
5/1/2007			267,685.00	267,685.00	1,191,370.00
11/1/2007	670,000	4.00%	267,685.00	937,685.00	
5/1/2008			254,285.00	254,285.00	1,191,970.00
11/1/2008	700,000	4.10%	254,285.00	954,285.00	
5/1/2009			239,935.00	239,935.00	1,194,220.00
11/1/2009	730,000	5.00%	239,935.00	969,935.00	
5/1/2010			221,685.00	221,685.00	1,191,620.00
11/1/2010	770,000	5.00%	221,685.00	991,685.00	
5/1/2011			202,435.00	202,435.00	1,194,120.00
11/1/2011	805,000	4.40%	202,435.00	1,007,435.00	
5/1/2012			184,725.00	184,725.00	1,192,160.00
11/1/2012	850,000	5.50%	184,725.00	1,034,725.00	
5/1/2013			161,350.00	161,350.00	1,196,075.00
11/1/2013	895,000	5.50%	161,350.00	1,056,350.00	
5/1/2014			136,737.50	136,737.50	1,193,087.50
11/1/2014	945,000	5.50%	136,737.50	1,081,737.50	
5/1/2015			110,750.00	110,750.00	1,192,487.50
11/1/2015	1,000,000	5.50%	110,750.00	1,110,750.00	
5/1/2016			83,250.00	83,250.00	1,194,000.00
11/1/2016	1,055,000	5.00%	83,250.00	1,138,250.00	
5/1/2017			56,875.00	56,875.00	1,195,125.00
11/1/2017	1,110,000	5.00%	56,875.00	1,166,875.00	
5/1/2018			29,125.00	29,125.00	1,196,000.00
11/1/2018	1,165,000	5.00%	29,125.00	1,194,125.00	1,194,125.00
	\$ 14,255,000		\$ 7,164,573.17	\$ 21,419,573.17	\$ 21,419,573.17

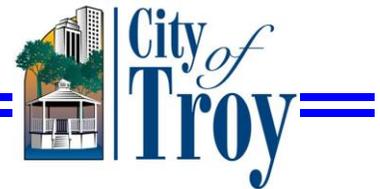


**Bond Debt Service
Refunding Bonds, Series 2001
Refunding of Callable 1995 DDA Bonds, Series A (Tax-Exempt)**

**Refunding Portion
Final Pricing**

Dated Date 07/19/2001
Delivery Date 07/19/2001

Period	Principal	Coupon	Interest	Debt Service	Annual Debt Service
7/19/2001					
11/1/2001	\$ 465,000	4.00%	\$ 132,448.42	\$ 597,448.42	\$ -
5/1/2002			224,432.50	224,432.50	821,880.92
11/1/2002	380,000	4.00%	224,432.50	604,432.50	
5/1/2003			216,832.50	216,832.50	821,265.00
11/1/2003	395,000	4.00%	216,832.50	611,832.50	
5/1/2004			208,932.50	208,932.50	820,765.00
11/1/2004	415,000	4.00%	208,932.50	623,932.50	
5/1/2005			200,632.50	200,632.50	824,565.00
11/1/2005	430,000	4.00%	200,632.50	630,632.50	
5/1/2006			192,032.50	192,032.50	822,665.00
11/1/2006	410,000	5.00%	192,032.50	602,032.50	
5/1/2007			181,782.50	181,782.50	783,815.00
11/1/2007	430,000	4.00%	181,782.50	611,782.50	
5/1/2008			173,182.50	173,182.50	784,965.00
11/1/2008	450,000	4.10%	173,182.50	623,182.50	
5/1/2009			163,957.50	163,957.50	787,140.00
11/1/2009	470,000	5.00%	163,957.50	633,957.50	
5/1/2010			152,207.50	152,207.50	786,165.00
11/1/2010	495,000	5.00%	152,207.50	647,207.50	
5/1/2011			139,832.50	139,832.50	787,040.00
11/1/2011	560,000	4.40%	139,832.50	699,832.50	
5/1/2012			127,512.50	127,512.50	827,345.00
11/1/2012	590,000	5.50%	127,512.50	717,512.50	
5/1/2013			111,287.50	111,287.50	828,800.00
11/1/2013	620,000	5.50%	111,287.50	731,287.50	
5/1/2014			94,237.50	94,237.50	825,525.00
11/1/2014	655,000	5.50%	94,237.50	749,237.50	
5/1/2015			76,225.00	76,225.00	825,462.50
11/1/2015	690,000	5.50%	76,225.00	766,225.00	
5/1/2016			57,250.00	57,250.00	823,475.00
11/1/2016	725,000	5.00%	57,250.00	782,250.00	
5/1/2017			39,125.00	39,125.00	821,375.00
11/1/2017	765,000	5.00%	39,125.00	804,125.00	
5/1/2018			20,000.00	20,000.00	824,125.00
11/1/2018	800,000	5.00%	20,000.00	820,000.00	820,000.00
	\$9,745,000		\$4,891,373.42	\$14,636,373.42	\$14,636,373.42



\$5,600,000

**Michigan Transportation Fund Bonds
(Rochester Road)**

Schedule of Principal and Interest Requirements
On a Fiscal Year Basis

Fiscal Year Beginning July 1	Interest Due November 1	Interest Rate	Principal Due May1, Next	Interest Due May 1, Next	Total
2000	\$ 205,343.70	- %	\$ 1,100,000	\$ 136,893.75	\$ 1,442,237.45
2001	110,768.75	4.75%	1,200,000	110,768.75	1,421,537.50
2002	82,268.75	4.75%	1,300,000	82,268.75	1,464,537.50
2003	51,718.75	4.70%	125,000	51,718.75	228,437.50
2004	48,718.75	4.80%	150,000	48,718.75	247,437.50
2005	45,043.75	4.90%	175,000	45,043.75	265,087.50
2006	40,668.75	5.00%	175,000	40,668.75	256,337.50
2007	36,293.75	5.00%	175,000	36,293.75	247,587.50
2008	31,918.75	5.00%	175,000	31,918.75	238,837.50
2009	27,456.25	5.10%	175,000	27,456.25	229,912.50
2010	22,950.00	5.15%	175,000	22,950.00	220,900.00
2011	18,356.25	5.25%	200,000	18,356.25	236,712.50
2012	13,006.25	5.35%	225,000	13,006.25	251,012.50
2013	6,875.00	5.45%	250,000	6,875.00	263,750.00
	\$ 741,387.45		\$ 5,600,000	\$ 672,937.50	\$ 7,014,324.95

Registrar/Transfer Agent – Old Kent Bank, Grand Rapids, Michigan

*Dated date, February 1, 2000, first interest payment due
November 1, 2000 – 9 months.



\$9,700,000

Community Center Facilities Bonds, Series 2002

Schedule of Principal and Interest Requirements
On a Fiscal Year Basis

Fiscal Year Beginning July 1	Principal Due November 1	Interest Rate	Interest Due November 1	Interest Due May 1, Next	Total Principal & Interest Requirements
2002	\$ -	- %	\$ -	\$ 236,433.33	\$ 236,433.33
2003	400,000.00	5.00%	177,325.00	167,325.00	744,650.00
2004	425,000.00	3.00%	167,325.00	160,950.00	753,275.00
2005	425,000.00	2.05%	160,950.00	156,593.75	742,543.75
2006	500,000.00	2.40%	156,593.75	150,593.75	807,187.50
2007	500,000.00	2.70%	150,593.75	143,843.75	794,437.50
2008	550,000.00	3.00%	143,843.75	135,593.75	829,437.50
2009	575,000.00	3.25%	135,593.75	126,250.00	836,843.75
2010	600,000.00	3.50%	126,250.00	115,750.00	842,000.00
2011	600,000.00	3.60%	115,750.00	104,950.00	820,700.00
2012	625,000.00	3.70%	104,950.00	93,387.50	823,337.50
2013	650,000.00	3.80%	93,387.50	81,037.50	824,425.00
2014	700,000.00	4.00%	81,037.50	67,037.50	848,075.00
2015	725,000.00	4.10%	67,037.50	52,175.00	844,212.50
2016	775,000.00	4.20%	52,175.00	35,900.00	863,075.00
2017	800,000.00	4.30%	35,900.00	18,700.00	854,600.00
2018	850,000.00	4.40%	18,700.00	0.00	868,700.00
	<u>\$9,700,000.00</u>		<u>\$1,787,412.50</u>	<u>\$1,846,520.83</u>	<u>\$ 13,333,933.33</u>

Registrar/Transfer Agent – Fifth Third Bank, Michigan, Grand Rapids, Michigan



\$4,025,000

Community Center Facilities Junior Lien Bonds, Series 2003

Schedule of Principal and Interest Requirements
On a Fiscal Year Basis

Fiscal Year	Principal Due	Interest	Interest Due	Interest Due	Total Principal
Beginning	November 1	Rate	November 1	May 1, Next	& Interest
July 1					Requirements
2003	\$ -	0.00%	* \$ 59,984.38	\$ 71,981.25	\$ 131,965.63
2004	75,000.00	2.50%	71,981.25	71,043.75	218,025.00
2005	100,000.00	2.50%	71,043.75	69,793.75	240,837.50
2006	100,000.00	2.50%	69,793.75	68,543.75	238,337.50
2007	125,000.00	2.50%	68,543.75	66,981.25	260,525.00
2008	150,000.00	2.50%	66,981.25	65,106.25	282,087.50
2009	200,000.00	3.00%	65,106.25	62,106.25	327,212.50
2010	200,000.00	3.00%	62,106.25	59,106.25	321,212.50
2011	250,000.00	3.15%	59,106.25	55,168.75	364,275.00
2012	300,000.00	3.30%	55,168.75	50,218.75	405,387.50
2013	325,000.00	3.45%	50,218.75	44,612.50	419,831.25
2014	350,000.00	3.60%	44,612.50	38,312.50	432,925.00
2015	400,000.00	3.75%	38,312.50	30,812.50	469,125.00
2016	450,000.00	4.25%	30,812.50	21,250.00	502,062.50
2017	500,000.00	4.25%	21,250.00	10,625.00	531,875.00
2018	500,000.00	4.25%	10,625.00	0.00	510,625.00
	\$ 4,025,000.00		\$ 845,646.88	\$ 785,662.50	\$ 5,656,309.38

Registrar/Transfer Agent – Fifth Third Bank, Michigan, Grand Rapids, Michigan

*Dated date, June 1, 2003, first interest payment due
November 1, 2003 – 5 months.



Table 1
Downtown Development Authority Bonds

Schedule of Projected Taxable Values
(Actual through 2008)

Year	Total Real	Total Personal	Total Real & Personal	Initial Assessed Value	Captured Taxable Value
1993	342,342,400	86,936,130	429,278,530	429,278,530	-
1994	338,797,800	111,884,290	450,682,090	429,278,530	21,403,560
1995	334,906,240	147,415,050	482,321,290	429,278,530	53,042,760
1996	366,197,830	147,053,960	513,251,790	429,278,530	83,973,260
1997	391,782,920	191,001,470	582,784,390	429,278,530	153,505,860
1998	430,125,100	203,992,040	634,117,140	429,278,530	204,838,610
1999	432,998,790	220,783,831	653,782,621	429,278,530	224,504,091
2000	469,734,570	207,816,270	677,550,840	429,278,530	248,272,310
2001	493,426,640	193,834,470	687,261,110	429,278,530	257,982,580
2002	520,281,770	180,011,200	700,292,970	429,278,530	271,014,440
2003	524,793,130	162,817,310	687,610,440	429,278,530	258,331,910
2004	522,118,430	134,324,830	656,443,260	429,278,530	227,164,730
2005	531,379,920	133,550,880	664,930,800	429,278,530	235,652,270
2006	538,571,100	125,550,460	664,121,560	429,278,530	234,843,030
2007	546,229,050	127,609,030	673,838,080	429,278,530	244,559,550
2008	548,608,230	126,994,950	675,603,180	429,278,530	246,324,650
2009	554,094,312	126,994,950	681,089,262	429,278,530	251,810,732
2010	559,635,255	126,994,950	686,630,205	429,278,530	257,351,675
2011	565,231,608	126,994,950	692,226,558	429,278,530	262,948,028
2012	570,883,924	126,994,950	697,878,874	429,278,530	268,600,344
2013	576,592,763	126,994,950	703,587,713	429,278,530	274,309,183
2014	582,358,691	126,994,950	709,353,641	429,278,530	280,075,111
2015	588,182,278	126,994,950	715,177,228	429,278,530	285,898,698
2016	594,064,101	126,994,950	721,059,051	429,278,530	291,780,521
2017	600,004,742	126,994,950	726,999,692	429,278,530	297,721,162
2018	606,004,789	126,994,950	732,999,739	429,278,530	303,721,209

2009 and beyond has a 1.0% increase in Real, and a 0% increase in Personal Property. Assumes no new development in the district.

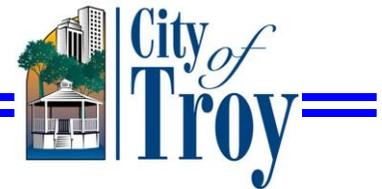


Table 2
Downtown Development Authority Bonds
 *(Actual through 2008)

Schedule of Impact on Taxing Jurisdictions

Year	Projected SEV (TV after 1994) in District	Initial Assessed Value	Captured SEV (TV after 1994) in District	Oakland Community College 1.5800	County of Oakland 4.6500	City of Troy (9.48 < 2002) 9.2800	Total Annual Capture
1993	429,278,530	* 429,278,530	* -	* \$ -	\$ -	\$ -	\$ -
1994	450,682,090	* 429,278,530	* 21,403,560	* 34,246	99,527	202,906	336,678
1995	482,321,290	* 429,278,530	* 53,042,760	* 84,868	246,649	502,845	834,362
1996	513,251,790	* 429,278,530	* 83,973,260	* 134,357	390,476	796,067	1,320,899
1997	582,784,390	* 429,278,530	* 153,505,860	* 245,609	713,802	1,455,236	2,414,647
1998	634,117,140	* 429,278,530	* 204,838,610	* 327,742	952,500	1,941,870	3,222,112
1999	653,782,621	* 429,278,530	* 224,504,091	* 359,207	1,043,944	2,128,299	3,531,450
2000	677,550,840	* 429,278,530	* 248,272,310	* 397,236	1,154,466	2,353,621	3,905,324
2001	687,261,110	* 429,278,530	* 257,982,580	* 412,772	1,199,619	2,445,675	4,058,066
2002	700,292,970	* 429,278,530	* 271,014,440	* 433,623	1,260,217	2,561,086	4,254,927
2003	687,610,440	* 429,278,530	* 258,331,910	* 413,331	1,201,243	2,441,237	4,055,811
2004	656,443,260	* 429,278,530	* 227,164,730	* 363,464	1,056,316	2,146,707	3,566,487
2005	664,930,800	* 429,278,530	* 235,652,270	* 372,331	1,095,783	2,226,914	3,695,028
2006	664,121,560	* 429,278,530	* 234,843,030	* 371,052	1,092,020	2,219,267	3,682,339
2007	673,838,080	* 429,278,530	* 244,559,550	* 386,404	1,137,202	2,269,513	3,793,119
2008	675,603,180	* 429,278,530	* 246,324,650	* 389,193	1,145,410	2,285,893	3,820,495
2009	681,089,262	429,278,530	* 251,810,732	397,861	1,170,920	2,336,804	3,905,584
2010	686,630,205	429,278,530	* 257,351,675	406,616	1,196,685	2,388,224	3,991,524
2011	692,226,558	429,278,530	* 262,948,028	415,458	1,222,708	2,440,158	4,078,324
2012	697,878,874	429,278,530	* 268,600,344	424,389	1,248,992	2,492,611	4,165,991
2013	703,587,713	429,278,530	* 274,309,183	433,409	1,275,538	2,545,589	4,254,535
2014	709,353,641	429,278,530	* 280,075,111	442,519	1,302,349	2,599,097	4,343,965
2015	715,177,228	429,278,530	* 285,898,698	451,720	1,329,429	2,653,140	4,434,289
2016	721,059,051	429,278,530	* 291,780,521	461,013	1,356,779	2,707,723	4,525,516
2017	726,999,692	429,278,530	* 297,721,162	470,399	1,384,403	2,762,852	4,617,655
2018	732,999,739	429,278,530	* 303,721,209	479,880	1,412,304	2,818,533	4,710,716
				\$ 9,108,697	\$ 26,689,281	\$ 53,721,865	\$ 89,519,842

2008 and beyond has a 1.0% increase in a real and a 0% increase in Personal Property. Assumes no new developments in the district.



Annual Debt Requirements

Year Ending June 30,	Refunding Bonds 2001	Big Beaver Phase 2 & 3	MTF Bonds Roch. Rd.	Comm. Center 2002	Comm. Center Jr. Lien 2003	Amount of Annual Interest	Total
2009	\$ 450,000	\$ 700,000	\$ 175,000	\$ 550,000	\$ 150,000	\$ 1,306,724	\$ 3,331,724
2010	470,000	730,000	175,000	575,000	200,000	1,221,754	3,371,754
2011	495,000	770,000	175,000	600,000	200,000	1,125,274	3,365,274
2012	560,000	805,000	200,000	600,000	250,000	1,026,192	3,441,192
2013	590,000	850,000	225,000	625,000	300,000	914,614	3,504,614
2014	620,000	895,000	250,000	650,000	325,000	786,621	3,526,621
2015	655,000	945,000	-	700,000	350,000	648,953	3,298,953
2016	690,000	1,000,000	-	725,000	400,000	515,814	3,330,814
2017	725,000	1,055,000	-	775,000	450,000	376,638	3,381,638
2018	765,000	1,110,000	-	800,000	500,000	231,600	3,406,600
2019	800,000	1,165,000	-	850,000	500,000	78,450	3,393,450
	\$ 6,820,000	\$10,025,000	\$ 1,200,000	\$ 7,450,000	\$ 3,625,000	\$ 8,232,634	\$37,352,634



**Five -Year Budget Projection
April 2, 2008**

	2009-10	2010-11	2011-12	2012-13	2013-14
Revenue					
Property Taxes	\$ 3,905,500	\$ 3,991,500	\$ 4,078,300	\$ 4,166,000	\$ 4,254,500
Re-appropriation Fund Balance	1,942,600	1,294,050	1,195,960	1,197,250	1,326,600
Investment Income	200,000	200,000	200,000	200,000	100,000
Total	\$ 6,048,100	\$ 5,485,550	\$ 5,474,260	\$ 5,563,250	\$ 5,681,100
Expenditures					
Operating Expenses	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000	\$ 200,000
Street Island Maintenance	401,700	413,750	426,160	438,950	452,100
Debt Service					
Big Beaver Phase 2 & 3	1,192,000	1,195,000	1,193,000	1,197,000	1,194,000
MTF Rochester Road	231,000	222,000	237,000	252,000	264,000
Refund Series 'A'	787,000	788,000	828,000	830,000	826,000
Community Center	1,165,000	1,164,000	1,186,000	1,230,000	1,245,000
Total - Debt Service	\$ 3,375,000	\$ 3,369,000	\$ 3,444,000	\$ 3,509,000	\$ 3,529,000
Available for Projects	2,071,400	1,502,800	1,404,100	1,415,300	1,500,000
Total Expenditures	\$ 6,048,100	\$ 5,485,550	\$ 5,474,260	\$ 5,563,250	\$ 5,681,100
Captured TV	251,810,732	257,351,675	262,948,028	268,600,344	274,309,183
Captured Tax Rate	\$ 15.51	\$ 15.51	\$ 15.51	\$ 15.51	\$ 15.51
Estimated Fund Balance	\$ 5,532,000	\$ 4,237,950	\$ 3,041,990	\$ 1,844,740	\$ 518,140
Debt Service in Relation To Property Taxes	86.4	84.4	84.4	84.2	82.9

Tax Increment Procedure

Tax increment revenue to be transmitted to the DDA is generated when the current taxable value of all properties within a development area exceeds the initial assessed value of the properties. The initial assessed value is defined in Act 197 as the assessed value of all taxable property within the boundaries of the development area at the time the ordinance establishing the tax increment financing plan is approved, as shown by the most recent assessment roll of the municipality for which equalization has been completed at the time the ordinance is adopted. The current assessed value refers to the assessed value of all properties, real and personal, within the development area as established each year subsequent to the adoption of the tax increment financing plan. The amount in any one year by which the current taxable value exceeds the initial assessed value, including real and personal property, is defined as the “captured taxable value.” The tax increment revenue transmitted to the DDA results from applying the total tax levy of taxing units within the development area to the captured taxable value.

Increases in assessed values within a development area which result in the generation of tax increment revenues, can result from any of the following:

- a. Construction of new development occurring after the date establishing the “initial assessed value.”
- b. Construction of new rehabilitation, remodeling alterations, or additions accruing after the date establishing the “initial assessed value.”
- c. Increases in property values which occur for any other reason.

Tax increment revenues transmitted to the DDA can be pledged for debt service on general obligation tax increment bonds issued by the municipality or tax increment revenues bonds issued by the DDA.

If bonds are to be sold, the municipality may not pledge for annual debt service requirements in excess of 80% of the estimated tax increment revenue to be received from a development area for that year. In addition, the estimated annual debt service owed on bonds issued by the municipality may not exceed 80% of the estimated annual tax increment revenues. Should actual tax increment revenues fall below projections, any previously accumulated revenue would be devoted to retirement of the bonds. Any tax increment revenues collected in excess of the 80% measure described in Table 2 of the Development Plan will be used to pay current debt service on any bonds issued under the Plan. The bonds are subject to the Michigan Municipal Finance Act and may not mature in more than thirty years.

The DDA may expend tax increment revenues only in accordance with the tax increment financing plan; surplus revenues revert proportionally to the prospective taxing jurisdictions. The tax increment financing plan may be modified upon approval of the governing body after notification and hearings as required by Act 197. When the governing body finds that the purposes for which the plan was established have been accomplished, they may abolish the plan.



CITY COUNCIL ACTION REPORT

Date: May 12, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Water Connection Fees

Background:

- The water connection fee is charged to each premise where the city provides labor, equipment and materials to make a water service connection.
- The current water connection fees have been in place since 1998. Periodic evaluation of these fees showed that they remained relatively stable over several years.
- In the past year and a half, two very volatile commodities have caused water connection costs to rise considerably. They are petroleum and copper.
- The City Council establishes the water connection fee schedule by resolution.

Financial Considerations:

- The proposed water connection fees will re-establish the cost of construction services provided by the City to the current actual construction expense.

Legal Considerations:

- No legal consideration

Policy Considerations:

- As established in Chapter 20 – Water and Sewer Rates, connection fees shall not be less than the cost of the materials, installation and overhead attributable to the particular service. (Goal 5)

Options:

- City Management and the Public Works Department recommend that the City of Troy City Council approve by resolution the water connection and service fee schedules as proposed by staff.

Proposed Water Connection Fees - Effective July 1, 2008

Size of Water Service or Connection	Labor, Equipment, Materials (less meter)	Meter Installation/ Service Charge	Construction Water	Inspection Fee	Sub Total	Meter Size	Meter Cost	Total
3/4"	Existing Service Only	\$50.00	\$35.00	\$35.00	\$120.00	5/8"	\$158.21	\$278.21
1"	\$1,326.79	\$50.00	\$35.00	\$35.00	\$1,446.79	3/4"	\$158.21	\$1,605.00
1 1/2"	\$1,711.52	\$50.00	\$35.00	\$35.00	\$1,831.52	1"	\$189.62	\$2,021.14
2"	\$2,112.96	\$50.00	\$35.00	\$35.00	\$2,232.96	1 1/2"	\$295.82	\$2,528.78
2" Lawn Sprinkler	\$2,112.96	\$50.00	\$35.00	\$35.00	\$2,232.96	2" Turbine	\$319.82	\$2,552.78
3"	N/A	\$50.00	\$35.00	\$35.00	\$120.00	2" C	\$1,019.04	\$1,139.04
4"	N/A	\$50.00	\$35.00	\$35.00	\$120.00	3" C	\$1,275.46	\$1,395.46
6"	N/A	\$50.00	\$35.00	\$35.00	\$120.00	4" C	\$1,906.46	\$2,026.46
8"	N/A	\$50.00	\$35.00	\$35.00	\$120.00	6" C	market price	

C = Compound



CITY COUNCIL ACTION REPORT

May 13, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Monica S. Irelan, Administrative Intern

SUBJECT: Amendment to Chapter 20 of the Troy City Code (Water and Sewer Rates)

Background:

- Attached is an amendment to Chapter 20 of the Troy City Code reflecting the water and sewer rate adjustment discussed during the 2008/09 budget discussions. The increased charges are due to City of Detroit increased rates and the necessity to have sufficient funds to operate and maintain our system.

Financial Considerations:

- The following water and sewer rates are recommended for City of Troy water bills rendered after July 1, 2008:

	<u>Current Rate</u>	<u>Proposed Rate</u>	<u>Adjustment</u>
Water	\$24.20	\$24.92	\$.72
Sewer	<u>17.88</u>	<u>18.42</u>	<u>.54</u>
	\$42.08	\$43.34	\$1.26

The average water bill for a family of four will increase by approximately \$ 4.92 per quarter.

Legal Considerations:

- There are no legal considerations associated with this matter.

Policy Considerations:

- The proposed rate increases relate to Goal II “Minimize the cost and increase the efficiency and effectiveness of City government” and Goal V “Maintain relevance of public infrastructure to meet changing public needs”, by providing funding to make improvements to the system without the need to bond and incur interest expense.

Options:

- It is recommended that City Council approve the rates outlined herein and reflected in the amendments to Chapter 20 of the Troy City Code.

Chapter 20 - Water and Sewer Rates

CHAPTER 20 WATER AND SEWER RATES

1. Definitions. Unless the context specifically indicates otherwise, the following definitions shall apply in the interpretation of this Chapter.
 - (1) "Premises" shall mean each lot, parcel of land, or building having a connection to the Water Supply System or the Sewer System of the City, or is eligible for such a connection.
 - (2) "Department" shall mean the City Division of Water and Sewer.
 - (3) "Director" shall mean the Director of Public Works.

(Rev. 02-26-73)

2. Water Benefit Fee. Whenever any person shall seek a connection to a water main, as defined in Chapter 18 of this Code, he shall pay a benefit fee representing the cost of constructing such water main, except in those cases where the cost of construction has been financed by special assessment assessed to said premises or where construction has been financed by agreement with the City and paid for by the owner of the subject property. The City Council shall from time to time by resolution determine the cost to be borne by any premises which will benefit by a connection thereto.

No permit for any connection to any water main shall be granted until the owner of the premises shall pay or agree to pay the benefit fee attributed to such property.

(Rev. 09-25-78)

3. Water Improvement Fund Fee. Anyone seeking to make a connection to any public water main within the City shall first obtain a permit to make such connection from the Department. Prior to issuance of said permit the applicant must pay a Water Improvement Fund Fee representing the cost of construction of that portion of the City-wide water system attributable to the proportionate benefit to be received by the applicant's property.

(Rev. 02-04-80)

- 3.01 Computation of Water Improvement Fund Fee. The Water Improvement Fund Fee shall be based on a unit factor system wherein each single-family residence shall be classified as one unit.

Other occupational uses shall be charged on multiples of units as may be determined by resolution of the City Council from time to time. Said units and multiples thereof will be established and computed on the same basis as for the Sanitary Trunk and Interceptor Connection Fee contained further in this Chapter and the number of units charged to a premise shall be the same for both water and sanitary sewer.

The Water Improvement Fund Fee shall be in the amount of \$700.00 per unit, less any credit determined under Section 3.02 hereof.

(Rev. 01-01-82)

- 3.02 Credit on Water Improvement Fund Fee. In the case of any premises which have been subject to special assessment for construction of a water main, a credit shall be allowed on the water improvement fund fee for the amount of such special assessment levied for indirect availability of

Chapter 20 - Water and Sewer Rates

water service. The amount of a special assessment for indirect availability of water service shall be that amount in excess of the amount of that assessment attributable to direct benefit received by the parcel originally assessed for immediate availability of water service. The assessor shall prepare and submit to the Council for approval, by resolution, a schedule showing the amount of all such assessments for indirect availability of water service presently existing and the parcels affected thereby. Each premise shall receive a credit for its pro-rata share of the assessment as shown by said schedule. No such credit shall exceed one hundred (100%) percent of the water improvement fund fee for any premises. No such credit shall be given for any premises connection to the water supply system after July 1, 1993.

(Rev. 09-25-78)

4. Water Connection Fee. A Water Connection Fee will be charged to each premise where the City provides labor, equipment or materials to make a connection to the water main and/or to furnish or install a water meter. Such fees shall not be less than the cost of the materials, installation and overhead attributable to the particular service.

The City Council will establish, by resolution, such fees in accordance with the size of service and/or meter to be furnished. The Water Connection Fee shall be paid or the applicant shall make an agreement to pay the Fee prior to issuance of a connection permit by the City.

(Rev. 09-25-78)

5. Basis of Charges. All water service shall be charged for on the basis of water consumed, as determined by the meter installed by the Department in the premises of water or sewage disposal service customers. No free water service or sewage disposal service shall be furnished to any person.

(Rev. 02-26-73)

- 5.01 Water Rates. Charges for water service to each premises within the City connected with the water supply system, for each quarterly (3 month) period, shall be \$ ~~24.20~~ 24.92 per 1,000 cubic feet. Minimum quarterly bills shall be \$~~19.60~~ 20.19.

(Rev. 05-15-06)

Private fire service lines shall be billed at a rate equal to four (4) times the minimum water bill.

Charges for water service to premises outside the City shall be 150% of those for water service within the City.

(Rev. 05-16-05)

Private fire service lines shall be billed at a rate equal to four (4) times the minimum water bill.

Charges for water service to premises outside the City shall be 150% of those for water service within the City.

(Rev. 05-13-02)

Chapter 20 - Water and Sewer Rates

5.02 Sewer Rates

- A. Charges for sewage disposal, operation and maintenance service shall be levied upon all premises having any sewer connection with the public sewers.

Those premises using metered water shall pay \$~~17.88~~ 18.42 dollars per 1,000 cubic foot of water consumption for sewage disposal and maintenance charges.

(Rev. 05-14-07)

Where there is no water meter the sewage disposal and maintenance charges shall be \$~~89.40~~ 92.10.

(Rev. 05-14-07)

Water lines used solely for fire protection shall be exempt from sewage disposal and maintenance charges.

(Rev. 05-13-02)

- B. 1. Rates and charges established are based upon methodology which complies with applicable EPA regulations.
2. Users of the system must be individually notified annually of costs for operation, maintenance, replacement and debt service.
- C. A ready to serve charge shall be levied on each quarterly bill in the amount of \$~~14.48~~ 14.92 dollars less any amount for current consumption up to the maximum of the ready to serve charge.

(Rev. 05-15-06)

~~5.03 Service to City. The City shall pay the same water and sewer rates for service to it as would be payable by a private customer for the same service, except that for water furnished through fire hydrants and for the availability of such water, the City will pay the total sum of \$138,000.00 per year, which charge is hereby determined to be the reasonable cost and value of such service. All such charges for service shall be payable quarterly from the current funds of the City, or from the proceeds of taxes.~~

~~(Rev. 05-15-06)~~

- 5.04 3 Billing. Charges for all water service and sewage disposal service shall be billed and collected quarterly by the City Treasurer. Water bills rendered shall be immediately due and payable and may be paid without penalty up to and including the fifteenth day of the month when rendered, and shall thereafter be subject to a ten (10%) per cent penalty. Bills shall be sent to "Occupant" at the metered address, unless other arrangements are made by the owner.

(Rev. 02-04-80)

Chapter 20 - Water and Sewer Rates

6. Collection. The Director is hereby authorized to enforce the payment of charges for water service to any premises by discontinuing the water service to such premises and the payment of charges for sewage disposal service to any premises may be enforced by discontinuing either the water service or the sewage disposal service to such premises, or both, and an action of assumpsit may be instituted by the City against the customer. The charges for water service and sewage disposal service which, under the provisions of Act 94, Public Acts of 1933 of the State of Michigan, as amended, are made a lien on the premises to which furnished, are hereby recognized to constitute such lien; and the City Treasurer shall, annually, on April 1, certify all unpaid charges for such services furnished to any premises which, on the 31st day of March preceding, have remained unpaid for a period of six (6) months, to the City Assessor who shall place the same on the next tax roll of the City. Such charges so assessed shall be collected in the same manner as general City Taxes. In cases where the City is properly notified in accordance with said Act 94 of 1933, that a tenant is responsible for water or sewage disposal service charges, no such service shall be commenced or continued to such premises until there has been deposited with the City Treasurer, a sum sufficient to cover three (3) times the average quarterly bill for such premises as estimated by the Director. Where the water service to any premises is turned off to enforce the payment of water service charges or sewage disposal service charges, the water service shall not be resumed until all delinquent charges have been paid and a deposit as in the case of tenants is made, and there shall be a water turn-on charge of Twenty-Five (\$25.00) Dollars. In any other case where, in the discretion of the City Treasurer, the collection of charges for water or sewage disposal service may be difficult or uncertain, he may require a similar deposit. Such deposits may be applied against any delinquent water or sewage disposal service charges and the application thereof shall not affect the right of the Treasurer or Director to turn off the water service and/or sewer service, to any premises for any delinquency thereby satisfied. No such deposit shall bear interest and such deposit, or any remaining balance thereof, shall be returned to the customer making the same when he shall discontinue receiving water and sewage disposal service or, except as to tenants at to whom notice of responsibility for such charges has been filed with the City, when any eight (8) successive quarterly bills shall have been paid by said customer with no delinquency.

(Rev. 02-04-80)

7. Sanitary Trunk and Interceptor Connection Fee. Anyone seeking to make a connection to any sanitary sewer system within the City of Troy shall first obtain a permit to make such connection from the Building Department. Prior to issuance of said permit the applicant must pay to the City a Sanitary Trunk and Interceptor Connection Fee representing the cost of construction of that portion of the City-wide sewer system attributable to the proportionate benefit to be received by the applicant's property.

(Rev. 02-26-73)

- 7.01 Computation. The Sanitary Trunk and Interceptor Connection Fee shall be based on a unit factor system of computation wherein each single-family residence shall be classified as one unit. Other occupational uses shall be charged on multiples of units as may be determined by resolution of the City Council from time to time. The Sanitary Trunk and Interceptor Connection Fee shall be in the amount of \$200.00 per unit.

(Rev. 01-01-82)

Chapter 20 - Water and Sewer Rates

8. Sewer Benefit Fee. Whenever any person shall seek a connection to a public sewer, as defined in Chapter 19 of this Code, he shall pay a sewer benefit fee in lieu of paying the cost of constructing such public sewer, except in those cases where the cost of construction has been financed by special assessments assessed to said premises, or by agreement and paid by the owner thereof. The City Engineer shall determine which properties shall be allowed or required to tap the public sewer based on sewer depth, distance from the public sewer, and other engineering and cost factors. The sewer benefit fee, representing the cost of construction of that portion of the City-wide sewer system attributable to the proportionate benefit to be received by the applicant's property, shall be determined by resolution of the City Council from time to time. No permit for any connection to any public sewer shall be granted until the owner of the premises shall pay or agree to pay the sewer benefit fee attributable to such property.

(Rev. 09-25-78)

9. Inspection Fee. An inspection charge ~~of \$15.00~~ shall be included in the cost of a water connection permit for all single family residences: Other inspection fees shall be based on estimates of actual cost to the City for labor, materials and contingencies and shall be computed by the Chief Building Inspector for Sewer and the Superintendent of Public Services for Water.

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(Rev. 02-04-80)

10. Payment of Fees. The Sanitary Trunk and Interceptor Connection Fee, the Sewer Benefit Fee and Sewer Permit Fee (collectively in this Section called "Sewer Fees") and/or the Water Improvement Fund Fee, Water Benefit Fee, and the Water Connection Fee (collectively in this Section called "Water Fees") shall be paid as follows:

(Rev. 02-26-73)

- 10.01 Cash payments shall be made for all Sewer Fees payable for new buildings constructed in areas where public sewers, as defined in Chapter 19 of this Code, are available, or construction of same has been approved by the City Council. No building permit shall be issued for construction of a new building until all Sewer Fees have been paid and the sewer permit has been obtained.

The above regulation is also applicable to building permits for additions to existing structures other than single-family residences. Cash payment for Sewer Fees shall be made for that portion of the structure to be added, while extended payment arrangements as hereinafter provided may be made for that portion of the structure existing prior to the availability of sewer. Regardless of the method of payment chosen by the owner, sewer permits for the entire structure must be obtained prior to issuance of building permits for such additions.

(Rev. 09-25-78)

Chapter 20 - Water and Sewer Rates

- 10.02 Cash payments shall be made for all Water Fees payable for new buildings constructed in areas where public Water Mains, as defined in Chapter 18 of this Code, are available, or construction of same has been approved by the City Council, and where the Water Main is to be used for such new building. When the Water Main is to be used to serve such new building, no building permit shall be issued for construction until all Water Fees have been paid and a water permit has been issued.

The above regulation is also applicable to building permits for additions to existing structures other than single family residences and where the Water Main is in use or shown to be used by the addition. Cash payment for Water Fees shall be made for that portion of the structure to be added, while extended payment as hereinafter provided may be made for that portion of the structure existing prior to the availability of water. Regardless of the method of payment chosen by the owner, when the Water Main is to be used, water permits for the entire structure must be obtained prior to issuance of building permits for such additions.

(Rev. 09-25-78)

- 10.03 Sewer fees and/or water fees for buildings existing in areas where sewers or water taps were not available may be paid for at the time of permit issuance, or, at the option of the owner, may be paid in equal installments, including interest at 6% per annum on the unpaid balance for a period not to exceed 40 years; one installment shall be billed with each bill for water or sewer service.

Additional principal payments may be made with any installment.

(Rev. 01-20-75)

11. Service Leads. When a sewer lead has not been provided to make an authorized connection to an available sewer, it shall be the responsibility of the benefiting property to provide same.

(Rev. 06-09-86)

12. Unauthorized Connections. In the event any connection is made to the City Sewer system without a permit having been obtained from the City Building Department for such connection, a charge of double the current Interceptor Connection Fee will be charged to the owners of the property so connected and will be collected in the same manner prescribed by the Charter for the collection of unpaid City taxes.

(Rev. 12-03-79)

13. Additional Charges. Those premises assigned sewage disposal charges for industrial cost recovery and/or high strength surcharges as required by Federal Law, shall make payment for said charges as herein provided for water and sewage disposal services.

(Rev. 02-04-80)

Chapter 20 - Water and Sewer Rates

14. Definitions:

- (a) Industrial User: shall mean a source of discharge under regulations issued pursuant to the Federal Water Pollution Control Act, 33 U.S.C. 1342, which source originates from, but is not limited to, facilities engaged in industry, manufacturing, business, trade or research, including the development, recovery or processing of natural resources.
- (b) Commercial User: shall mean all non-domestic sources of indirect discharge, other than industrial users, as defined herein including but not limited to the following: A publicly or privately owned facility where persons are engaged in the exchange or sale of goods or services, hospitals, retail establishments and facilities operated by state governments.
- (c) Residential User: shall include schools, churches, municipal buildings and structures designed for habitation. Structures designed for habitation shall include but not be limited to single-family homes, apartment buildings, condominiums, town houses and mobile homes.
- (d) Non-residential User: shall mean any user other than an industrial user, a commercial user or a residential user.

15. High Strength Surcharge: A high strength surcharge shall be levied against all industrial and commercial users, with the exception of restaurants, which users contribute sewage to the system with pollutant concentration levels exceeding the following:

- (A) 275 milligrams per liter (mg/l) of Biochemical Oxygen Demand (BOD)
- (B) 350 milligrams per liter (mg/l) of Total Suspended Solids (TSS)
- (C) 12 milligrams per liter (mg/l) of Phosphorus (P)
- (D) 100 milligrams per liter (mg/l) of Fats, Oils and Grease (FOG)

(Rev. 04-22-85)

16. Non-residential Flow Surcharge: The City of Troy shall pay a quarterly non-residential surcharge as established from time to time by the County of Oakland, State of Michigan, or its authorized representative, the Detroit Water and Sewer Department, and adopted by Resolution of the Troy City Council. The non-residential surcharge shall be based on the total number and size of water meters used by non-residential users of the system. Where metered water is not available, the Assigned Water Meter size shall be reported by the City in accordance with the following schedule:

Chapter 20 - Water and Sewer Rates

Units Assigned in Accordance With the Current Oakland County Department of Public Works Schedule of Unit Assignment Factors	Assigned Water Meter Size
1 - 4	5/8" and 3/4"
5 - 10	1"
11 - 20	1-1/2"
21 - 32	2"
33 - 64	3"
65 - 100	4"
101 - 200	6"

The City shall report quarterly the total number and size of water meters used by non-residential users or alternatively, the Assigned Water Meter size pursuant to the above schedule.

17. Sanitary Wastewater Disposal Charge: The City of Troy shall pay a sanitary wastewater disposal charge. This charge shall be based on readings of the master water meters serving the Southeastern Oakland County Communities.

From these meter readings the water consumption of each municipality shall be determined. Water consumption shall be the basis for sanitary wastewater disposal charges using the formula of rate per 1,000 cubic feet, said rate as established from time to time by the Oakland County Drain Commissioner, and adopted by Resolution of the Troy City Council. If the City has individual sewer customers with metered sewage, the City shall report within 15 days following the end of each calendar quarter the total metered sewage in the City, in lieu of water consumption. Based on the quarterly report, each community shall pay a charge per 1,000 cubic feet of metered sewage, as established from time to time by Oakland County or the Detroit Water and Sewer Department, and adopted by Resolution of the Troy City Council. The rate for sewage disposal based on the metered sewage method shall be 110% of the rate established for the master meter water method.

18. Storm Water Disposal Charge:

- (1) Evergreen-Farmington Sewage Disposal System: The City shall pay a charge for disposal of storm water in proportion to the area in the City served by combined sewers in the Evergreen-Farmington Sewage Disposal System and by the recorded duration of the spill at the Acacia and Bloomfield Regulators. Said charge will be as established from time to time by Oakland County or the Detroit Water and Sewer Department, and acknowledged by Resolution of the Troy City Council.
- (2) Southeastern Oakland County Sewage Disposal System S.O.C.S.D.S.: The entire flow from the S.O.C.S.D.S. enters the Detroit treatment plant through the Dequindre Interceptor, which contains a master meter. The metered flow is reduced by the amount of water consumption for the system. This reduced flow shall be multiplied by a land use factor to determine the City's share of the flow. Storm water disposal charges shall be determined by using a formula of rate per 1,000 cubic feet, as established from time to time by the Oakland County Drain Commissioner, and acknowledged by Resolution of the Troy City Council.
(Rev. 04-22-85)

**CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 20
OF THE CODE OF THE CITY OF TROY**

THE CITY OF TROY ORDAINS:

Section 1. Short Title

This Ordinance shall be known and may be cited as the 46th amendment to Chapter 20 of the Code of the City of Troy.

Section 2.

Section 5.01, is hereby amended to read as follows:

5.01 Water Rates. Charges for water service to each premises within the City connected with the water supply system, for each quarterly (3 month) period, shall be \$24.92 per 1,000 cubic feet. Minimum quarterly bills shall be \$20.19.

Section 3.

Section 5.02, is hereby amended to read as follows:

5.02 Sewer Rates

A. Charges for sewage disposal, operation and maintenance service shall be levied upon all premises having any sewer connection with the public sewers.

Those premises using metered water shall pay \$18.42 dollars per 1,000 cubic foot of water consumption for sewage disposal and maintenance charges.

Where there is no water meter the sewage disposal and maintenance charges shall be \$92.10.

Water lines used solely for fire protection shall be exempt from sewage disposal and maintenance charges.

B. 1. Rates and charges established are based upon methodology which complies with applicable EPA regulations.

2. Users of the system must be individually notified annually of costs for operation, maintenance, replacement and debt service.

C. A ready to serve charge shall be levied on each quarterly bill in the amount of \$14.92 dollars less any amount for current consumption up to the maximum of the ready to serve charge.

Section 3.

Section 5.03, is hereby deleted.

Section 4.

Section 9, is hereby amended to read as follows:

- 9 Inspection Fee. An inspection charge shall be included in the cost of a water connection permit for all single family residences: Other inspection fees shall be based on estimates of actual cost to the City for labor, materials and contingencies and shall be computed by the Chief Building Inspector for Sewer and the Superintendent of Public Services for Water

Section 5. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

Section 6. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby save. 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 7. Severability Clause

Should any work, 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 8.

This Ordinance shall become effective for City of Troy water bills rendered after July 1, 2008.

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, Michigan, on Monday, the _____ day of _____, 2008.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, City Clerk

A Regular Meeting of the Troy City Council was held Monday, May 12, 2008, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

Pastor Dennis Wegner of Troy Church of the Nazarene gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL

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

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a. A Proclamation Celebrating Athens High School – Advanced Placement School of the Year Award was given to the Principle and Staff of Athens High School.
- b. The 2008 Top Ten Public Works Leaders of the Year by the American Public Works Association was presented to Samuel P. Lamerato.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 Rezoning Application – Proposed Troy Museum and Historic Village Expansion, North Side of Wattles, West of Livernois, Section 16 – R-1B to C-F (File Number Z-730)

The Mayor opened the Public Hearing.

The Mayor closed the Public Hearing after receiving comment from the following speakers:

Ron Boykus spoke in support of the rezoning

Resolution #2008-05-146

Moved by Kerwin

Seconded by Howrylak

WHEREAS, The City is in receipt of a rezoning request, from R-1B to C-F, File Number Z-730, as demonstrated by the Ordinance to amend Chapter 39 of the Code of the City of Troy;

WHEREAS, The application is consistent with the Future Land Use Plan, and is compatible with surrounding zoning districts and land uses; and

WHEREAS, The rezoning is recommended for approval by the Planning Commission;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the proposed rezoning from R-1B to C-F; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AMENDS** the Zoning District Map.

Yes: All-7

MOTION CARRIED

C-2 Zoning Ordinance Text Amendment (File Number: ZOTA 233) – Article III – Digital Application Submission Requirements

The Mayor opened the Public Hearing
The Mayor closed the Public Hearing after receiving no comments.

Resolution #2008-05-147
Moved by Beltramini
Seconded by Fleming

RESOLVED, That Troy City Council hereby **AMENDS** Article III (APPLICATIONS AND PROCEDURES) of the City of Troy Zoning Ordinance, pertaining to digital application submission requirements, to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 233), City Council Public Hearing Draft, as recommended by the Planning Commission.

Yes: All-7

MOTION CARRIED

C-3 Outdoor Seating Request in Excess of 20 Seats – Buffalo Wild Wings, 1873 E. Big Beaver Road

The public hearing was cancelled due to insufficient public hearing notice.

POSTPONED ITEMS:

D-1 Standard Purchasing Resolution 1: Award to Low Bidder – Printing/Distribution of Water and Sewer Bills

Resolution
Moved by Fleming
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **AWARDS** a one (1) year contract to provide laser printing and distribution of the City of Troy water and sewer bills, with an option to renew for three (3) additional one (1) year periods to next lowest total bidder, LaserCom of Troy, Michigan for an estimated total cost of \$12,874.94 per year, plus the actual cost of first class postage, at unit prices contained in the bid tabulation opened April 1, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting expiring April 30, 2009 because

LaserCom is a Troy, Michigan business and there is the minimum difference of .18% between their bid and the low total bidder, American Mailers, Inc. of Detroit, Michigan.

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon all of the same specified requirements imposed upon American Mailers, Inc.

Vote on Resolution to Amend by Substitution

Resolution #2008-05-148
Moved by Howrylak
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **AMENDS BY SUBSTITUTION** the *Standard Purchasing Resolution 1: Award to Low Bidder – Printing/Distribution of Water and Sewer Bills* by **STRIKING** it in its entirety and **INSERTING**, “RESOLVED, That Troy City Council hereby **AWARDS** a one (1) year contract to provide Laser Printing and Distribution of the City of Troy Water and Sewer Bills, with an option to renew for three (3) additional one (1) year periods to low total bidder, American Mailers, Inc. of Detroit, MI for an estimated total cost of \$12,851.00 per year, plus the actual cost of first class postage, at unit prices contained in the bid tabulation opened April 1, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting expiring April 30, 2009.

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

MOTION CARRIED

Vote on Resolution as Amended by Substitution

Resolution #2008-05-149
Moved by Fleming
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **AWARDS** a one (1) year contract to provide Laser Printing and Distribution of the City of Troy Water and Sewer Bills, with an option to renew for three (3) additional one (1) year periods to low total bidder, American Mailers, Inc. of Detroit, MI for an estimated total cost of \$12,851.00 per year, plus the actual cost of first class postage, at unit prices contained in the bid tabulation opened April 1, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting expiring April 30, 2009.

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

MOTION CARRIED

PUBLIC COMMENT: Limited to Items Not on the Agenda

Thomas Burke spoke about the 2008/09 City Budget.

Ted Wilson spoke about the Michigan Business Tax.

REGULAR BUSINESS:

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

Resolution #2008-05-150

Moved by Howrylak

Seconded by Eisenbacher

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

Personnel Board

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

Susan Werpetinski

Term Expires 04/30/11

Yes: All-7

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: Brownfield Redevelopment Authority; and Economic Development Corporation (b) City Council Nominations: Cable Advisory Committee; and Youth Council
(a) Mayoral Nominations

Resolution #2008-05-151

Moved by Schilling

Seconded by Kerwin

RESOLVED, That the Mayor of the City of Troy hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

Brownfield Redevelopment Authority

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

Donald F. Schenk

Unexpired Term 04/30/11

Joseph J. Vassallo Unexpired Term 04/30/09

Economic Development Corporation
Appointed by Mayor (9-Regular) – 6-Year Terms

Donald L. Edmunds Unexpired Term 04/30/14

Yes: All-7

(b) City Council Nominations

Resolution #2008-05-152
Moved by Howrylak
Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **FORWARDS** the following nominated person(s) to serve on the Boards and Committees as indicated to the next Regular City Council Meeting for action:

Cable Advisory Committee

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

Padma Kuppa Unexpired Term 09/30/09

Youth Council

Appointed by Council (13-Regular) – 1-Year Term

Disha Bora Term Expires 06/01/09

Geon Woo Kim Term Expires 06/01/09

Joseph Niemiec Term Expires 06/01/09

Shaina Sekhri Term Expires 06/01/09

Neil Shaw Term Expires 06/01/09

David Wylie Term Expires 06/01/09

Willa Adamo Term Expires 06/01/09

Jason Lee Term Expires 06/01/09

Vikram Prasad Term Expires 06/01/09

<u>Sevita Rama</u>	Term Expires 06/01/09
<u>Rachita Singh</u>	Term Expires 06/01/09
<u>Emily Wang</u>	Term Expires 06/01/09

Yes: All-7

E-3 Amendment to Chapter 18 and Proposed Contract with Detroit Water and Sewerage Department

(a) Resolution Amending Chapter 18 of City Ordinance

Resolution
Moved by Kerwin
Seconded by Schilling

WHEREAS, In 1961 the City of Troy and the Detroit Water and Sewerage Department (DWSD) entered into a 35 year contract to provide wholesale water;

WHEREAS, In 2004 the DWSD and 126 municipal customers, through the Technical Advisory Committee (TAC), developed a new model water contract to minimize price volatility and create equity among wholesale water customers;

WHEREAS, The new model contract will be the mechanism to set wholesale water rates for the next 30 years and subject each customer to the same contract terms, with the exception that some communities will qualify for reduced fees based on limitations to peak water usage;

WHEREAS, To gain the greatest opportunity for reduced future water rates, and in addition to community education, capital improvement programs and restrictions to City operated irrigation systems, the only remaining piece is implementation of the ordinance amendment limiting automatic sprinkling during peak hours; and

WHEREAS, If Council decides not to amend Chapter 18, then City Administration will need to negotiate new terms with DWSD;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **ADOPTS** the Ordinance to Amend Chapter 18 of the City Code, City Water Utility, as recommended by the City Administration, a copy of which shall be **ATTACHED** to the original minutes of this meeting.

Vote on Resolution to Postpone

Resolution #2008-05-153
Moved by Howrylak
Seconded by Broomfield

RESOLVED, That the proposed resolution to amend Chapter 18, City Water Utility, of the City Ordinance be **POSTPONED** to the Regular City Council meeting of May 19, 2008.

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

MOTION CARRIED

Council Member Broomfield left the meeting at 9:42pm

The meeting **RECESSED** at 9:42 PM.

The meeting **RECONVENED** at 9:51 PM.

(b) Resolution Approving Contract with Detroit Water and Sewerage Department

City Administration requested that the item be removed to be considered after the proposed Chapter 18 – City Water–Utility Ordinance discussion at the May 19, 2008 Regular Meeting.

CONSENT AGENDA:

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

Resolution #2008-05-154
Moved by Beltramini
Seconded by Kerwin

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items F-5 and F-4b, which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

Yes: Beltramini, Eisenbacher, Fleming, Howrylak, Kerwin, Schilling
No: None
Absent: Broomfield

MOTION CARRIED

F-2 Approval of City Council Minutes

Resolution #2008-05-154-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of April 21, 2008; the Minutes of the 7:30 PM Special City Council Meeting of April 28, 2008; and the Minutes of the 7:30 PM Special City Council Meeting of May 5, 2008 as submitted.

F-3 Proposed City of Troy Proclamations:

Resolution #2008-05-154-F-3

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

- a) Celebrating Athens High School Advanced Placement School of the Year for the State of Michigan
- b) Police Memorial Day – May 15, 2008
- c) Honoring William Beaumont Hospital Dedicated Volunteers

F-4 Standard Purchasing Resolutions

a) **Standard Purchasing Resolution 8: Best Value Award – Troy Daze Fireworks**

Resolution #2008-05-154-F-4a

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide three-year requirements of fireworks display for the Magic of Fall / Troy Daze Festival for years 2008, 2009 and 2010 to the highest rated bidder, Mad Bomber Fireworks Productions of Kingsbury, IN, as a result of a best value process at a total cost of \$15,000.00, or \$5,000.00 per year; and

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

F-6 Approval of Purchase Agreement and Acceptance of Permanent Drainage Easement, John R Road Improvements, Long Lake Road to Square Lake Road Project No. 02.203.5 – Parcel #13 – Sidwell #88-20-11-226-005 – Antoinette L. Brubaker

Resolution #2008-05-154-F-6

RESOLVED, That Troy City Council hereby **APPROVES** the Agreement to Purchase Realty for Public Purposes between Antoinette L. Brubaker, owner of property having Sidwell #88-20-11-226-005, and the City of Troy, for the acquisition of right-of-way for John R Road Improvements, Long Lake Road to Square Lake Road in the amount of \$49,799.00, plus closing costs; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **AUTHORIZES** the Real Estate and Development Department to expend the necessary closing costs to complete this purchase according to the agreement and reimburse the property owner \$1,000.00 for costs associated with the review of the offer; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **ACCEPTS** the Permanent Drainage Easement in the amount of \$100.00 from Antoinette L. Brubaker, owner of property having Sidwell #88-20-11-226-005; and

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

F-7 Contract OEM Replacement Parts for Golf and Turf Maintenance Equipment

Resolution #2008-05-154-F-7

WHEREAS, On July 11, 2005, Troy City Council approved three-year contracts to purchase miscellaneous original equipment manufacturers replacement parts for the Golf Division with the exclusive distributors in Michigan - Midwest Golf and Turf, (formerly known as WF Miller Company), Weingartz and Spartan Distributors (Resolution #2005-07-332a & 332b-F2); and

WHEREAS, All three suppliers have agreed to extend a one-year contract under the same pricing structure, terms and conditions as their original contracts;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **WAIVES** formal bidding procedures and current contracts to purchase OEM replacement parts for golf and turf maintenance equipment from Midwest Golf and Turf of Cincinnati, OH, Weingartz of Farmington Hills, and Spartan Distributors of Sparta, MI are hereby extended under the same pricing structure, terms, and conditions as the original contracts to expire June 30, 2009.

F-8 Rescind/Re-Award Contract – Liquid Calcium Chloride, Option B – Resolution #2008-04-120-F4e

Resolution #2008-05-154-F-8

WHEREAS, On April 7, 2008, one-year contracts to provide Liquid Calcium Chloride with an option to renew for one (1) additional year on an option by option basis was awarded to the lowest acceptable bidders: South Huron Industrial, Inc. of Flatrock, MI, Options A and C, and Suburban Oil Company of Taylor, MI, Option B (Resolution # 2008-04-120-F4e); and

WHEREAS, Suburban Oil Company has withdrawn from the bid process due to the high cost to acquire excess umbrella liability insurance as specified;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **RESCINDS** with prejudice the contract to provide liquid calcium chloride under Option B, with an option to renew for one (1) additional year from Suburban Oil Company, and **RE-AWARDS** to the next lowest acceptable bidder, South Huron Industrial, Inc. of Flatrock, MI, which also includes services under Options A and C, at unit prices contained in the bid tabulation opened March 5, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting, with the contract expiring March 31, 2009.

F-9 Authorization Requesting Reimbursement – Oakland County West Nile Virus Fund

Resolution #2008-05-154-F-9

RESOLVED, That Troy City Council hereby **AUTHORIZES** the City of Troy Parks and Recreation Department to seek reimbursement in the amount of \$30,057.91 from the Oakland County West Nile Virus Fund for expenditures incurred while instituting proactive public health measures to reduce the population of infected mosquitoes in the environment.

F-10 Assessment of Delinquent Accounts

Resolution #2008-05-154-F-10

WHEREAS, Section 1.167 of Chapter 5 and Section 6 of Chapter 20 of the Ordinance Code of the City of Troy require that delinquent payments and invoices, as of April 1st of each year, shall be reported and the City Council shall certify the same to the City Assessor who shall assess the same on the next annual City Tax Roll, to be collected as provided for collection of City Taxes;

WHEREAS, Section 10.8 of the Troy City Charter provides for the collection of delinquent invoices through property tax collection procedures; and

WHEREAS, A list of individual properties is on file in the Office of the Treasurer and comprises a summation of totals as follows:

General Fund Invoices	
Including Penalties	\$ 29,095.89
Special Assessments	
Including Penalties & Interest	5,688.13
Water & Sewer Accounts	
Including Penalties	<u>820,710.86</u>
Total	\$855,494.88

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Assessor to assess these delinquent accounts on the annual City Tax Roll.

F-1b Address of "F" Items Removed for Discussion by City Council and/or the Public**F-4 Standard Purchasing Resolutions****b) Standard Purchasing Resolution 4: US Communities Cooperative Purchasing Program – Landscape Structures, Inc.**

Resolution #2008-05-155

Moved by Fleming

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase and install an Aquarium Display Wall, Mastodon Head Mount and Sandbox through the US Communities Cooperative Purchasing Program Contract #040377 with Landscape Structures, Inc. for an estimated total cost of \$82,792.00; and

BE IT FURTHER RESOLVED, That the contract is **CONTINGENT** upon contractor submission of proper insurance certificate(s), bonds and any other specified requirements.

Yes: Eisenbacher, Fleming, Howrylak, Kerwin, Schilling, Beltramini
No: None
Absent: Broomfield

MOTION CARRIED

F-5 Traffic Committee Recommendations – April 16, 2008

Resolution #2008-05-156
Moved by Beltramini
Seconded by Fleming

Installation of NO PARKING Mon.- Fri. 7 a.m.-5 p.m. Signs on the West Side of Fieldstone from South Boulevard to White Tail Drive

RESOLVED, That Traffic Control Order No. 08-02-P be **ISSUED** for the installation of “NO PARKING Mon.- Fri. 7 a.m.-5 p.m.” signs on the west side of Fieldstone from South Boulevard to White Tail Drive.

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

MOTION CARRIED

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a. Outdoor Seating Request in Excess of 20 Seats – Buffalo Wild Wings, 1873 E. Big Beaver Road – June 2, 2008

Noted and Filed

G-2 Memorandums: None Submitted

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

H-1 No Council Referrals Advanced

COUNCIL COMMENTS:

I-1 Council Comments

Council Member Kerwin invited colleagues to experience some courses regarding civility and water.

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Brownfield Redevelopment Authority/Final – April 17, 2007
- b) Joint Local Development Finance Authority – Troy Subcommittee/Final – May 7, 2007
- c) Historic District Commission/Final – January 15, 2008
- d) Cable Advisory Committee/Final – January 16, 2008
- e) Historic Commission/Final – January 22, 2008
- f) Historic District Commission/Final – February 19, 2008
- g) Historic District Commission/Final – March 18, 2008
- h) Downtown Development Authority/Final – March 19, 2008
- i) Traffic Committee/Final – March 19, 2008
- j) Election Commission/Final – March 27, 2008
- k) Building Code Board of Appeals/Final – April 2, 2008
- l) Youth Council/Final – April 2, 2008
- m) Planning Commission/Draft – April 8, 2008
- n) Planning Commission/Final – April 8, 2008
- o) Board of Zoning Appeals/Draft – April 15, 2008
- p) Cable Advisory Committee/Draft – April 17, 2008
- q) Election Commission/Draft – April 18, 2008
- r) Youth Council/Draft – April 23, 2008

Noted and Filed

J-2 Department Reports:

- a) Assessing Department – 2008 City of Troy Assessment Roll and Board of Review Report
- b) Council Member Kerwin's Travel Expense Report – Alliance Program on Sustainable Development in Birmingham on April 17, 2008
- c) Council Member Beltramini's Travel Expense Report – 2008 Michigan Municipal League Region 1 Education Seminar in Wixom on April 18, 2008
- d) Council Member Kerwin's Travel Expense Report – 2008 Michigan Municipal League Region 1 Education Seminar in Wixom on April 18, 2008
- e) Building Department – Permits Issued During the Month of April, 2008

Noted and Filed

J-3 Letters of Appreciation:

- b) Letter of Thanks from Susick Elementary School to Mark Miller, Mark Stimac, and Tim Richnak
- c) Letter of Congratulations to Mayor Schilling from State Senator John Pappageorge on the City of Troy Receiving the Traffic Safety Award
- d) Letter of Thanks to Mayor Schilling from David Peskin, CEO of World Alliance Financial for Participation at a Press Conference
- e) Letter of Thanks to Peggy Sears from Judith Chambers, Shelby Township Library, Commending the Human Resources Department Staff

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:

- a) Resolution from the Oakland County Board of Commissioners Urging all Law Enforcement Agencies in Oakland County to Participate in the Sheriff Telling Our Parents and Promoting Educated Drivers (STOPPED) Program
Noted and Filed

J-5 Calendar

Noted and Filed

J-6 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Customers of The Detroit Edison Company – Case No. U-12478

Noted and Filed

J-7 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Customers of The Detroit Edison Company – Case No. U-14838

Noted and Filed

J-8 Communication from the State of Michigan Public Service Commission Regarding Notice of Hearing for the Customers of The Detroit Edison Company – Case No. U-15002-R

Noted and Filed

J-9 Troy Youth Assistance Board Meeting Draft Minutes from April 17, 2008

Noted and Filed

J-10 Communication from Purchasing Director Susan Leirstein Regarding Local Preference Issue

Noted and Filed

J-11 Troy Library Survey Results

Noted and Filed

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of “K” Items

CLOSED SESSION:

L-1 Closed Session

Resolution #2008-05-157
Moved by Eisenbacher
Seconded by Howrylak

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

Yes: Howrylak, Kerwin, Schilling, Beltramini, Eisenbacher, Fleming

No: None

Absent: Broomfield

MOTION CARRIED

The meeting **RECESSED** at 10:27 PM.

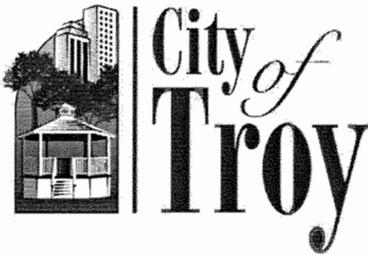
The meeting **RECONVENED** at 10:35 PM.

ADJOURNMENT

The meeting **ADJOURNED** at 10:48 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk



CITY COUNCIL ACTION REPORT

May 12, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Asst. City Manager/Economic Development Services
Steven J. Vandette, City Engineer *SV*

SUBJECT: Standard Purchasing Resolution #1: Award to Low Bidder
Contract 08-1 – Eckford S.A.D. Paving and Storm Sewer
Project No. 06.202.1

Background:

- Bids were received and publicly read on May 8, 2008. The low bid of \$149,851.77 submitted by Commerce Construction & Landscaping, Inc. is shown in the attached tabulation of bids.
- The Engineer's estimate at the time of bidding was \$181,000. The low bid is \$31,148.23 or 17.20% below the Engineer's estimate of the overall cost including the city and S.A.D. shares.
- Although the City has not worked with this contractor before and the low bid is considerably lower than the estimate, the contractor has stated that they will give us a good job and our reference check found good quality work in other communities and many satisfied customers.
- This work includes paving the existing gravel road and installing under drain systems on Eckford Street from address #959 to address #785 in Section 15. All Contract work is scheduled to start in June of 2008 and be complete by July, 2008, with the exception of seed and sod restoration which will be completed by September 30, 2008.
- This work is part of a special assessment district (S.A.D.) as approved by Resolution #4 (2007-06-186) on June 18, 2007. The estimated construction cost is 16.6% below the S.A.D. estimated share. In accordance with S.A.D. procedures, a cost more than 5% below the S.A.D. estimated cost results in a new assessment roll to reflect the lower cost. This new roll will be prepared after the project is completed and the actual as built cost is known.

Financial Considerations:

- Funds for this work are included in the Local Roads Fund, account number 401499.7989.062021. The budgeted amount includes funds for construction, inspection and contingencies.

Legal Considerations:

- Work was competitively bid and publicly opened with nine (9) bidders responding.
- Award is contingent upon submission of proper proposal and bid documents, including insurance certificates, bonds and all specified requirements.

Policy Considerations:

- Enhance the livability and safety of the community (Goal I)
- Retain and attract investment while encouraging redevelopment (Goal III)
- Maintain relevance of public infrastructure to meet changing public needs (Goal V)

Options:

- It is recommended that City Council award a contract for the Eckford S.A.D. Paving and Storm Sewer to Commerce Construction & Landscaping Inc., P.O. Box 930098, Wixom, MI 48393-0098 for their low total bid amount of \$149,851.77. In addition, we are requesting authorization to approve additional work, if needed, not to exceed 10% of the original project cost.

Prepared by: Antonio Cicchetti, PE
G:\Contracts\Contracts - 2008\08-1 Eckford S.A.D. Paving\Documents\Bid Award.doc

BID TABULATION
CONTRACT 08-1
ECKFORD S.A.D. PAVING AND STORM SEWER
CITY OF TROY
OAKLAND COUNTY, MICHIGAN

Bids Due: May 8, 2008
Project # 06.202.1

TOTAL AMOUNT OF BID

Commerce Construction & Landscaping, Inc.	\$149,851.77
Asix Asphalt Paving	\$178,625.27
A.W. Excavating, Inc.	\$181,791.76
Nagle Paving Company	\$188,719.80
Florence Cement, Inc.	\$189,579.05
Tyger Excavating, Inc.	\$198,083.20
John Carlo, Inc.	\$204,865.10
Mago Construction Company	\$223,607.80 *
Barrett Paving Materials	\$227,000.00

* Corrected by Engineer



CITY COUNCIL ACTION REPORT

May 12, 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 3: Exercise Renewal Option –
Pump Maintenance, Repair, and Replacement – City Pools

Background

- On March 27, 2006, Troy City Council approved two-year contracts for pump maintenance, repair and replacement on City pools (outdoor and indoor) with two one-year options to renew to the low bidders - Kerr Pump & Supply for Aurora pumps, Kennedy Industries for repair and maintenance of Floway pumps and Evergreen Water Controls for replacement of Floway pumps. CC Res #2006-03-153-E4b
- Kerr Pump and Kennedy Industries both have agreed to renew the current contract under the same terms and conditions. Evergreen Water Controls services have not been required during the past two years and the company has since closed this division.
- Due to Evergreen's Pump Division closing, quotes were requested from both Kerr Pump and Kennedy Industries for the replacement of the Floway Pumps. Kennedy Industries had the lowest replacement quote.
- Since 1992, Kennedy Industries, Inc. has serviced the outdoor pools and been involved with the repair of the Troy Family Aquatic Center Floway Vertical pumps. They continue to be reliable and trustworthy.
- Kerr Pump & Supply, Inc. received the bid to service the indoor pools at the Troy Community Center. Kerr Pump & Supply, Inc. has 102 years experience with the supply and service of the Aurora Pumps and have been reliable over the past two years.
- Due to limited competition, a market survey was not conducted as all the original respondents in the bid process were awarded a portion of the original contract.
- On a regular basis, Building operations oversees the general maintenance on the pumps at both facilities.

Financial Considerations

- Kennedy Industries has submitted a request for a 4.9% increase in their hourly rates, which is allowed under the contract. The City can accept an increase in labor rates at the beginning of each option year not to exceed the difference between the Consumer Price Index (CPI) for the Detroit/Ann Arbor area for October of the current contract year (2007) and the base year of December 2005.
- Funding for the repairs is available in the Parks and Recreation, Aquatic Center, and Community Center operating budgets.

May 12, 2008

To: Phillip L. Nelson, City Manager

Re: Exercise Renewal Option – Pump Maintenance, Repair and Replacement

Legal Considerations

- ITB-COT 06-02, two-year requirements of pump maintenance, repair and replacement for City pools with two one-year renewal options was competitively bid, in accordance with City Charter and Code.

Policy Considerations

- Kerr Pump & Supply, Inc. and Kennedy Industries Inc. have the expertise to check/replace the pumps so they are in safe working order. (Goal I)
- Kerr Pump & Supply, Inc. and Kennedy Industries Inc. check over the pumps seasonally and look for any potential issues. (Goal II)

Options

- City management and the Parks and Recreation department recommend exercising the first of two one-year options to renew from Kennedy Industries Inc. at their requested increases as detailed on Appendix I, and for the replacement of Floway pumps, as needed per quote #4293; and Kerr Pump & Supply, Inc. for the continued furnishing of all labor, tools, equipment and transportation services to provide requirements of pump maintenance, repair, and replacement on the City of Troy outdoor and indoor pools.

APPENDIX I

	<u>CURRENT</u> <u>RATES</u>	<u>PROPOSED</u> <u>RATES</u>
Kennedy Industries, Inc		
Regular Time	\$ 90.00	\$ 94.41
Overtime	\$135.00	\$141.62
Holiday Time	\$180.00	\$188.82

MAR-07-2008 11:58

FROM-TROY PARKS AND RECREATION

T-515 P.002/003 F-220

MAR-02-2008 16:04
PARKS AND RECREATION

FROM-TROY PARKS AND RECREATION

T-484 P.002/002 F-138

3139 Livernois
Troy, MI 48063
(248) 524-3484
(248) 689-6497 fax

The City of Tomorrow...



March 3, 2008

Attn: Mr. Chris Hawkins
Kerr Pump & Supply, Inc.
12880 Cloverdale
Oak Park, MI, 48237
Fax: (248) 549-3236

Dear Mr. Hawkins:

The City of Troy entered into contract #20500747 OB with Kerr Pump & Supply, Inc. to provide two-year requirements of pump maintenance, repair, emergency repairs, and pump replacement on the City of Troy indoor pools, expiring March 27, 2008. This contract contained an option for two one-year renewal options under the same terms and conditions as the original contract. If a new price list is to be submitted within the terms and conditions of the current contract, 30-day notification of the new list is required. Please be aware that the City of Troy reserves the option to accept the price list change or re-bid.

Please fax this letter back to Ann Blizzard at Parks and Recreation indicating if Kerr Pump & Supply, Inc. wishes to renew this contract until March 27, 2009. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3484.

Check One:

Kerr Pump & Supply, Inc. is interested in renewing the contract under the same terms, and conditions:

Kerr Pump & Supply, Inc. is not interested in renewing the contract:

x *Christophe L. Houston* Date: 3-6-2008
Signed: Authorized Company Representative

Thank you,

Ann Blizzard
Ann Blizzard
City of Troy Parks and Recreation

www.troymi.gov

Rx time:03/03/2008 15:03

Rx No.:234 P.002

The City of Tomorrow...

...Today

3179 Livernois
Troy, MI 48063
(248) 524-3484
(248) 689-6497 fax



March 10, 2008

Attn: Mr. Bob Hofer
Kennedy Industries, Inc.
4975 Technical Dr.
Milford, MI, 48381
Fax: (248) 684-6011

Dear Mr. Hofer:

We reviewed your proposed increase in rates for pump maintenance and repair on the City of Troy outdoor pools for the one-year renewal option under contract #20500748 OB. The proposed rates on your fax dated 3/5/2008 exceed the difference between the consumer price index (CPI) for the Detroit/Ann Arbor area for October of the current contract year (2007) and the base year of December 2005, which equals 4.9%. The service hourly rates that we can accept based on the contract and CPI are as follows:

Regular Time	\$90.00 to \$ 94.41
Overtime	\$135.00 to \$141.62
Holiday Time	\$180.00 to \$188.82

Please fax this letter back to Ann Blizzard at Parks and Recreation indicating if Kennedy Industries, Inc. wishes to renew this contract and what the specific rates would be, based on the approved prices stated above by Tuesday, March 11, 2008. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3484.

Check One:

Kennedy Industries, Inc. is interested in renewing the contract at the following rates:

Kennedy Industries, Inc. is not interested in renewing the contract:

x *Robert Hofer*
Signed: Authorized Company Representative

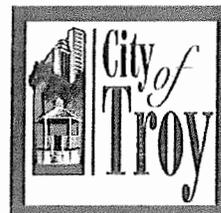
Date: 3/11/08

Thank you,
Ann Blizzard
Ann Blizzard
City of Troy Parks and Recreation

Parks and Recreation
3179 Livernois
Troy, MI 48083
(248) 524-3484
(248) 689-6497 fax

The City of Tomorrow...

...Today



April 11, 2008

Attn: Mr. Vance Wilmoth
Kennedy Industries, Inc.
4976 Technical Drive
Milford, MI, 48381

KENNEDY INDUSTRIES QUOTE# 4293

Dear Mr. Wilmoth:

As discussed, we are requesting a quote for the replacement of the below pumps at the outdoor aquatic center. Prices quoted shall remain firm until May 31, 2009. Please return your quotes to me by Friday, April 18, 2008, at 10:00am EDT via fax or email.

Provide all labor, tools, equipment including cranes etc., and transportation services to replace the following pumps.

FLOWAY PUMPS

1. Floway Vertical Turbine Pump 25 Horsepower filter pump with 8-inch discharge, 460 Volt 3 phase. **COMPLETE FOR THE SUM OF \$** 13,803.00
2. Floway Vertical Turbine Pump 10 Horsepower water fall pump with 6-inch discharge, 460 Volt 3 phase. **COMPLETE FOR THE SUM OF \$** 13,704.00
3. Floway Vertical Turbine Pump 5 Horsepower kiddy slide pump with 6-inch discharge, 460 Volt 3 phase. **COMPLETE FOR THE SUM OF \$** 14,317.00
4. Floway Vertical Turbine Pump 8 Horsepower flume slide pump with 8-inch discharge, 460 Volt 3 phase. **COMPLETE FOR THE SUM OF \$** 15,344.00
5. Floway Vertical Turbine Pump 30 Horsepower flume slide pump with 12-inch discharge, 460 Volt 3 phase. **COMPLETE FOR THE SUM OF \$** 24,547.00

Quoting On: 4-18-08 Manufactured by: FLOWAY

If you have any questions, please contact me at (248) 524-3484.

Thank you,

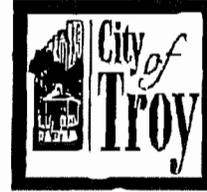
Ann Blizzard
City of Troy Parks and Recreation
Fax #248.689.6497
Email: blizzardam@troymi.gov

MAR-08-2008 12:27 FROM-TROY PARKS AND RECREATION
PARKS AND RECREATION
3179 Livernois
Troy, MI 48063
(248) 524-3484
(248) 689-6497 FAX

T-487 P 002/002 F-148

The City of Tomorrow...

...Today



March 4, 2008

Attn: Red Rumler
American Electric/Evergreen Water Control
4100-02 Davison
Burton, MI, 48509
Fax: (810) 743-6098

Dear Mr. Rumler:

The City of Troy entered into contract #20500749 OB with American Electric/Evergreen Water Control to provide two-year requirements of pump maintenance, repair, emergency repairs, and pump replacement on the City of Troy indoor pools, expiring March 27, 2008. This contract contained an option for two one-year renewal options under the same terms and conditions as the original contract. If a new price list is to be submitted within the terms and conditions of the current contract, 30-day notification of the new list is required. Please be aware that the City of Troy reserves the option to accept the price list change or re-bid.

Please fax this letter back to Ann Blizzard at Parks and Recreation indicating if American Electric/Evergreen Water Control wishes to renew this contract until March 27, 2009. It should be understood that this request to renew the contract is subject to a favorable market survey. A request by City staff to determine the successful bidder's interest in renewing the contract in no way obligates the City. The option cannot be exercised without Troy City Council approval and a blanket purchase order issued.

If you have any questions please call me at (248) 524-3484.

Check One:

American Electric/Evergreen Water Control is interested in renewing the contract under the same terms, and conditions: ()

American Electric/Evergreen Water Control is not interested in renewing the contract: (X)

Red Rumler Date: 3/4/08
Signed: Authorized Company Representative

Thank you,

Ann Blizzard
Ann Blizzard
City of Troy Parks and Recreation

b) **Standard Purchasing Resolution 1: Award to Low Bidders – Pump Maintenance, Repair and Replacement of City Pools**

Resolution #2006-03-153-E-4b

RESOLVED, That contracts to provide two-year requirements of pump maintenance, repair and replacement on the City of Troy (outdoor and indoor) pools with two one-year options to renew are hereby **AWARDED** to the following low bidders:

	<u>DESCRIPTION</u>
• Kerr Pump and Supply, Inc. Oak Park, MI	Aurora Pumps – Proposal A and B
• Kennedy Industries, Inc. Milford, MI	Floway Pumps – Proposal A, Pump Maintenance/Repair
• Evergreen Water Controls Burton, MI	Floway Pumps – Proposal B, Pump Replacement

at unit prices contained in the bid tabulation opened March 6, 2006, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

BE IT FURTHER RESOLVED, That the awards are **CONTINGENT** upon contractors' submission of properly executed bid documents, including insurance certificates and all other specified requirements.

E-6 Approval of the Proposed 2006-2007 Troy Racquet Club Rates

Resolution #2006-03-153-E-6

RESOLVED, That the 2006-2007 rates for court time for Troy Racquet Club are hereby **APPROVED** as stated in the report from the Parks and Recreation Department dated March 16, 2006; a copy of which shall be **ATTACHED** to and made a part of the original Minutes of this meeting.

E-7 Contract Amendment #2 – Sidewalk Replacement Program

Resolution #2006-03-153-E-7

WHEREAS, On July 11, 2005, Troy City Council exercised the final option to renew and amend the original contract for sidewalk replacement and installation with Hard Rock Concrete, Inc. at a total cost not to exceed \$550,000.00 under the same contract unit prices, terms, and conditions expiring June 30, 2006 (Resolution # 2005-07-348);

WHEREAS, Hard Rock Concrete, Inc. has agreed to amend the contract quantities under the same prices, terms, and conditions as the original contract; and

WHEREAS, It is requested the contract be amended to allow for additional sidewalk work as needed, in the amount of \$450,000.00.

March 20, 2006

TO: John M. Lamerato, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Jeanette Bennett, Purchasing Director
Carol K. Anderson, Parks and Recreation Director

SUBJECT: **Agenda Item** – Standard Purchasing Resolution 1: Award to Low Bidders - Pump Maintenance, Repair and Replacement of City Pools

RECOMMENDATION

On March 6, 2006, bid proposals were opened to furnish all labor, tools, equipment including cranes etc., and transportation services to provide two-year requirements of pump maintenance, repair and replacement on the City of Troy (outdoor and indoor) pools with two one-year options to renew.

After reviewing the bid proposals, City management recommends that contracts be awarded to the following low bidders, at unit prices contained on the attached bid tabulation.

Kerr Pump and Supply Inc of Oak Park, MI, exclusive representative in the lower peninsula for the Aurora Pumps at the Community Center be awarded both Proposal A and B, Pump Maintenance, Repair and Replacement of Aurora Pumps. **Kennedy Industries Inc of Milford, MI**, the direct representative of the Floway Pumps at the Aquatic Center be awarded Proposal A, Pump Maintenance and Repair for Floway Pumps. **Evergreen Water Controls of Burton, MI**, be awarded Proposal B, Pump Replacement for Floway Pumps.

The awards are contingent upon contractors' submission of properly executed bid documents, including insurance certificates and all specified requirements.

BACKGROUND

Building Operations oversees the general maintenance on the pumps at both facilities. Due to additional repair work and the aging pumps at the Aquatic Center, the City decided to contract for specific pump services. Below are the three companies City management recommends based on the bid process.

- Kennedy Industries Inc. has been involved with the repair of the Tory Family Aquatic Center Floway Vertical Pumps since 1992. They have been reliable and trustworthy.
- Evergreen Water Controls has a three-year warranty on replacement pumps. They have seven years of experience.
- Kerr Pump and Supply Inc. has 102 years of experience with the supply and service of the Aurora Pumps.

March 20, 2006

To: John M. Lamerato, Acting City Manager

Re: Bid Award – Pump Maintenance, Repair and Replacement

BUDGET

These services are to be charged to the Contractual Equipment Maintenance Account #755.7802.150 and #787.7802.150; and the Troy Family Aquatic Center Contractual Service Account, #787.7802.070.

51 Vendors Notified via MITN System

3 Bid Responses Rec'd

1 No Bid: - Company cannot be competitive

Prepared by: Ann Blizzard, Recreation Supervisor

Opening Date -- 3/6/06
Date Prepared -- 3/13/06

CITY OF TROY
BID TABULATION
PUMP MAINTENANCE AND REPAIR

VENDOR NAME:

Kerr Pump & Supply	Kennedy Industries Inc	Evergreen Water Controls
Inc		American Electric

PROPOSAL: Furnish all labor, tools, & equipment including cranes to provide Two-year requirements of Pump Maintenance, Repair, and Replacement on the City of Troy Pools with an option to renew for two one-year periods

PROPOSAL A: PUMP MAINTENANCE & REPAIR

ITEM	DESCRIPTION	COST		COST		COST	
1	Pump Maintenance Service/Tune-up	\$480/yr		\$1500/yr		\$3600/yr	
2	<u>Repair Service</u>	EST. HRS	COST	EST. HRS	COST	EST. HRS	COST
	a. Pump Service ON-SITE		\$ 80.00 / hr		\$ 90.00 / hr		\$ 90.00 / hr
	b. Pump Repair OFF-SITE	60 Hrs	\$ 75.00 / hr	60 Hrs	\$ 90.00 / hr	60 Hrs	\$ 90.00 / hr
	c. Cost to remove the pumps from their housing & replacement after work completion including Labor & Equip		\$ N/A		\$ 90.00 / hr		\$ 305.00 / hr
	d. RESPONSE TIME: Within		3 / hr		4 / hr		4 / hr
3	<u>Emergency Repairs - Labor Rates</u>	EST. HRS	COST	EST. HRS	COST	EST. HRS	COST
	Regular Time	20 Hrs	\$ 80.00 / hr	20 Hrs	\$ 90.00 / hr	20 Hrs	\$ 90.00 / hr
	Overtime Time		115.00 / hr		135.00 / hr		135.00 / hr
	Holiday Time		140.00 / hr		180.00 / hr		270.00 / hr
4	<u>Floway Repair Parts</u>						
	Discount--	No Bid	%	Blank	%	- 20	%
	Parts List	No Bid		Blank		Blank	
	Dated	No Bid		Blank		Blank	
	Parts Price List Attached	No Bid		Blank		Blank	
	Mark up or down	No Bid		+ 20	%	- 20	%
	Impeller Replacement	No Bid		1,800.00		N/A	
	Pump Shaft Replacement	No Bid		1,000.00		N/A	
5	<u>Aurora Repair Parts</u>						
	Discount--	10	%	Blank	%	Blank	%
	Parts List	Master		Blank		Blank	
	Dated	1/1/2006		Blank		Blank	
	Parts Price List Attached	N/A		Blank		Blank	
	Mark up or down	N/A		+ 20	%	Blank	
	Impeller Replacement	1,254.00		1,900.00		2,799.20	
	Pump Shaft Replacement	1,058.00		2,300.00		Blank	
				See exceptions			
6	<u>Travel Time:</u>	\$	40.00		Attached to Bid	\$	270.00

PROPOSAL B: PUMP REPLACEMENT

ITEM	DESCRIPTION	COMPLETE FOR THE SUM OF:		
FLOWAY PUMPS				(Pump & Motor)
1	Vertical Turbine Pump 25 HP w/8" disch.	No Bid	\$ 18,000.00	\$ 17,994.00
2	Vertical Turbine Pump 10 HP w/6" disch.	No Bid	\$ 16,000.00	\$ 8,906.60
3	Vertical Turbine Pump 5 HP w/6" disch.	No Bid	\$ 16,000.00	\$ 10,094.60
4	Vertical Turbine Pump 8 HP w/8" disch.	No Bid	\$ 18,000.00	\$ 10,424.60
5	Vertical Turbine Pump 30 HP w/12" disch.	No Bid	\$ 20,000.00	\$ 18,887.00
	Quoting on	Blank	2-21-06	above
	Manufactured by:	Blank	Floway	Floway

Opening Date -- 3/6/06
 Date Prepared -- 3/13/06

CITY OF TROY
 BID TABULATION
 PUMP MAINTENANCE AND REPAIR

ITB-COT 06-02
 Pg. 2 of 2

VENDOR NAME:

Kerr Pump & Supply	Kennedy Industries Inc	Evergreen Water Controls
Inc		American Electric

PROPOSAL B: PUMP REPLACEMENT

ITEM	DESCRIPTION	COMPLETE FOR THE SUM OF:		
AURORA PUMPS #02-406411 Type #342ABF				
1	Pentair Pumps 20 HP, 4" inlet- 3" Outlet	\$ 3,685.00	\$ 5,500.00	\$ 5,814.25
2	Pentair Pumps 15 HP, 6" inlet- 6" Outlet	\$ 3,459.00	\$ 5,100.00	\$ 5,049.50
3	Pentair Pumps 20 HP, 6" inlet- 5" Outlet	\$ 4,111.00	\$ 5,900.00	\$ 5,814.25
4	Pentair Pumps 7.5 HP, 3" inlet- 2" Outlet	\$ 2,386.00	\$ 4,200.00	\$ 3,790.25
	Quoting on	Aurora Pump	2-21-06	above
	Manufactured by:	Pentair Pumps	Aurora	Aurora
DESCRIPTIVE LITERATURE:	Y or N	Yes	Yes	Yes
INSURANCE:	Can Meet	XX	XX	XX
	Cannot Meet			
YEARS OF EXPERIENCE		101 yrs	30 + yrs	7 yrs
CONTACT INFORMATION:				
	Hours of Operation -	8-5pm	7-5pm M-F	7:30-4pm
	24Hr Phone Number -	(248)279-2402	(248)684-1200	(810)742-1900
SITE INSPECTION:	Visited the site	XX	XX	XX
	Did not visit			
	Date		2/15/2006	2/15/2006
TERMS:		Net 30 days	Net 30 days	Net 30
WARRANTY:		Attached to Bid	1 yr - Comm. Ctr. 3 yrs - Aquatic Ctr.	3 years
EXCEPTIONS:		Attached to Bid	Listed in Bid	Blank
		Equip & Warranty	Warranty & Travel Time	
ACKNOWLEDGEMENT:	Y or N	Yes	Yes	Yes
Addendum 1 & 2	Y or N	No	Yes, Addendum 1	Yes, Addendum 1

NO BIDS:

Professional Pool Tech LLC

ATTEST:

Ann Blizzard
Charlene McComb
David LaPine
Brian Goul
Linda Bockstanz

 Jeanette Bennett
 Purchasing Director

BOLDFACE TYPE DENOTES LOW BIDDERS AND PROPOSED AWARDS



Downloading History for ITB-COT 06-02 PoolPumps

The report below shows all fax and e-mail vendors that matched this document when it was originally issued. It also shows all vendors that have downloaded or ordered the document and any subsequent amendments as of 3/16/2006.

Document Title:	Pool Pump Maintenance & Replacement
Date Issued:	2/2/2006
Close Date:	3/6/2006
Date Amendment #1 was Issued:	2/16/2006
Date Amendment #2 was Issued:	2/23/2006

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

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
17063	3-D Service Michigan, Ltd.	E-mail		
23490	A&C ELECTRIC / LINCOLN SERVICE	E-mail	2/16/2006	
15706	American Electric Motor Corporation	E-mail	2/21/2006	#1 2/21/2006 #2 2/24/2006
12040	Argus Supply Company	E-mail		
17989	Austin Embroidery and Screenprinting	E-mail	2/3/2006	
12707	B & B Pools	Fax	2/8/2006	#1 2/16/2006 #2 2/23/2006
10709	B & W Landscape Supply	E-mail	3/3/2006	
11631	Bowman Construction LLC	Free	2/6/2006	#1 2/20/2006
12836	Burke Equipment Co	E-mail		
13622	Clor & Associates, LLC	E-mail	2/2/2006	
17273	Compression Systems, Inc.	E-mail		
15777	Core Electric	E-mail	2/2/2006	
18248	Corrosion Fluid Products Corp	E-mail	2/20/2006	#1 2/20/2006
13982	Cummins Bridgeway LLC	E-mail		

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
12419	Cummins Bridgeway Power	E-mail		
20675	Diversified Concepts and Services, Inc.	E-mail		
22915	DTE Energy-Field Support Shops WSC	Free	2/16/2006	
17717	ENMET Corporation	Free	2/3/2006	
14138	General Electrical Mechanical	Free	2/6/2006	
11861	Grainger Industrial Supply	E-mail	3/1/2006	#1 3/1/2006 #2 3/1/2006
19758	Hawes Hydraulic Repair	E-mail		
10466	HYDRODYNAMICS, INC.	E-mail	2/2/2006	
19279	Jett Pump & Valve, LLC	E-mail	2/16/2006	#1 2/16/2006 #2 2/24/2006
12824	Johnson Controls	E-mail		
18201	Kennedy Industries	Free	3/3/2006	#1 3/3/2006 #2 3/3/2006
11224	Kerr Pump and Supply, Inc.	E-mail	2/23/2006	#1 2/23/2006 #2 2/24/2006
19736	Lakewood Truck & Trailer Parts	E-mail		
14921	liberty total comfort systems	Free	2/6/2006	
14283	Marc Dutton Irrigation, Inc.	E-mail	2/16/2006	
12302	MECHANICAL COMFORT, INC.	E-mail		
11630	Mercer Equipment Rentals	E-mail		
10210	NORTH END ELECTRIC COMPANY	E-mail	2/6/2006	
13310	North Star Refrigeration, Heating and Cooling	E-mail		
17825	Northwest Fuel Injection Service of Michigan Inc.	E-mail		
17310	O'Laughlin Construction Company	E-mail		
23495	Piute Contractors	Free	2/23/2006	
12064	Power Cleaning Systems, Inc	E-mail		
20777	Professional Pool Techs, LLC	Free	2/21/2006	#1 2/21/2006 #2 2/24/2006
17343	Professional Pump, Inc,	E-mail		
12531	Rohr gasoline equipment inc.	E-mail		
15809	RS TECHNICAL SERVICES, INC	E-mail	2/16/2006	
10713	Rumford Industrial Group, Inc.	E-mail		
12294	Siemens Building Technologies, Inc.	E-mail		
20977	SJM, LLC	E-mail		
23311	Soelch Properties LLC	E-mail	2/23/2006	
12208	SPINA ELECTRIC COMPANY	E-mail		
21232				

Acct #	Company Name	Service	Date Obtained Document	Date Obtained Amendments
	Tel-Com Repair Service Inc	E-mail		
12044	Thompson Pump Midwest	E-mail		
18578	TPM Consultants LLC	E-mail		
16277	Wm. F. Sell Equipment	E-mail		
15858	York Electric Motors, Inc.	E-mail		



CITY COUNCIL ACTION REPORT

May 7, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Oakland County's Urban County Community Development Block Grant Cooperation Agreement for Program Years 2009-2011

Background:

- Oakland County Community and Home Improvement Division are requesting the City of Troy's continued participation in Oakland County's Urban County Community Development Block Grant program for program years 2009-2011. The U.S. Department of Housing and Urban Development requires Oakland County to renew the Cooperation Agreement every three years. The City of Troy has been participating in Oakland County's Urban County CDBG Program since 1982. Oakland County handles the majority of the federal paperwork involved in administering the CDBG program. The reduction in administrative burden helps maximize the benefit of each dollar at the local level.

Financial Considerations:

- The City of Troy should receive approximately \$158,321 in CDBG funds through the "Urban County" program this year. During the past three years approximately \$489,778 has funded such programs as, Section 36 Drainage Improvements, Section 36 Walking Path Project, Special Assessments for Street Paving, Public Services (Home Chore), Minor Home Repairs and General Program Administration.

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 2 (Minimize the cost and increase the efficiency and effectiveness of City government) and Goal 4 (Effectively and professionally communicate internally and externally).

Options:

- It is recommended that Council approve the resolution for the City of Troy to continue its participation in Oakland County's Urban County Community Development Block Grant Program for program years 2009-2011, which shall be automatically renewed in successive three-year qualification periods of time, or until such time that it is in the best interest of the City of Troy to terminate the Cooperative Agreement.

May 7, 2008

The Honorable Louise E Schilling Mayor
City of Troy
500 W Big Beaver Rd
Troy MI 48084-5285

RE: 2009 - 2011 Cooperation Agreements

Dear Mayor Schilling:

We invite the City of Troy to continue its participation in Oakland County's Urban County Community Development Block Grant (CDBG) program for program years 2009-2011. The City has participated in the County's program during the past three years. During this period, approximately \$489,778 has funded such programs as minor home repairs, senior centers, and public services to address the needs of low- and moderate-income residents. The U. S. Department of Housing and Urban Development (HUD) requires Oakland County to renew Cooperation Agreements every three years. Your participation in the program is essential to the County and the forty-nine other participating cities, townships, and villages that combine their demographics together to achieve the highest level of federal funding for local projects.

Although Troy has a population of more than 50,000 and is eligible to apply directly for HUD funding, we would like to point out several reasons for the City to consider remaining in the County's program. The City receives approximately \$158,321 in CDBG funds through the Urban County program each year. Besides the annual CDBG allocation, the City also benefits from the County's federally funded HOME Investment Partnerships Program. Approximately \$1 million in HOME funds is combined with CDBG funds each year to improve local housing stock. As a participating community, Troy will automatically be included in the County HOME program, which provides lower income residents with access to our award winning Home Improvement Program. Participating units, however, cannot apply for HUD Administered Small Cities or State CDBG programs. Another benefit of participation is that Oakland County takes care of a majority of the federal paperwork involved in the CDBG and HOME programs. This reduction in administrative burden helps maximize the benefit of each dollar at the local level.

As a current participant, there is a Cooperation Agreement between the City and the County on file. The only requirement to continue participating is a resolution. **The resolution language specifically designed to meet HUD requirements is attached for your use. Please ensure that the original resolution is signed, dated, and certified by the Clerk. Alternatively, the original resolution can be signed and dated by the Clerk and embossed with a seal. Please send us the original resolution and keep a copy for your records.** If you choose **not** to participate, a letter signed by the chief executive officer is required. Due to federal requirements, you must submit this letter to the County **and** to HUD. The letter should state that the City does not intend to participate with Oakland County, and will either apply directly to HUD or not seek funding. Please mail HUD's copy of the letter to: Ms. Shannon Hefter, CPD, HUD MI State Office, 477 Michigan Ave, Detroit MI 48226 by **Friday, May 30, 2008**. The County's copy of the letter should be mailed to: Carla Spradlin, Planner, by **Friday, May 30, 2008**. If you have questions, please contact Carla at (248) 858-5312. Thank you for your assistance, we look forward to three more years of productive partnership.

Sincerely,

Karry L. Rieth Manager

cc: Vicki Richardson, Solid Waste Coordinator



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Susan M. Lancaster, Assistant City Attorney
DATE: May 14 , 2008
SUBJECT: Behr America, Inc. v. Damman L.C. and City of Troy, et. al.

Enclosed please find a copy of a re-plat lawsuit that was recently filed against the City of Troy and all other entities that are required parties under the Michigan Land Division Act, which is the state statute that governs re-plat actions. These other party defendants include other property owners within 300 feet, as well as the State of Michigan Treasurer, Road Commission for Oakland County, Oakland County Drain Commission, Michigan Department of Transportation, Michigan Department of Environmental Equality, and the utility companies.

In 2000, Plaintiff, Behr America, Inc. (BEHR) purchased property for its corporate headquarters on the south side of Big Beaver, near I-75 and Rochester Road. Since that time, BEHR has also acquired additional property for its corporate headquarters. This property is within Supervisor's Plat No. 11, which has a designated 50 foot wide public street easement (Daley Street). Prior to BEHR's construction of the headquarters, Behr requested that the southernmost 400 feet of Daley Street be vacated. At the June 19, 2000 City Council meeting, City Council, after receiving a favorable recommendation from the Planning Commission, conditionally granted the requested street vacation. After acquiring additional property, BEHR made a second request to increase the Daley Street property vacation, which was approved by the Troy City Council on November 13, 2006.

Although there are City Council resolutions approving the requested vacation of Daley Street, Supervisor's Plat No. 11 must also be amended before any permanent structures can be located on the vacated property. Since additional construction is proposed, BEHR was required to initiate this re-plat action to remove the designated 50 foot private road easement on the vacated Daley Street.

Absent objection from City Council, our office will represent the City's interests in this case. Any resulting consent judgment or court orders revising the plat must be reviewed for compliance with the law, and approved by the defendants, including the City, as well as the State of Michigan, and must also be recorded with the Oakland County Register of Deeds.

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF OAKLAND

BEHR AMERICA, INC., a Delaware
corporation,

Plaintiff,

vs.

Case No.
Hon.

OAKLAND
COUNTY

08-091138-CH



JUDGE RAE LEE CHABOT

BEHR AMERICA v DAMMAN

DAMMAN L.C., a Michigan limited liability company;
LESLIE R. SCHMIER, an individual;
SIDNEY KATZMAN, an individual; **BARNEY
KATZMAN**, an individual; **TROY COMMERCE
CENTER, L.L.C.**, a Michigan limited liability company;
NOAH CO., LLC, a Michigan limited liability company;
PROTOFAB CORPORATION, a Michigan corporation;
DOUGLAS SAWICKI, an individual, **BOLD
ENTERPRISES LLC**, a Michigan limited liability
company; **ONAWAY INVESTMENTS LLC**,
a Michigan limited liability company; **THE CITY OF
TROY**, a municipal corporation; **ROBERT J. KLEINE**,
Treasurer of the State of Michigan; **LARRY P. CRAKE**,
Chairperson of the Oakland County Board of Road
Commissioners; **JOHN P. MCCULLOCH**, Oakland
County Drain Commissioner; **THE DETROIT EDISON
COMPANY**, a public utility company; **KIRK T. STEUDLE**,
Director of the Michigan Department of Transportation;
STEVEN E. CHESTER, Director of the Michigan
Department of Environmental Quality,

Defendants.

FOSTER, SWIFT, COLLINS & SMITH, P.C.
PAUL P. ASKER (P45098)
GARY E. PERLMUTER (P46927)
Attorneys for Plaintiff Behr America, Inc.
32300 Northwestern Hwy., Suite 230
Farmington Hills, MI 48334
(248) 539-9900

**FOSTER, SWIFT,
COLLINS &
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COMPLAINT

THERE IS NO OTHER PENDING OR RESOLVED ACTION WITHIN THE
JURISDICTION OF THIS COURT INVOLVING THE PARTIES, AS ALLEGED IN THIS
COMPLAINT, NOR HAS ANY SUCH ACTION BEEN PREVIOUSLY FILED AND
DISMISSED OR TRANSFERRED TO AFTER HAVING BEEN ASSIGNED TO A JUDGE.

CITY COUNTY CLERK

2008 09 29 10 28 52

FOR FILING

NOW COMES, Plaintiff, **BEHR AMERICA, INC.** ("Plaintiff"), through its counsel, FOSTER, SWIFT, COLLINS & SMITH, P.C., and for its Complaint states as follows:

JURISDICTION AND VENUE

1. Plaintiff is a Delaware corporation doing business in the City of Troy, Oakland County, Michigan, with its principal place of business located at 2700 Daley Drive, Troy, Michigan 48083.
2. The real property that is the subject matter of this Complaint is located in the City of Troy, Oakland County, Michigan.
3. Upon information and belief, the Defendants, as more particularly identified below, are named as Defendants herein pursuant to Section 224a of the Michigan Land Division Act, MCL 560.224a.
4. Jurisdiction and venue are proper in this Court pursuant to the Michigan Land Division Act, including, without limitation, Section 221 of the Michigan Land Division Act, MCL 560.221.

COUNT I

VACATION OF PRIVATE ROAD EASEMENT AND REVISION OF SUBDIVISION PLAT

5. Plaintiff re-alleges and incorporates paragraphs 1 through 4 as if fully set forth herein.
6. In 2001, Plaintiff established its North American corporate headquarters in Troy, Michigan, after purchasing an 8.5 acre site near I-75 and Rochester Road and constructed its initial 80,000 square foot corporate headquarters.
7. In 2003, Plaintiff expanded its North American headquarters with the addition of a 10,000 square foot office building at its Troy corporate headquarters complex.
8. In April of 2006, Plaintiff acquired an additional 2.3 acre site adjoining its current headquarters complex, and thereafter broke ground on a new three-story, 69,000 square foot office building, increasing the overall size of its North American headquarters offices by more than seventy-five percent (75%).

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Troy City Council approving the Parcel 1 Road Vacation is attached hereto as **Exhibit F** and incorporated herein.

16. On or about October 10, 2006, the Troy Planning Commission approved, by Resolution of the Commission, Plaintiff's application to vacate a certain portion of a private road easement located within Parcel 2, which is more particularly identified and described on the survey document(s) attached hereto as **Exhibit G** and incorporated herein ("Parcel 2 Road Vacation").
17. A copy of the Minutes, with the Troy Planning Commission's aforementioned Resolution, approving the Parcel 2 Road Vacation is attached hereto as **Exhibit H** and incorporated herein.
18. On or about November 13, 2006, the Troy City Council accepted and approved, by Resolution of the City Council, the Parcel 2 Road Vacation. A copy of the official Minutes of the meeting of the Troy City Council approving the Parcel 2 Road Vacation is attached hereto as **Exhibit I** and incorporated herein.
19. Plaintiff seeks to revise Supervisor's Plat No. 11 to reflect the Parcel 1 Road Vacation and the Parcel 2 Road Vacation by deleting the private road easement depicted on said Plat within the area of real property legally described in the Parcel 1 Road Easement and the Parcel 2 Road Easement, pursuant to the Michigan Land Division Act, MCL 560.221 et seq.
20. Plaintiff seeks the foregoing relief for the reason that Plaintiff's beneficial development and use of Parcel 1 and Parcel 2, which contributes to the economic well being of the City of Troy and hundreds of Plaintiff's employees, necessitates the vacation of portions of the private road easement identified as Parcel 1 Road Vacation and Parcel 2 Road Vacation, and for the reason that they overlap with Plaintiff's building site and approved site plans, and for the reason that the Troy Planning Commission has approved same such that Supervisor's Plat No. 11 must be revised to reflect the vacations.

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9. As part of Plaintiff's development of its real property in Troy, Michigan, and as a condition of developing and using its real property in the beneficial and productive manner in which it is maintained to date, Plaintiff sought and obtained certain vacations of portions of a private road easement, as detailed more fully below.
10. Plaintiff is the record title owner to certain real property located in the City of Troy, Oakland County, Michigan, being a part of Tax Parcel Identification Number 88-20-26-104-020, and more particularly described in the deed attached hereto as **Exhibit A** and incorporated herein ("Parcel 1").
11. Plaintiff is also the record title owner to certain real property adjacent to Parcel 1 and located in the City of Troy, Oakland County, Michigan, also being a part of Tax Parcel Identification Number 88-20-26-104-020, and more particularly described in the deed attached hereto as **Exhibit B** and incorporated herein ("Parcel 2").
12. Parcel 1 and Parcel 2 consist of real property that is a part of Supervisor's Plat No. 11, a copy of which is attached hereto as **Exhibit C** and incorporated herein.
13. On or about May 9, 2000, the Troy Planning Commission approved, by Resolution of the Commission, Plaintiff's application to vacate a certain portion of a private road easement located within Parcel 1, which is more particularly identified and described on the survey document(s) attached hereto as **Exhibit D** and incorporated herein ("Parcel 1 Road Vacation").
14. A copy of the Minutes, with the Troy Planning Commission's aforementioned Resolution, approving the Parcel 1 Road Vacation is attached hereto as **Exhibit E** and incorporated herein.
15. On or about June 19, 2000, the Troy City Council accepted and approved, by Resolution of the City Council, the Parcel 1 Road Vacation. A copy of the official Minutes for the meeting of the

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21. Pursuant to Section 224a of the Michigan Land Division Act, MCL 560.224a, Plaintiff must name and join as parties defendant to this proceeding the owners of record title of each lot or parcel of land included in or located within 300 feet of the Parcel 1 Road Vacation or the Parcel 2 Road Vacation.
22. Upon information and belief, the following persons and entities are the owners of record title of all lots and parcels of land included in or located within 300 feet of the subject parcels of land, being the Parcel 1 Road Vacation and the Parcel 2 Road Vacation:
 - a. Defendant DAMMAN L.C., whose real property is commonly know as 1180 E. Big Beaver, Troy, Michigan 48083, Tax Parcel Identification Number 88-20-26-103-018.
 - b. Defendants LESLIE R. SCHMIER, SIDNEY KATZMAN and BARNEY KATZMAN, whose real property is commonly known as 1100 - 1174 E. Big Beaver, Troy, Michigan 48083, Tax Parcel Identification Number 88-20-26-103-014.
 - c. Defendant TROY COMMERCE CENTER, L.L.C., is the successor in interest to property commonly known as 1100 - 1174 E. Big Beaver, Troy, Michigan 48084, Tax Parcel Identification Number 88-20-26-103-014.
 - d. Defendant NOAH CO., LLC, whose real property is commonly known as 1200 - 1230 E. Big Beaver, Troy, Michigan 48083, Tax Parcel Identification Number 88-20-26-104-017.
 - e. Defendant PROTOFAB CORPORATION, whose real property is commonly known as 2835 Daley, Troy, Michigan 48083, Tax Parcel Identification Number 88-20-26-103-007.
 - f. Defendant DOUGLAS SAWICKI, whose real property is commonly known as 2868 Daley, Troy, Michigan 48083, Tax Parcel Identification Number 88-20-26-104-004.
 - g. Defendant BOLD ENTERPRISES LLC, whose real property is commonly known as 2873 Daley, Troy, Michigan 48083, Tax Parcel Identification Number 88-20-26-103-021.

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COLLINS &
MITH, P.C.

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- h. Defendant ONAWAY INVESTMENTS, LLC, whose real property is commonly known as 2877 Daley, Troy, Michigan 48083, Tax Parcel Identification Number 88-20-26-103-020.
 - i. Defendants LESLIE R. SCHMIER, SIDNEY KATZMAN and BARNEY KATZMAN, whose real property is commonly known as 1100 Owendale, Troy, Michigan 48083, Tax Parcel Identification Number 88-20-26-103-015.
 - j. Defendant TROY COMMERCE CENTER, L.L.C., is successor in interest to real property commonly known as 1100 Owendale, Troy, Michigan 48084, Tax Parcel Identification Number 88-20-26-103-015.
- 23. Pursuant to Section 224a of the Michigan Land Division Act, MCL 560.224a, Plaintiff must name as a party defendant to this proceeding the municipality in which the subdivision covered by Supervisor's Plat No. 11 is located.
 - 24. Upon information and belief, the CITY OF TROY is the municipality in which the subdivision covered by Supervisor's Plat No. 11 is located.
 - 25. Pursuant to Section 224a of the Michigan Land Division Act, MCL 560.224a, Plaintiff must name the state treasurer as a party defendant to this proceeding.
 - 26. Upon information and belief, ROBERT J. KLEINE is the Treasurer of the State of Michigan.
 - 27. Pursuant to Section 224a of the Michigan Land Division Act, MCL 560.224a, Plaintiff must name as parties defendant to this proceeding the drain commissioner and the chairperson of the board of the county road commission having jurisdiction over any land included in Supervisor's Plat No. 11.
 - 28. Upon information and belief, LARRY P. CRAKE is the Chairperson of the Oakland County Board of Road Commissioners.

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29. Upon information and belief, JOHN P. MCCULLOCH is the Drain Commissioner for Oakland County.
 30. Pursuant to Section 224a of the Michigan Land Division Act, MCL 560.224a, Plaintiff must name as parties defendant to this proceeding each public utility known to Plaintiff to have installations or equipment in the subject subdivision or which has a recorded easement or franchise right which would be affected by this proceeding.
 31. Upon information and belief, THE DETROIT EDISON COMPANY is a public utility company known to Plaintiff to have installations or equipment in the subject subdivision or which has a recorded easement or franchise right which would be affected by this proceeding.
 32. Pursuant to Section 224a of the Michigan Land Division Act, MCL 560.224a, Plaintiff must name as parties defendant to this proceeding the director of the state transportation department and the director of the department of natural resources if any of the subject subdivision includes or borders a state highway or federal aid road.
 33. Upon information and belief, KIRK T. STEUDLE is the Director of the Michigan Department of Transportation and STEVEN E. CHESTER is the Director of the Michigan Department of Environmental Quality f/k/a Michigan Department of Natural Resources.
 34. Pursuant to the Michigan Land Division Act, this Court may enter a Judgment for vacation of those portions of the private road easement within Supervisor's Plat No. 11 more particularly identified as the Parcel 1 Road Vacation and the Parcel 2 Road Vacation, and order said Plat to be revised to delete said portions of the aforementioned private road easement.
- WHEREFORE, Plaintiff respectfully requests that this Honorable Court enter an Judgment in favor of Plaintiff and ordering that the Parcel 1 Road Vacation land and the Parcel 2 Road Vacation land be vacated, and that Supervisor's Plat No. 11 be revised to delete portions of the private road easement

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more particularly described as the Parcel 1 Road Vacation land and the Parcel 2 Road Vacation land, and granting Plaintiff such further and/or different relief as the Court deems just and equitable under the circumstances.

Dated: April 25, 2008

Respectfully submitted,
FOSTER, SWIFT, COLLINS & SMITH, P.C.

By: 

PAUL P. ASKER (P45098)
GARY E. PERLMUTER (P46927)
32300 Northwestern Hwy., Ste. 230
Farmington Hills, MI 48334
(248) 539-9900

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The Regular Meeting of the Troy City Planning Commission was called to order by Chair Strat at 7:31 p.m. on October 10, 2006, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Lynn Drake-Batts
 Mary Kerwin
 Fazal Khan
 Lawrence Littman
 Robert Schultz
 Thomas Strat
 Mark J. Vleck
 David T. Waller

Absent:

Wayne Wright

Also Present:

Mark F. Miller, Planning Director
 Brent Savidant, Principal Planner
 Susan Lancaster, Assistant City Attorney
 Kathy Czarnecki, Recording Secretary
 Jonathan Shin, Student Representative

Resolution # PC-2006-10-164

Moved by: Littman
 Seconded by: Schultz

RESOLVED, That Member Wright is excused from attendance at this meeting for personal reasons.

Yes: All present (8)
 No: None
 Absent: Wright

MOTION CARRIED

2. APPROVAL OF AGENDA

Mr. Miller requested an addition to the agenda relating to the reconsideration of the postponement of St. Mark's Coptic Orthodox Church from the December 2006 Regular meeting to the November 2006 Regular meeting. A copy of the written request from the petitioner was distributed to the members prior to the beginning of tonight's meeting.

Resolution # PC-2006-10-165

Moved by: Waller
 Seconded by: Khan

RESOLVED, To reconsider the postponement of St. Mark's Coptic Orthodox Church from the December 2006 Regular meeting to the November 2006 Regular meeting.

Yes: All present (8)
 No: None
 Absent: Wright

MOTION CARRIED

Chair Strat requested to move Agenda item #12 in front of Agenda item #5, as a consideration to the audience present for the public hearing.

Resolution # PC-2006-10-166

Moved by: Kerwin
 Seconded by: Khan

RESOLVED, To approve the Agenda as amended.

Yes: All present (8)
 No: None
 Absent: Wright

MOTION CARRIED

3. **MINUTES**

Resolution # PC-2006-10-167

Moved by: Kerwin
 Seconded by: Schultz

RESOLVED, To approve the September 26, 2006 Special/Study meeting minutes as published.

Yes: Drake-Batts, Kerwin, Khan, Littman, Schultz, Strat, Waller
 No: None
 Abstain: Vleck
 Absent: Wright

MOTION CARRIED

4. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

SPECIAL USE REQUEST

12. PUBLIC HEARING – SPECIAL USE REQUEST (SU 340) – Proposed T-Mobile Cellular Tower, West side of Coolidge, South of I-75 (on site of Troy Fire Station No. 6), Section 7, Zoned R-1B (One Family Residential) District

Chair Strat announced the petitioner requested a postponement of the item to the November Regular meeting. Chair Strat informed the public that the public hearing would remain open for those who wish to speak at the November public hearing.

PUBLIC HEARING OPENED

Dennis Malecki of 2438 Oak Ridge Drive, Troy, was present. Mr. Malecki spoke in opposition to the proposed request on behalf of the residents of Beach Forest subdivision. He addressed concerns with the tower's appearance, public health and property values.

Cheryl Korth of 2086 Haverford Drive, Troy, was present. Ms. Korth spoke in opposition to the proposed request. She addressed Beach Forest residents who were not notified of the proposed request because they fall outside of the required 300-foot distance to receive notification.

William Cole of 5837 Clearview Court, Troy, was present. Mr. Cole spoke in opposition to the proposed request. Mr. Cole addressed a *New York Times* article on T-Mobile, aesthetics and property values.

PUBLIC HEARING REMAINS OPEN FOR 11-14-06 REGULAR MEETING

Mr. Miller provided a brief review of the City's contractual status with T-Mobile. He provided an explanation of the Planning Department review process for site plan and special use submission. Mr. Miller said notification of the November public hearing would be given to residents living within 300 feet of the proposed use. He indicated any residents living beyond the required 300-foot distance who wish to receive notification of the hearing should contact the Planning Department.

Ms. Lancaster will do research on relevant cell phone tower proposals and FCC regulations.

Resolution # PC-2006-10-168

Moved by: Khan
 Seconded by: Schultz

RESOLVED, That the Planning Commission hereby postpones this item to the November 2006 Regular Planning Commission meeting.

Yes: All present (8)
 No: None

MOTION CARRIED

POSTPONED ITEMS

5. **STREET VACATION REQUEST (SV 134-B)** – Cherry Street, East of Livernois, approximately 173 feet abutting Lots 6 and 7, Greenough Heights Subdivision, East of Livernois, South of I-75, Section 27 – Zoned O-1 (Low Rise Office) and R-1E (One Family Residential) Districts (the abutting parcels)

Mr. Miller reviewed the number of times this item has been postponed at the request of the petitioners. He reported the petitioners are requesting another postponement to a future date due to a health condition of one of the petitioners. Mr. Miller recommended no action on the item.

There was a brief discussion on the application fee associated with a street vacation request.

Resolution # PC-2006-10-169

Moved by: Littman
 Seconded by: Waller

RESOLVED, To take no action on this item until the petitioners are ready to submit their request.

Yes: All present (8)
 No: None
 Absent: Wright

MOTION CARRIED

6. **PUBLIC HEARING – STREET VACATION REQUEST (SV 148-C)** – Daley Street, South of Big Beaver, East of Rochester Road, abutting Lots 28 and 33 of Supervisor's Plat No. 11 Subdivision, Section 26 – Zoned M-1 (Light Industrial) District (the abutting parcels)

Mr. Miller presented a summary of the Planning Department report on the proposed street vacation, and reported it is the recommendation of City Management to approve the request with two conditions. The conditions are to retain all public and private utility easements and to retain a public access easement for turnaround purposes. Mr. Miller said a turnaround in this situation might be more accurately described as an area for maneuvering.

Ms. Lancaster addressed the pending lawsuit and indicated a court action would have no affect on the Planning Commission's determination. Ms. Lancaster also addressed the retention of a public access easement for turnaround purposes.

The petitioner, Phil Tocco of 5645 Winslow Court, Pittsfield Twp, was present. Mr. Tocco distributed color-coded diagrams to the members that clarified the street vacation request, and provided a brief history of the situation. Mr. Tocco said the easement would enable maneuverability in the right of way and provide additional parking for Behr employees. Mr. Tocco indicated the project engineers were available for questions.

PUBLIC HEARING OPENED

Robert Easterly of 189 E. Big Beaver, Troy, was present. Mr. Easterly, an attorney, represents Protofab located at 2835 Daley, Troy. He addressed the concerns of his client and the pending lawsuit. Mr. Easterly indicated the lawsuit should be resolved before the City makes a determination on the street vacation. He asked that property rights of the citizens be protected and that the members deny the request.

Bill Hart of 5685 Indian Trail, East China Township, was present. Mr. Hart, an officer of Protofab, addressed the property dimensions of 2835 Daley and the concern with essential truck deliveries to the business. He also addressed the existing problem with parking in the area.

Ms. Lancaster explained that nothing physically would change the City property, and the City would retain the right for maneuverability in the roadway.

A brief discussion continued with respect to the turnaround access and maneuverability.

Ken Demark of 2611 Colby, Bloomfield Hills, was present. Mr. Demark is the owner of 2873 Daley. He addressed specifications of the turnaround, green space, a parking variance, existing parking problems and undeveloped land to the west that could be used by Behr for additional parking. Mr. Demark said cars from Behr park in his lot and in the fire lanes. He indicated that cars from Behr would invariably use the turnaround for parking.

PUBLIC HEARING CLOSED

Resolution # PC-2006-10-170

Moved by: Khan

Seconded by: Vleck

RESOLVED, That the Planning Commission hereby recommends to the City Council that the street vacation request, as submitted, for Daley Street, South of Big Beaver, East of Rochester Road, abutting Lots 28 and 33 of Supervisor's Plat No. 11 Subdivision, Section 26, be approved, subject to the following conditions:

1. Retention of all public and private utility easements.
2. Retention of a public turnaround easement.
3. Roadway will be kept clear of parked vehicles at all times.

Discussion on the motion on the floor.

Mr. Littman questioned the street vacation, should it be granted by City Council, with respect to the outcome of ownership determined by Court action.

Ms. Lancaster clarified the pending lawsuit is a claim of adverse possession on the property. She indicated the action taken by City Council would remain, Behr would retain the property and the conditions would remain on the property. Ms. Lancaster also stated the conditions would remain should the property be sold.

Ms. Kerwin indicated she would not support the motion. She foresees problems with the enforcement of keeping the roadway clear of parked cars, as stipulated in the third condition of the motion.

Vote on the motion on the floor.

Yes: Drake-Batts, Khan, Strat, Vleck, Waller

No: Kerwin, Littman, Schultz

Absent: Wright

MOTION CARRIED

Mr. Littman believes the request should be considered after Court action on the pending lawsuit. He sees no reason to rush through the approval process because it is going to work the same either way. Mr. Littman said he does not think there will be enough room for trucks to turn around.

Mr. Schultz said he would rather wait until the litigation is complete, so you know who owns property on both sides.

Ms. Kerwin did not support the motion based on the third condition.

Mr. Khan said decisions should not be based on future litigation.

Chair Strat said supported the motion because a landlocked situation would not be created with the vacation

Chair Strat requested a recess at 8:43 p.m.

[Student Representative Shin exited the meeting.]

The meeting reconvened at 8:53 p.m.

7. SPECIAL USE REQUEST (SU 338) – Proposed Auto Detailing and Repair Facility, East side of Souter, South of Maple Road (1402 Souter), Section 34, Zoned M-1 (Light Industrial) District

Mr. Miller reported the petitioner has requested to postpone the item to the November Regular meeting. Mr. Miller indicated a more suitable action would be to postpone the item to a Planning Commission meeting after appropriate plans are submitted to City Management and a public hearing is scheduled.

Resolution # PC-2006-10--

Moved by: Khan
 Seconded by: Littman

RESOLVED, That the Planning Commission hereby postpones this item to the November 2006 Regular Planning Commission meeting.

The following motion was made and substituted for the previous motion.

Resolution # PC-2006-10-171

Moved by: Khan
 Seconded by: Littman

RESOLVED, That the Planning Commission hereby postpones this item until the applicant provides the new plans and the Planning Department schedules a public hearing.

Yes: All present (8)
 No: None
 Absent: Wright

MOTION CARRIED

8. SITE PLAN REVIEW (SP 909) – Landowner-Proposed Amendment to Consent Agreement – Starbucks Restaurant, northwest corner of Big Beaver Road and Crooks Road, Section 20 – H-S (Consent Judgment)

Mr. Miller provided a brief report on the item and an explanation of the related Consent Judgment. He reported City Management recommends postponing the item until a new site plan is submitted.

Resolution # PC-2006-10-172

Moved by: Schultz

Seconded by: Khan

RESOLVED, That the Planning Commission hereby postpones this item until such time that the applicant submits a complete site plan to the Planning Department for Planning Commission review.

Yes: All present (8)

No: None

Absent: Wright

MOTION CARRIED

REZONING REQUESTS

9. PUBLIC HEARING – REZONING REQUEST (Z 720) – Proposed Rochester Road Cluster Homes, East side of Rochester Road, between Shallowdale Drive and Bradley Avenue, Section 14 – From R-1C (One Family Residential) to R-1T (One Family Attached Residential) District

Mr. Miller presented a summary of the Planning Department report on the proposed rezoning, and reported it is the recommendation of City Management to approve the rezoning application. Mr. Miller noted a small portion of property controlled by the petitioner is excluded from the rezoning request.

There was a brief discussion on the depth of the property and future right of way on Rochester Road.

The petitioner, Paul DePorre of 2556 Hounds Chase, Troy, was present. Mr. DePorre addressed the request in relation to the Future Land Use Plan and existing zoning districts and land uses. He said the higher density residential use would be a nice transition to the office and commercial uses to the north. Mr. DePorre indicated a single family home could be constructed on the small portion of property excluded from the rezoning request.

PUBLIC HEARING OPENED

Kevin Thompson of 1019 Shallowdale, Troy, was present. Mr. Thompson indicated he communicated to the petitioner his interest in selling property owned by him located on the east side of Rochester and north of Shallowdale. He also addressed the property to the east of him with respect to building a single family home on the site.

PUBLIC HEARING CLOSED**Resolution # PC-2006-10-173**

Moved by: Vleck
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that the R-1C to R-1T rezoning request, located on the east side of Rochester Road, between Shallowdale Drive and Bradley Avenue, within Section 14, being approximately 3.71 acres in size, be granted, for the following reasons:

1. The application meets the Location Standards of the R-1T District.
2. The application is consistent with the intent of the Future Land Use Plan
3. The application is compatible with the existing zoning districts and land uses.

Discussion on the motion on the floor.

Mr. Littman announced the Planning Department received a letter of objection to the proposed rezoning, a copy of which was distributed to the Planning Commission.

Vote on the motion on the floor.

Yes: All present (8)
No: None
Absent: Wright

MOTION CARRIED

10. PUBLIC HEARING – REZONING REQUEST (Z 721) – Proposed Multi-family Development, West of John R, North of Wattles, Section 14 – From B-2 (Community Business) and R-1C (One Family Residential) to RM-1 (Low Rise Multi-Family Residential) District

Mr. Savidant announced the petitioner submitted a written request to postpone the item at the beginning of tonight's meeting.

The petitioner was not present.

PUBLIC HEARING OPENED

Barbara Pikora of 11413 N. Pearson, Shelby Twp, was present to represent Infinity Management Corporation of 1977 East Wattles, Troy. Ms. Pikora asked if public hearing notices would be sent for the next scheduled public hearing.

Mr. Miller confirmed that public hearing notices would be sent.

There was a brief discussion on the petitioner's intent in requesting the postponement.

PUBLIC HEARING REMAINS OPEN**Resolution # PC-2006-10-174**

Moved by: Vleck
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby postpones this item until such time that the applicant submits revised information to the Planning Department for the Planning Commission to review.

Yes: All present (8)
No: None
Absent: Wright

MOTION CARRIED

11. PUBLIC HEARING – REZONING REQUEST (Z 722) – Proposed Retail Development, Northwest corner of Maple Road and Thorncroft, Section 29 – From R-C (Research Center) to B-3 (General Business) District

Mr. Savidant reported the petitioner met with the Planning Department and discussed other development options on the subject property. Based on those conversations, the petitioner submitted a written request to take no further action on the proposed rezoning request.

Mr. Miller clarified the petitioner found a potential purchaser for the subject site.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-10-175

Moved by: Schultz
Seconded by: Littman

RESOLVED, That the Planning Commission shall take no action on this item at this time.

Yes: All present (8)
No: None
Absent: Wright

MOTION CARRIED

SPECIAL USE REQUESTS

13. **PUBLIC HEARING – SPECIAL USE REQUEST (SU 341)** – Somerset Plaza, Whole Foods Proposed Seasonal Outdoor Display, Northeast corner of Maple Road and Coolidge Hwy, Section 29, Zoned B-2 (Community Business) District

Mr. Savidant briefly reviewed the proposed special use request. Based on discussions with the Planning Department as relates to a zoning ordinance text amendment that would permit seasonal outdoor display areas in commercial districts, the petitioner submitted a written request to withdraw the special use request. Mr. Savidant reported the item requires no action.

Mr. Schultz expressed concern that the petitioner is not aware of the length of time associated with a zoning ordinance text amendment.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

No action was taken on this request.

14. **PUBLIC HEARING – SPECIAL USE REQUEST (SU 342)** – Existing Marathon Station, Northeast corner of Rochester Road and Charrington (3400 Rochester Road), Section 23, Zoned H-S (Highway Service) District

Mr. Savidant 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 with conditions relating to the sidewalk perimeter and the entry drive on the Rochester Road.

Mr. Savidant said the Planning Department received a written request from the applicant to postpone to a future meeting. It is understood that the applicant intends to submit revised plans with an additional vehicular drive on Rochester Road.

There was a brief discussion on rear and side yard setback regulations.

John Debruyne of SDA Architects, 42490 Garfield, Clinton Twp, was present to represent the petitioner. Mr. Debruyne said the petitioner would like to explore the opportunity of maintaining the two existing driveways on Rochester Road.

There was discussion on the two existing driveways on Rochester Road and the recommendation of the City's Transportation Engineer to close the southern driveway on Rochester Road. Members Strat and Khan indicated they would not support the request with two driveways on Rochester Road.

Mr. Debruyne briefly discussed the matter with the petitioner. He indicated the petitioner is concerned with maneuverability of the site should the southern driveway be removed.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Resolution # PC-2006-10

Moved by: Schultz

Seconded by:

RESOLVED, To move this item to the Regular meeting of February 2007.

Motion **failed** due to lack of a second.

Mrs. Kattouah, wife of the petitioner, was present. Mrs. Kattouah said the two entrances on Rochester Road are very essential for their business. She addressed the neighbors' concerns on traffic, ingress and egress, and maneuverability within the site. Ms. Kattouah requested a postponement for one month.

Resolution # PC-2006-10-176

Moved by: Vleck
Seconded by: Khan

RESOLVED, That the Planning Commission hereby postpones this item until such a time that the applicant submits a revised site plan to the Planning Department at which time the Planning Department will set a date for the next meeting.

Yes: All present (8)
No: None
Absent: Wright

MOTION CARRIED**ZONING ORDINANCE TEXT AMENDMENT**

15. **PUBLIC HEARING – ZONING ORDINANCE TEXT AMENDMENT (ZOTA 227) – Articles 28.00.00, 22.00.00, 23.00.00 and 24.00.00 – Ambulance Facilities in the M-1 (Light Industrial) District and Reconsider Permitted Locations in the B-3 (General Business), H-S (Highway Service) and O-1 (Low Rise Office) Districts**

Mr. Savidant briefly reviewed the proposed zoning ordinance text amendment. He indicated the verbiage was given a thumbs-up by an appropriate outside source on ambulance facilities.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED**Resolution # PC-2006-10-177**

Moved by: Kerwin
Seconded by: Schultz

RESOLVED, That the Planning Commission hereby recommends to the City Council that Articles XXII B-3 GENERAL BUSINESS DISTRICT, XXIII H-S HIGHWAY SERVICE DISTRICT, XXIV LOW RISE OFFICE DISTRICT and XXVIII LIGHT INDUSTRIAL DISTRICT, pertaining to permitting Ambulance Facilities by Conditional Use Approval in the M-1 District and eliminating Ambulance Facilities in the O-1, B-3 and H-S Districts, be amended as printed on the proposed Zoning Ordinance Text Amendment, Planning Commission Public Hearing draft.

Yes: All present (8)
No: None
Absent: Wright

MOTION CARRIED

SITE PLAN REVIEW

16. SITE PLAN REVIEW (SU 330) – Proposed Addition to Infiniti-Hyundai Automotive Dealership, West side of Mapelawn between Maple and Crooks, Section 29, Zoned M-1 (Light Industrial) District

Mr. Savidant 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.

There was discussion on the site plan submission as relates to the unsealed plans and confusion in the distinction of the existing building and proposed addition.

The petitioner, Stanley Tkacz of Studio Design-ST, 1529 S. Wayne Road, Westland, was present. Mr. Tkacz reviewed the process of the site plan as originally submitted and how it ended back in front of the Planning Commission. He apologized for submitting unsealed plans and the confusion in not clearly designating the proposed addition on the site plan. Mr. Tkacz indicated he followed the Planning Department's direction in the site plan submission.

Resolution # PC-2006-10-178

Moved by: Waller
Seconded by: Schultz

RESOLVED, To postpone the proposed addition to the Infiniti-Hyundai Dealership located on the west side of Mapelawn between Maple and Crooks, Section 29, M-1, until the October 24, 2006 Special/Study Meeting.

Yes: All present (8)
No: None
Absent: Wright

MOTION CARRIED

A brief discussion followed on the submission of new plans for this item.

OTHER ITEMS

17. **PUBLIC COMMENTS** – Items on Current Agenda

There was no one present who wished to speak.

18. **PLANNING COMMISSION COMMENTS**

There was a brief discussion on the Michigan Association of Planners (MAP) conference this week in Detroit.

Mr. Miller addressed the number of recent postponements on agenda items, and indicated the matter is being address internally.

The Regular Meeting of the Planning Commission was adjourned at 10:00 p.m.

Respectfully submitted,

Thomas Strat, Chair

Kathy L. Czarnecki, Recording Secretary

G:\Planning Commission Minutes\2006 PC Minutes\Final\10-10-06 Regular Meeting_Final.doc

A Regular Meeting of the Troy City Council was held Monday, November 13, 2006, at City Hall, 500 W. Big Beaver Road. Mayor Pro Tem Broomfield called the Meeting to order at 7:31 P.M.

Pastor Thomas Barbret – Lutheran Church of the Master gave the Invocation and the Pledge of Allegiance to the Flag was given.

ROLL CALL:

Mayor Louise E. Schilling (Absent)
Robin Beltramini
Mayor Pro Tem Cristina Broomfield
Wade Fleming
Martin F. Howrylak
David A. Lambert
Jeanne M. Stine

Vote on Resolution to Excuse Mayor Schilling

Resolution #2006-11-326
Moved by Lambert
Seconded by Stine

RESOLVED, That Mayor Schilling's absence at the Regular City Council meeting of November 13, 2006 is **EXCUSED** due to illness.

Yes: All-6
No: None
Absent: Schilling

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) Mayor Pro Tem Broomfield accepted signed pledges from students of Troy elementary and middle schools, and Mary Lou Cole, President of *Troy Families for Safe Homes* in recognition of the *National Red Ribbon Campaign*.

CARRYOVER ITEMS:

-
- B-1 No Carryover Items**

Exhibit I

EXHIBIT I

PUBLIC HEARINGS:

C-1 Community Development Block Grant (CDBG) 2007 Application

The Mayor Pro Tem opened the Public Hearing for public comment.

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

Resolution #2006-11-327

Moved by Beltramini

Seconded by Stine

WHEREAS, The City of Troy will receive approximately \$166,316.00 for Community Development Block Grant funds for the year 2007;

WHEREAS, On November 13th, 2006 at which Public Hearing, persons were given an opportunity to provide written and oral views to the Troy City Council, the authority responsible for enacting the budget, and to ask questions about the entire budget and the relationship of the Flood Drain Improvements, Home Chore Program, and Administration; and

WHEREAS, The City Council of the City of Troy, after conclusion of the Public Hearing on this date has determined that funding should be provided through the 2007 Community Development Block Grant (CDBG) Program for Flood Drain Improvements, the Home Chore Program, and Administration;

THEREFORE, BE IT RESOLVED, That Flood Drain Improvements, the Home Chore Program and Administration are hereby **DESIGNATED** as Community Development Block Grant (CDBG) Projects for 2007; and

BE IT FINALLY RESOLVED, That the Mayor of the City of Troy is **AUTHORIZED** to sign the Application and Subrecipient Agreement and **SUBMIT** them to Oakland County.

Yes: All-6

No: None

Absent: Schilling

C-2 Zoning Ordinance Text Amendment (File Number: ZOTA 227) – Articles XXII, XXIII, XXIV and XXVIII – Ambulance Facilities in the B-3, H-S, O-1 and M-1 Districts

The Mayor Pro Tem opened the Public Hearing for public comment.

The Mayor Pro Tem closed the Public Hearing after receiving comment from the public.

Resolution #2006-11-328

Moved by Stine

Seconded by Fleming

RESOLVED, That Articles XXII (B-3 General Business District), XXIII (H-S Highway Service District), XXIV (O-1 Low Rise Office District) and XXVIII (M-1 Light Industrial District) of the City of Troy Zoning Ordinance be **AMENDED** to read as written in the proposed Zoning Ordinance Text Amendment (ZOTA 227), as recommended by the Planning Commission and City Management.

Yes: All-6
No: None
Absent: Schilling

C-3 Street Vacation (File Number: SV 148-C) – Portions of Daley Street abutting Lots 28 and 33 of Supervisors Plat No. 11 Subdivision, South of Big Beaver, North of I-75, Section 26

The Mayor Pro Tem opened the Public Hearing for public comment.
The Mayor Pro Tem closed the Public Hearing after receiving comment from the petitioner and the public.

Resolution
Moved by Fleming
Seconded by Beltramini

WHEREAS, A request has been received for the vacation of a portion of the 50-foot-wide platted Daley Street right-of-way, located south of Big Beaver Road, and abutting lots 28 and 33 of Supervisors Plat No. 11;

WHEREAS, The property which shall benefit from this requested vacation is Lot 28 and 33 of Supervisors Plat No. 11, Section 26 (City of Troy Tax Parcels 20-26-103-024 and 20-26-104-019); and

WHEREAS, City Management and the Planning Commission have recommended that this street vacation be granted with the retention of public and private utility easements and public turnaround easement;

THEREFORE, BE IT RESOLVED, That the City Council concurs in the recommendations of City Management and the Planning Commission, and **VACATES** the portion of the Daley Street right-of-way; and

BE IT FURTHER RESOLVED, That the City Council **RETAINS** easements for public and private easements and public turnaround within the vacated Daley Street right-of-way.

Vote on Resolution to Postpone

Resolution #2006-11-329
Moved by Howrylak
Seconded by Stine

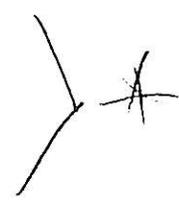
RESOLVED, That Troy City Council hereby **POSTPONES** *Street Vacation (File Number: SV 148-C) – Portions of Daley Street abutting Lots 28 and 33 of Supervisors Plat No. 11 Subdivision, South of Big Beaver, North of I-75, Section 26* until the Regular City Council Meeting scheduled for Monday, December 4, 2006.

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

MOTION FAILED

Vote on Resolution as Presented

Resolution #2006-11-330
Moved by Fleming
Seconded by Beltramini



WHEREAS, A request has been received for the vacation of a portion of the 50-foot-wide platted Daley Street right-of-way, located south of Big Beaver Road, and abutting lots 28 and 33 of Supervisors Plat No. 11;

WHEREAS, The property which shall benefit from this requested vacation is Lot 28 and 33 of Supervisors Plat No. 11, Section 26 (City of Troy Tax Parcels 20-26-103-024 and 20-26-104-019); and

WHEREAS, City Management and the Planning Commission have recommended that this street vacation be granted with the retention of public and private utility easements and public turnaround easement;

THEREFORE, BE IT RESOLVED, That the City Council concurs in the recommendations of City Management and the Planning Commission, and **VACATES** the portion of the Daley Street right-of-way; and

BE IT FURTHER RESOLVED, That the City Council **RETAINS** easements for public and private easements and public turnaround within the vacated Daley Street right-of-way.

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

MOTION CARRIED

POSTPONED ITEMS:

D-1 City Council Appointments: Troy Daze Committee

Pending Resolution
Resolution
Moved by Stine
Seconded by Lambert

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

75650

OAKLAND COUNTY REGISTER OF DEEDS
I HEREBY CERTIFY THAT THE FOREGOING INSTRUMENTS FILED
hold by the state of Michigan, subject to the within description
and all TAXES on same amount of five years previous to the
date of this instrument as appears by the records in the office
except as stated.

LIBER 21202 PAGE 485
99.00 DEED - COMBINED
92.00 REINUMENTATION
03/17/2000 10:01:17 A.M. RECEIPT# 21019
PAID RECORDED - OAKLAND COUNTY
G. WILLIAM CADDELL, CLERK/REGISTER OF DEEDS

MAR 10 2000

013445

C. HUGH DOHANY, County Treasurer
1.00 DR Sec. 135, Act 208, 1893 as amended

WARRANTY DEED
STATUTORY FORM FOR INDIVIDUALS Form No. M-960

KNOW ALL MEN BY THESE PRESENTS: That William Chiao whose address is:
No. 15, Chu Lun Street, Taipei, Taiwan, R.O.C.

Conveys and Warrants to Behr America, Inc., a Delaware corporation whose address is:
4500 Leeds Avenue, Charleston, South Carolina 29405

the following described premises situated in the City of Troy, County of Oakland, and State of Michigan,
to wit:

See Exhibit A attached hereto and made a part hereof for Legal Description

More commonly known as: Vacant Land, Troy, Michigan

This property may be located with the vicinity of farm land or a farm operation. Generally accepted
agricultural and management practices which may generate noise, dust, odors, and other associated
conditions may be used and are protected by the Michigan Right to Farm Act. Grantor grants to Grantee
the right to make the maximum divisions under Section 108 of the Land Division Act, Act No. 288 of the
Public Acts of 1967.

APR

for the sum of (Real Estate Transfer Tax Valuation Affidavit filed)
\$1.00 AND OTHER VALUABLE CONSIDERATION.
Dated this 1st day of March, 2000

Witnessed:

Stan Chang
Print Name: STAN CHANG

DS Doctor
Print Name: DS Doctor

State of _____)
County of _____) ss

William Chiao
William Chiao
I, David T. Liou, a licensed attorney of Taiwan,
Republic of China (License No. 75-Tai-Jean-Jang-0896)
hereby certify that William Chiao
with identification has
duly signed on this document on
this 1st day of March, 2000

The foregoing instrument was acknowledged before me this _____ day of _____, 2000
by William Chiao.

David T. Liou
Baker & McKenzie
Taipei, Taiwan, R.O.C.
Notary Public, _____ County, Michigan

My Commission expires: _____

County Treasurer's Certificate	City Treasurer's Certificate
REVENUE TO BE AFFIXED AFTER RECORDING	

After recording return to:
Michael B. Peterman
Miller Canfield Paddock & Stone
150 W. Jefferson, Ste 2500
Detroit, Michigan 48228

Drafted by:
Michael S. Dudash
CB Richard Ellis, Inc.
1000 Town Center, #2300
Southfield, Michigan 48075-1239

O.K. - ML

11.00rc

331902

EXHIBIT A

EXHIBIT A
LEGAL DESCRIPTION

Part of Lots 12, 13 and 14 of Supervisor's Plat No. 10 according to the plat thereof as recorded in Liber 46 of Plats, Page 42, Oakland County Records and part of vacated Jasper Avenue, and part of the Northwest one-quarter of Section 26, Town 2 North, Range 11 East all being more particularly described as: Beginning at a point distant West 899.31 feet and South 00 degrees 10 minutes 00 seconds East 1127.61 feet and North 67 degrees 10 minutes 00 seconds West 184.93 feet from the North one-quarter corner of said Section 26; thence South 28 degrees 36 minutes 11 seconds West 344.46 feet to the Northerly right-of-way line of I-75 Highway; thence along a curve concave Northeasterly, having a radius of 2655.48 feet, chord bears North 67 degrees 32 minutes 16 seconds West 218.15 feet a distance of 218.21 feet; thence North 73 degrees 28 minutes 58 seconds West 380.66 feet; thence North 68 degrees 03 minutes 41 seconds West 108.87 feet; thence South 87 degrees 54 minutes 23 seconds East 591.87 feet; thence North 00 degrees 22 minutes 00 seconds East 170.00 feet; thence South 73 degrees 50 minutes 20 seconds East 180.59 feet; thence South 67 degrees 10 minutes 00 seconds East 70.07 feet to the point of beginning. ALSO the East 150 feet of Lot 25 except the North 678.00 feet and except that part taken for I-75 Highway. ALSO Lot 27 and Lot 28, except the North 130 feet and Lot 34 except the North 150 feet of Supervisor's Plat No. 11, according to the plat thereof as recorded in Liber 46 of Plats, Page 46, Oakland County Records.

Tax Parcel Numbers:

20-28-104-015 - LOTS 12, 13, 14 SIP # 10, & LOT 34 SIP # 11
 20-28-103-017 - LOT 28 SIP # 11
 20-28-103-011 - LOT 25 SIP # 11
 20-28-103-009 - LOT 27 SIP # 11

LIBER 37475 PG 372

OAKLAND COUNTY TREASURER'S CERTIFICATE
I HEREBY CERTIFY that the above described instruments
held by the state or any individual against the within description
and all TAXES on same are paid for five years previous to the
date of this instrument as appear by the records in the office
except as stated

APR 27 2006

kw K40
PATRICK M. DEHANY, County Treasurer
Nos. 106, Act 208, 1999 as amended
AMT INT R.O.D. *so*

111860
LIBER 37475 PAGE 372
\$16.00 DEED - COMBINED
\$4.00 REMONUMENTATION
\$16,770.00 TRANSFER TX COMBINED
04/27/2006 09:54:37 A.M. RECEIPT# 48285

PAID RECORDED - OAKLAND COUNTY
RUTH JOHNSON, CLERK/REGISTER OF DEEDS

2005 NOT EXAMINED



Metropolitan Title Company
America's Premier Title Agency

WARRANTY DEED

(Platted/Condominium)

Drafted By:

Marjorie A. Smith, Trustee of the
Marjorie A. Smith Trust UAD 1/15/97
Pasco Properties, LLC
360 Southfield
Birmingham, MI 48009

Return To:

Behr America, Inc., A Delaware
Corporation
2700 Daley Drive
Troy, MI 48083

Send Tax Bills To:

Behr America, Inc., A Delaware
Corporation
2700 Daley Drive
Troy, MI 48083

Recording Fee: \$21.00
File Number: 151531 *T*

State Transfer Tax: \$14,625.00
County Transfer Tax: \$2,145.00

Tax Parcel No.: 20-26-103-024
@

Know All Persons by These Presents: That Pasco Properties, L.L.C. by Marjorie A. Smith, Trustee of the
Marjorie A. Smith Trust UAD 1/15/97
whose address is 360 Southfield, Birmingham, MI 48009

Convey(s) and Warrant(s) to Behr America, Inc., a Delaware Corporation by Katja Knupfer, Corporate Legal
Counsel
whose address is 2700 Daley Drive, Troy, MI 48083

the following described premises situated in the City of Troy, County of Oakland, State of Michigan, to wit:
(SEE ATTACHED EXHIBIT A)

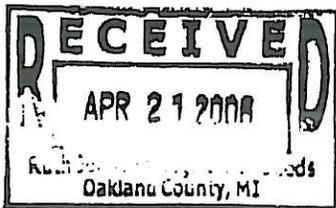
More commonly known as: 1176-1178 E Big Beaver, Troy, MI 48083
For the full consideration of: one million nine hundred fifty thousand Dollars (\$1,950,000.00)

Subject To:

Existing building and use restrictions, easements of record, and zoning ordinances, if any.

Dated this April 13, 2006.

O.K. - A.N.



STATE OF MICHIGAN REAL ESTATE TRANSFER TAX
OAKLAND 4/27/2006 48205
\$2,145.00 CO
\$14,625.00 ST
419061



EXHIBIT B

METROPOLITAN

(Attached to and becoming a part of Warranty Deed dated: April 13, 2006 between Pasco Properties, L.L.C. by Marjorie A. Smith, Trustee of the Marjorie A. Smith Trust UAD 1/15/97, as Seller(s) and Behr America, Inc., a Delaware Corporation by Katja Knupfer, Corporate Legal Counsel, as Purchaser(s).)

Seller(s):

Pasco Properties, L.L.C.

Marjorie A. Smith

By: Marjorie A. Smith, Trustee of the
Marjorie A. Smith Trust UAD 1/15/97

State of Michigan
County of Oakland

The foregoing instrument was acknowledged before me
this April 13, 2006 by Pasco Properties, L.L.C. by Marjorie
A. Smith, Trustee of the Marjorie A. Smith Trust UAD
1/15/97.

Christia McGhee

Christia McGhee
Notary Public Oakland Co., MI
My Commission Expires May 19, 2006
Acting In Oakland Co.

Notary Public:
Notary County/State: /
County Acting In:
Commission Expires:



Metropolitan Title Company
America's Premier Title Agency

(Attached to and becoming a part of Warranty Deed dated: April 13, 2006 between Pasco Properties, L.L.C. by Marjorie A. Smith, Trustee of the Marjorie A. Smith Trust UAD 1/15/97, as Seller(s) and Behr America, Inc., a Delaware Corporation by Katja Knupfer, Corporate Legal Counsel, as Purchaser(s).)

EXHIBIT A

Land situated in the City of Troy, County of Oakland, State of Michigan, described as follows:

The South 609 feet of the North 678 feet of the East 150 feet of Lot 25 and the South 65 feet of the North 130 feet of Lot 28 of SUPERVISOR'S PLAT NO. 11, according to the plat thereof recorded in Liber 46 of plats, page 46, Oakland County Records. @

Tax Item No. 20-26-103-024

Tax Parcel Number: 20-26-103-024

2/16/07



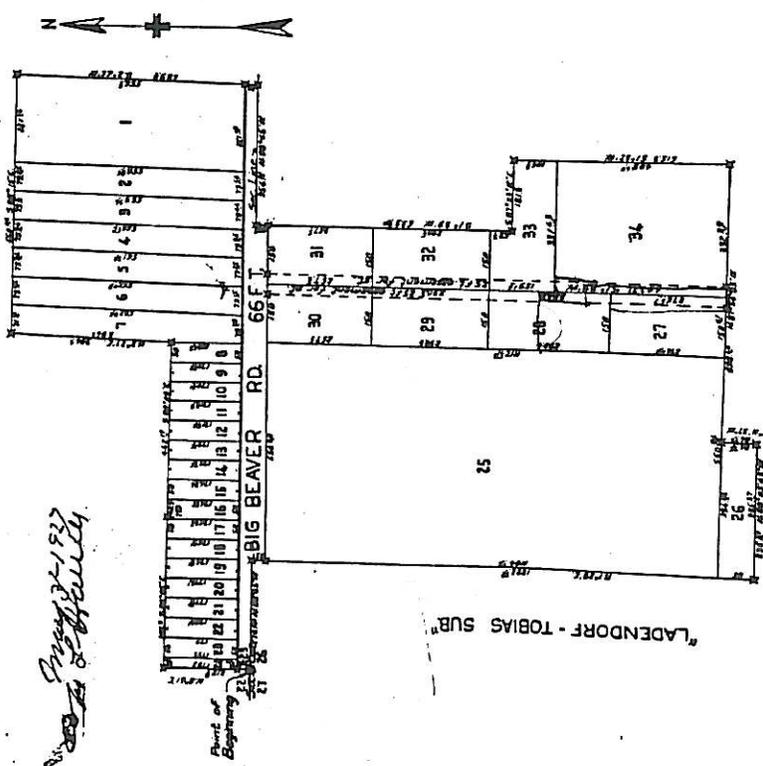
Metropolitan Title Company
America's Premier Title Agency

23390

1" SUPERVISORS PLAT NO. 11 '11

A SUBDIVISION OF PART OF SW 1/4 OF SW 1/4 SEC. 23 AND PART OF NW 1/4 OF NW 1/4 SEC. 26 T.2N R.1E TROY TWP. OAKLAND CO. MICH.

May 11-1923
Ed L. Haulley
Superior Plat No. 11
207 1/2 9 Plat
H. M. L. Beckwith



SCALE: 1 IN. = 200 FT.
All dimensions are shown in feet and decimals thereof.

KNOW ALL MEN BY THESE PRESENTS That I, Morris Wattle, Supervisor of the Township of Troy, Oakland Co. Mich., by virtue of authority in me vested by Section 3350, Compiled Laws of 1915, as amended, having been duly authorized by the Township Board have caused the land embraced in the annexed plat to be surveyed laid out and platted to be known as "Supervisors Plat No. 11" a subdivision of part of SW 1/4 of SW 1/4 Sec. 23 and part of NW 1/4 of NW 1/4 Sec. 26 T.2N R.1E Troy Twp. Oakland Co. Mich. and that the areas as shown on said plat are hereby dedicated to the use of the public.
Signed and Sealed in Presence of
Morris Wattle, Supervisor of Troy Twp.
Ed L. Haulley

STATE OF MICHIGAN } ss.
COUNTY OF OAKLAND }
On this 11 day of May A.D. 1923, before me a Notary Public in and for said County personally came the above named Morris Wattle, Supervisor of the Township of Troy known to me to be the person who executed the above dedication and acknowledged the same to be his free act and deed as such supervisor.
Notary Public, Oakland Co. Mich.
By commission expires March 22, 1924

SURVEYORS CERTIFICATE.
I hereby certify that the plat hereon delineated is a correct one and that permanent metal monuments of not less than one inch in diameter and fifteen inches in length set in a concrete base at least four inches in diameter and fifty-eight inches in depth have been placed at points marked thereon as shown at all angles in the boundaries of the lots platted, at all intersections of streets, and at the intersections of streets with the boundaries of the plat as shown on said plat.
Ed L. Haulley
Registered Surveyor

I, Morris Wattle, Township Supervisor of Troy Township Oakland Co. Mich. hereby certify that because of ownership in small parcels of property shown on this plat, and for other reasons it appears necessary and advisable to make a supervisors plat of same.
Morris Wattle,
Township Supervisor

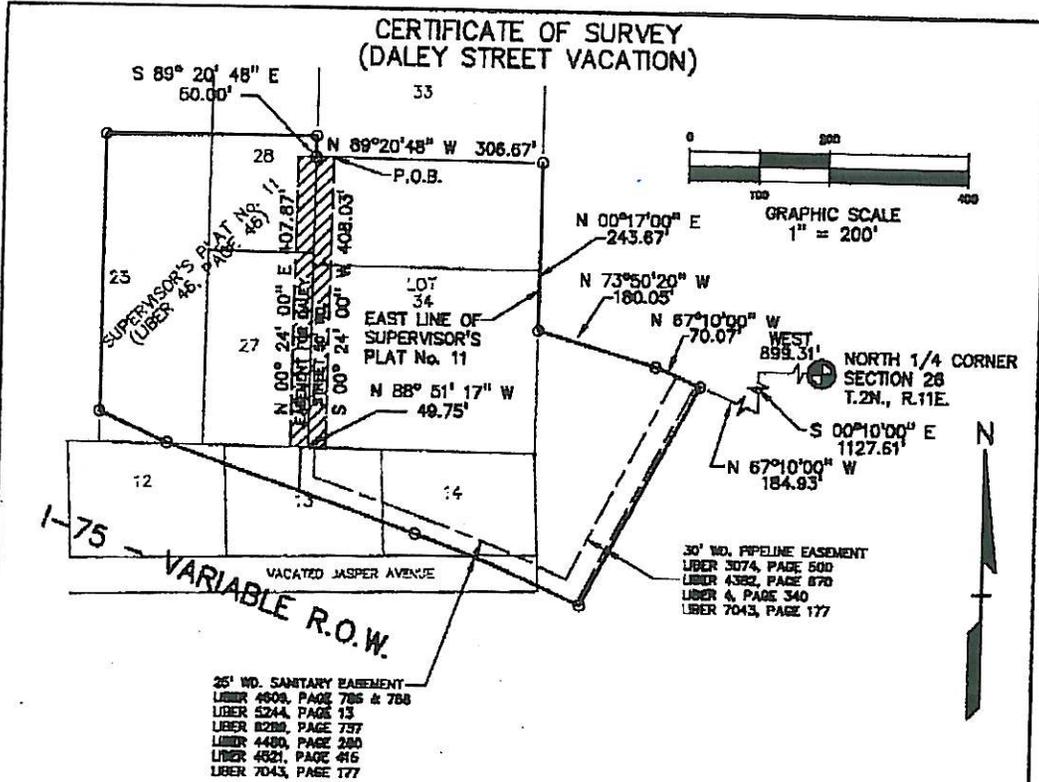
CERTIFICATE OF MUNICIPAL APPROVAL.
This plat was approved by the Township Board of Troy Township Oakland Co. Mich. at a meeting held on the 13 day of April A.D. 1923.
Morris Wattle,
Township Clerk

DESCRIPTION:
Beginning at the S.W. cor. Sec. 23 T.2N R.1E Troy Twp. Oakland Co. Mich. thence N0°41' E. along the west line of Sec. 23 270.00 ft. thence S 88° 05' E. 386.8 ft. thence S 88° 05' E. 442.17 ft. thence N 3° 27' E. 394.3 ft. thence S 88° 15' E. 602.89 ft. thence S 2° 45' N. 5 898 ft. to the center line of Big Beaver Road and the north line of Sec. 26 thence N 88° 45' W. along said north line of Sec. 26 354.31 ft. thence S 7° 33' N. 633.30 ft. thence S 87° 03' E. 181.3 ft. thence S 1° 32' N. 515.5 ft. thence N 87° 54' 23' N. 698.49 ft. thence S 1° 11' 37' N. 86.75 ft. thence N 88° 03' 39' E. 335.31 ft. thence N 1° 28' E. 1222.75 ft. to said north line of Sec. 26 thence N 88° 45' W. along said line 276.49 ft. to point of beginning.

Approved by the Board of Civil Engineers of the County of Oakland Michigan on the 13 day of April 1923.
Ed L. Haulley
Morris Wattle

EXHIBIT C

Copy



LEGAL DESCRIPTION

Part of Lot 27, 28, 33 and 34 of Supervisor's Plat No. 11 according to the plat recorded as in Liber 48, Page 48, Oakland County Records. Beginning at the North 1/4 Corner of Section 28, T. 2N., R. 11E., West 899.31 feet; thence S 00° 10' 00" E, 1127.81 feet; thence N 67° 10' 00" W, 184.93 feet; thence N 67° 10' 00" W, 70.07 feet; thence N 73° 50' 20" W, 180.05 feet; thence N 00° 17' 00" E, 243.67 feet; thence N 89° 20' 48" W, 306.67 feet to the Point of Beginning; thence S 00° 24' 00" W, 408.03 feet; thence N 88° 51' 17" W, 49.75 feet; thence N 00° 24' 00" E, 407.87 feet; thence S 89° 20' 48" E, 50.00 feet to the Point of Beginning.

LEGEND

- ✕ IRON SET
- ⊙ IRON FOUND
- # P.K. NAIL SET
- ⊕ MONUMENT SET

**PROFESSIONAL
ENGINEERING
ASSOCIATES**

CLIENT: BEHR AMERICA 850 LADD ROAD, "A" WALLED LAKE, MICHIGAN 48380	SCALE: 1" = 200'	JOB No: 200010	2430 Rochester Ct. Suite 100 Troy, MI 48063-1872 (248) 688-9080
	DATE: 4-25-00	DWG. No: 1	

M:\2000PROJ\2000010\DWG\VACATE.DWG;KRL

EXHIBIT D

The Regular Meeting of the Troy City Planning Commission was called to order by Chairman Beltramini at 7:30 P.M. on Tuesday May 9, 2000 in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Beltramini
Chamberlain
Kramer
Littman
Reece
Starr
Storrs
Waller

Absent:

Wright

Also Present:

Laurence G. Keisling, Planning Director
Robert Davisson, Assistant City Attorney
Doug Smith, Real Estate & Development Director
Nicole Brown, Student Representative

Moved by Chamberlain; Seconded by Reece

RESOLVED, that Commissioner Wright be excused from attendance at this meeting.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

2. PUBLIC COMMENTS

TABLED ITEMS

3. PUBLIC HEARING - SPECIAL USE REQUEST AND SITE PLAN REVIEW – Proposed Church – North of Wattles and West of John R – Section 14 (SU-306)

Mr. Keisling explained that at the March 14 Regular Meeting a Public Hearing was opened in relation

EXHIBIT E

to a request for Special Use Approval and related Preliminary Site Plan Approval for the establishment of a church complex on an L-shaped R-1C zoned parcel extending north from Wattles Road in the area west of John R. The petitioners, St. Petka Vratnica Serbian Orthodox Church, controlled a 6.46 acre parcel with just 79 feet of frontage on Wattles Road. The major portion of the site lies approximately 550 feet north of Wattles Road and abuts the Athens High School site. The plan also included a 60 foot wide City-owned Wattles Road frontage parcel abutting to the west, which is proposed to be purchased by the petitioners and combined with their site in order to improve its access and presentation from the frontage street. Action was tabled on this matter at the request of the petitioners, and the Public Hearing was continued, in order to provide an opportunity for them to proceed in their efforts to acquire additional property and to revise the site plan accordingly.

Mr. Keisling stated that the petitioners have acquired just one additional parcel, the rear 350 foot portion of the residential lot immediately east of their Wattles frontage, and have now presented a revised site plan. A new Public Hearing advertisement has been distributed, due to the proposed additional site area. The total site area, including the City-owned parcel, is now approximately 7.8 acres. At the staff's request, the proposed entrance drive has been placed directly opposite Victoria Drive on the south side of Wattles. The plan indicates a multi-phase development, wherein the first phase would be the sanctuary building with a sanctuary seating capacity of 500. Later phases would include classrooms and a multi-purpose hall, also with a 500 person capacity. The site plan indicates 4' 6" decorative masonry parking area screenwalls along all boundaries abutting residentially-zoned property. The northerly and westerly boundaries of this site abut land which is now, or will in the future become, part of the Troy Athens High School site. The petitioners may, therefore, in the future, request a waiver of a portion of the parking area screenwalls. The site plan also indicates a potential secondary connection to the Athens High School perimeter drive, a proposal which the petitioners are presently discussing with the Troy School District. The site plan also indicates an entrance canopy on the south side of the future hall element, which encroaches into the required 50 foot setback area. It will be necessary to secure a variance from the Board of Zoning Appeals if the church wishes to proceed with this architectural detail element in the future. As originally submitted, the site plan also indicated 25 foot high parking area light standards, shielded from the adjacent residential area. The staff asked that the standards be reduced to a maximum of 18 feet in height, particularly in those areas adjacent to potential future residential development. The unofficial performance standard " - - - parking area lighting luminaires shall not be visible from adjacent residential properties " would once again be an appropriate item to include in the action on this matter. With recognition of the potential need for a variance related to the hall entrance canopy, all applicable Ordinance requirements are complied with and action on this Special Use Request and Preliminary Site Plan would be in order.

Mr. Keisling noted that the proposed Zoning Ordinance language regarding the establishment of churches, which will be considered later in this agenda, includes a provision which would require 50 foot setbacks and landscaped berms in those areas where the proposed parking area lies adjacent to the southerly and easterly boundaries of the site. The proposed Ordinance language also includes a provision which would require such yards and berming for " - - - parking areas proposed for construction after July 1, 2000." This language should probably refer to parking areas for which site plans were approved after July 1, 2000, and similar language should be applied to the new proposed parking area setback requirement.

Mr. Storrs was concerned about the ultimate development potential in the area to the south and east adjacent to the commercial intersection at John R. Mr. Keisling noted that the Master Plan indicates medium-density residential use in that area.

Constantine Pappas, architect for St. Petka, was present. He stated that the church presently has 300 families, 90 of which live in Troy. In response to Mr. Chamberlain's question about the proposed access to the Athens driveway, Mr. Pappas noted that they were working with the School District on this matter, along with proposals for connecting to water and storm drain facilities on the school site. Under the proposed approach, the church site could be used for additional parking for the school during low use hours. Mr. Chamberlain noted that Athens High School already has a Wattles Road driveway. If the Athens drive was connected to the proposed church development, traffic problems could result. Mr. Pappas commented that the proposed inter-connection with the school site could be eliminated.

The Public Hearing was declared open.

David R. Fuchs of 1661 E. Wattles was present and stated that he abuts the Wattles Drive from Athens High School. He was concerned that the church would create more traffic and noise and felt that such a "commercial use" should not be permitted in this area.

No one else wished to be heard.

Mr. Littman noted items in this proposal which were indefinite, such as the sharing of stormwater detention facilities, and the use of the City's property. Mr. Storrs was concerned that the proposed church would limit the potential for residential development in the adjacent area. Mr. Pappas noted that the church already owns its originally-proposed site, and is buying the parcel to the east. He was aware that, if the plan changes in the future, the church would have to return to the Planning Commission. Mr. Storrs stated the church was not in character or compatible with the adjacent area, and Mr. Reece concurred.

Moved by Waller Seconded by Chamberlain

RESOLVED, that Special Use Approval, as requested for the establishment of the St. Petka Vratnica Serbian Orthodox Church on a 7.77 acre parcel (including a present City-owned parcel) lying north of Wattles Road and west of John R be granted, in accordance with Section 10.30.04 of the Zoning Ordinance, subject to the following conditions:

1. The maximum height of light standards in the area adjacent to potential residential development will be 18 feet as indicated on the plan as presented on this date.
2. No driveway access will be provided between this site and the adjacent Athens High School perimeter drive.
3. Further Planning Commission review and action will be necessary if the abutting City-owned parcel is not included in the proposed development.

Yeas: Waller, Chamberlain, Starr Nays: Reece, Storrs

Beltramini, Littman, Kramer Absent: Wright

MOTION CARRIED

Moved by Waller Seconded by Chamberlain

RESOLVED, that Preliminary Site Plan Approval, as requested for the construction of the St. Petka Vratnica Serbian Orthodox Church complex on a 7.77 acre parcel (including a present City-owned parcel) in the area north of Wattles Road and west of John R is hereby granted, subject to the following conditions:

1. The maximum height of light standards in the area adjacent to potential residential development will be 18 feet as indicated on the plan as presented on this date.
2. No driveway access will be provided between this site and the adjacent Athens High School perimeter drive.
3. Further Planning Commission review and action will be necessary if the abutting City-owned parcel is not included in the proposed development.

Yeas: Waller, Chamberlain, Starr, Beltramini, Littman, Kramer

Nays: Reece, Storrs

Absent: Wright

MOTION CARRIED

Mr. Storrs indicated that his nay vote was due to his opinion that this proposal did not meet the requirements of Section 10.30.00-A, as it would not be compatible with the orderly development of the adjacent residential area. He did feel that sharing a detention basin with the high school would be a good idea. Mr. Reece indicated that his nay vote was due to his opinion that the church would be in conflict with the orderly residential development of the area.

SITE PLANS

4. SITE PLAN REVIEW – Proposed Industrial Buildings – South End of Daley, East of Rochester – Section 26 (SP-689)

Mr. Keisling explained that a site plan has been submitted for the construction of a two-building industrial complex totaling 79,523 square feet in area, on an 8.4 acre parcel at the south end of Daley Street east of Rochester Road, involving 751 feet of frontage on I-75. The subject site lies on both sides of the Sturgis County Drain, with the majority of the site lying between the drain and I-75. The site is also divided, in a north-south direction, by the platted and partially-improved Daley Street easement, within Supervisors Plat No. 11. Later in this agenda, the Commission will consider a request for vacation of this street easement in order to enable this proposed development to proceed. The proposed development will include an office/lab building in the easterly portion of the I-75 frontage, with a second building including a wind tunnel in the westerly portion of the site. The wind tunnel portion of the building will be 66 feet in height. The petitioners, Behr America, have requested and received a variance from the Board of Zoning Appeals in order to permit this additional structure height, as compared to the 40 foot typical M-1 District maximum height. Access to the site will be provided by a driveway extension of Daley Street, which will include a vehicular bridge crossing the Sturgis Drain. The petitioners have gone to a great deal of trouble in development of their plan to preserve the wooded areas and other natural features, while at the same time enabling productive use of the site. One of the major parking areas will, for example, be located in the north central portion of the site north of the drain, with a pedestrian bridge crossing the drain and extending from the easterly building to that parking area. This approach was used as an alternative to eliminating the substantial wooded area lying east and north of the proposed easterly building. The primary development frontage will be I-75, where the total yard area at or exceeding the 50 foot minimum will be kept open and involve either preservation of natural features or landscaping. The Zoning Ordinance also requires a minimum 50 foot landscaped setback from the ultimate south end of the public street portion of Daley Street. All applicable Ordinance requirements were complied with, and approval of this unique site plan was recommended by the Planning Department, subject to the completion of the indicated street vacation process.

Philip Tocco was present representing Behr America, along with Paul Landry, their architect. Mr. Tocco stated that they manufacture items such as heat exchangers, thermostats, and fan clutches for the automotive industry. This facility would be used primarily for development and testing of their products, and vehicles involving their products. The impact of the building height would be reduced due to the fact that the site is approximately 12-13 feet below the grade of I-75. In response to questions from the Commission, Mr. Landry noted the building and elevations which had been provided, and stated that they were attempting to use as much masonry and glass as possible, even on the wind tunnel portion of the building. In response to Mr. Starr's question, Mr. Tocco stated that the wind tunnel was designed to test the tractor portion of large trucks, and automobiles. The primary reason for purchasing this particular piece of property was its visibility from I-75. Behr America was quite interested in having a positive image for their building complex and thus for their corporation.

Moved by Chamberlain Seconded by Kramer

RESOLVED, that Preliminary Site Plan Approval, as requested for the construction of a two-building 79,523 square foot complex for Behr America, Inc., on an 8.4 acre M-1 zoned site at the south end of Daley Street abutting I-75 is hereby granted, subject to completion of the vacation process involving that part of the Daley Street right-of-way lying within this site.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

5. SITE PLAN REVIEW – Proposed Office Building (Consent Judgment) – North Side of Big Beaver, East of John R – Section 24 (SP-719)

Mr. Keisling explained that, in November of 1987, the City Council entered a Consent Judgment to settle zoning litigation in the case of Harvey S. Fink v City of Troy, involving a parcel having 200 feet of frontage on the north side of Big Beaver east of John R. The Commission received a copy of the Consent Judgment prior to the meeting. The Judgment basically limits the use of the property to those uses permitted under O-1 zoning, with a P-1 (Vehicular Parking) restriction applied to the east 43 feet of the site. The Judgment also limits building height to two stories, and has other restrictions as to setbacks, screening walls, etc. Finally, the Judgment requires that site plans for the development of this land shall ultimately be subject to the approval of the City Council.

Mr. Keisling explained that a site plan for the development of this property was approved by the City Council in 1988, in accordance with the recommendation of the Planning Commission, but the plan was never implemented. A new site plan has now been submitted, by prospective new owners, for the construction of a 20,722 square foot single-story office building. The building will be set back approximately 53 feet from Big Beaver Road, and the landscaped front yard will include a shallow-sloped stormwater detention area. The site is to be served by a single driveway entering the easterly portion of the frontage within the area limited to P-1 use. The staff requested that a cross-access easement be provided over this driveway, extending north and west to the west property line, abutting the B-1 zoned site of the childcare center for which a site plan was approved by the Commission at the May 2 Study Meeting. If the childcare center is implemented at that location, he would not expect the cross-access easement to be used. The site plan indicates a 6 foot screenwall along the north property line and a 4' 6" screenwall along the east property line. In accordance with the Consent Judgment, these walls should be "brick-faced" and the 4' 6" wall should extend west to the driveway in the area adjacent to the southeast corner of the site. Finally, Mr. Keisling proposed that the trash receptacle enclosure be relocated to a point further distant from residentially-zoned land, probably on the south side of the driveway adjacent to the northwest corner of the building. With this modification, approval of this site plan should be recommended to the City Council.

Todd Bell was present on behalf of the petitioners, Expert Underwriters. He stated that they would be moving their business from Maple Road to this site, and that they would be willing to relocate the trash receptacle enclosure. In response to Mr. Storrs' question, he stated that the screenwall would be brick-faced, at least on the residential side.

Moved by Chamberlain; Seconded by Reece

RESOLVED, that the Planning Commission hereby recommends to the City Council that Site Plan Approval, as requested for the construction of a 20,722 square foot single-story office building on a parcel having 200 feet of frontage on the north side of Big Beaver east of John R be granted, in accordance with the provisions of the Consent Judgment entered in the zoning litigation Harvey S. Fink v City of Troy, subject to the following conditions:

1. Relocation of trash receptacle enclosure away from residentially-zoned land.
2. Provision of a cross-access easement extending to the west property line.
3. Brick-faced screenwalls, at least on the residential side.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

6. SITE PLAN REVIEW – Proposed Hotel (Consent Judgment) – South of Maple, at Mapelawn and

Equity Drives – Section 32 (SP-852)

Mr. Keisling briefly reviewed the background of this proposal for the construction of a *Homewood Suites by Hilton* hotel on a 4.2 acre portion of the Parcel controlled by a Consent Judgment which settled the zoning litigation entitled *Meritor Automotive, Inc., and the Nelson Companies v the City of Troy*. As a result of a meeting held on the day before this meeting, hotel representatives agreed to revise their plan in order to resolve the various concerns expressed by staff. Due to this situation, a site plan for this proposed development was not available for consideration by the Planning Commission. Staff, therefore, recommended that action be tabled on this matter to the next available meeting, in order to provide an opportunity for the petitioners to submit a revised plan, and for the Commission to fully consider that plan.

Moved by Storrs; Seconded by Littman

RESOLVED, that action on Preliminary Site Plan Approval, as requested for the construction of a 150 unit Homewood Suites by Hilton complex on a 4.2 acre net area site on the proposed extension of Equity Drive south of Maple at Mapelawn be tabled to the May 23, 2000 Study Meeting, to provide an opportunity for the petitioners to prepare and submit a revised site plan.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

SPECIAL USE REQUESTS

7. PUBLIC HEARING - SPECIAL USE REQUEST – Proposed Temporary Outdoor In-line Hockey Rinks – North of Big Beaver, West of John R – Section 23 (SP-802)

Mr. Keisling explained that a request has been submitted for Special Use Approval in order to permit the temporary placement of two outdoor in-line hockey rinks on a portion of the B-2 and O-1 zoned Troy Sports Center site on the north side of Big Beaver west of John R. This request is submitted in accordance with Section 21.30.04-B of the Zoning Ordinance, which provides for the establishment of such outdoor recreational activities on B-2 sites, subject to conditions related to matters such as location, setback, and fencing. This activity is proposed to occur in the parking area between the westerly portion of the sports arena building and the existing office building fronting on Big Beaver Road. In order to avoid a conflict relative to the provision of adequate parking for the building complex, the Building Department has indicated that a portion of the indoor sports arena area would be closed or made inaccessible during the time that the in-line rinks are in place. The Zoning Ordinance requirements related to the location of the use adjacent to the building complex, away from any major thoroughfare intersection, and at least 150 feet from any Residential District are met. The Ordinance also requires enclosure of the outdoor activity area with a fence having a minimum height of 4 feet. The petitioners have indicated that the rink enclosure structure and netting will have a total height of approximately 10 feet.

Mr. Keisling noted that the Commission had briefly discussed this proposal at last week's Study Meeting, and had raised questions regarding matters such as additional lighting, potential banking of the surface, the adequacy of spectator area, and the time period during which this proposed use would be in place. These questions were passed on to Mr. Bostick, the petitioner, so that he would be prepared to address same at this meeting. At this point, it was Mr. Keisling's understanding that the petitioners propose to keep the rinks in place into the month of September. Mr. Keisling felt that it would be reasonable to approve this proposed temporary use, subject to the provision of an additional defined spectator or visitor area outside the limits of the rinks. The petitioners have suggested that such an area could be provided, and could be defined through the use of a series of stanchions and chains, or by some other manner.

Dennis Bostick, the petitioner, was present along with Randy Ballard and Brian Barker, who will be involved in the operation of the proposed in-line hockey rink area. In response to Mr. Starr's question, Mr. Bostick stated that they would be willing to establish an additional perimeter area with some type of stanchion and chain or fencing system. He felt there was not typically a high volume of traffic in

that portion of the site. In response to Mr. Waller's question, Mr. Bostick passed around the ball used in outdoor in-line hockey.

The Public Hearing was declared open.

Yvonne Solis of 1866 Crimson commented that "as a mom" she loves the idea. She noted that, although the neighbors in her area were concerned when the Sports Center was first proposed, they have found it to be "a neighborhood joy."

Dan Jaroshewich of 2109 Wattles stated that, in relation to any safety concerns, he would much rather have his kids playing at a facility such as this, rather than on the streets.

Randy Husk of 2256 Niagara stated that, although he was originally opposed to the rezoning request for the Sports Center, he later supported that proposal. He has never regretted his action. He has found Mr. Bostick to be a man of his word.

No one else wished to be heard.

The Public Hearing was declared closed.

Chairman Beltramini was concerned about the adequacy of parking, and suggested that even more seating should be closed off inside the arena. Mr. Keisling noted that the parking spaces on the site currently exceed the Ordinance requirements, and that use of the arena is lighter in the summer. Mr. Kramer confirmed that the petitioners would have to return to the Commission next year for approval, if they wished to do the same thing again. In response to Mr. Kramer's question, Mr. Davisson stated that, since this use is on private property, the City would have no liability.

Moved by Waller; Seconded by Kramer

RESOLVED, that Special Use Approval, as requested for the temporary placement of two outdoor in-line hockey rinks on a portion of the B-2 and O-1 zoned Troy Sports Center site on the north side of Big Beaver west of John R is hereby granted, for a period extending from May 10, 2000 through September 30, 2000, subject to the following conditions:

1. Seating inside the Sports Arena building will be blocked off in order to offset parking spaces made unavailable by this use.
2. Additional spectator area will be provided outside the limits of the rinks, delineated or barricaded in a manner acceptable to the City staff.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

STREET VACATIONS AND OPENINGS

8. PROPOSED STREET VACATION – South Portion of Daley Street, North of I-75 – Section 26 (#148)

Mr. Keisling explained that a request has been submitted, by Behr America, Inc., for the vacation of the southernmost approximate 400 foot portion of the 50 foot wide Daley Street easement, within Supervisors Plat No. 11 (Liber 46, Page 46 of Oakland County Plats). This street easement area lies south of Big Beaver and north of I-75, within the 8.4 acre parcel proposed for development by Behr America. Only the northerly approximate 70 foot portion of the street easement area is paved. The easement then extends south across the Sturgis County Drain. As indicated in the discussion

regarding the Behr America site plan earlier in this agenda, it is their proposal to extend their primary access drive south, partially within the present street easement area, across the drain to their building complex.

Mr. Keisling stated that it was the recommendation of the Planning Department that this request for street easement vacation be granted, subject to the retention of those utility easements determined to be necessary by the City Engineer and any related utility companies. As this street lies within an Easement rather than within a dedicated right-of-way, the completion of the vacation process may require Circuit Court action. In any event, the City should take action to either vacate or give up any rights which they have in this easement area for street purposes, while retaining any necessary utility easements. This vacation action should also be conditioned upon implementation of the Behr America development proposal.

Philip Tocco was present representing Behr America, Inc., and confirmed the nature of their request.

Moved by Waller; Seconded by Storrs

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request by Behr America, Inc., for the vacation of the southernmost approximate 400 foot portion of the 50 foot wide Daley Street easement lying within Supervisors Plat No. 11 (Liber 46, Page 46 of Oakland County Plats) and including portions of Lots 27, 28, and 34 of that Plat be granted, subject to the retention of any utility easements as determined to be necessary by the City Engineer or by related utility companies, and subject further to the implementation of the development plan proposed for the surrounding 8.4 acre site by Behr America, Inc.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

SUBDIVISIONS

9. PRELIMINARY PLAT – TENTATIVE APPROVAL – Meadow Creek Subdivision – West Side of Evanswood, North of Square Lake – Section 1

Mr. Keisling explained that this proposed subdivision, consisting of 8 lots and a detention basin parcel, lies within a 3.88 acre portion of a larger homesite on the west side of Evanswood Drive north of Square Lake Road. The property extends west from Evanswood to the large Troy School District property which they have indicated they wish to preserve as open space/natural area. The westerly major portion of the south boundary of the subdivision site abuts the north edge of the Evanswood Church of God site, while the remaining boundaries abut acreage homesites. While wetland area exists on the School District property and on the church site, staff investigation has confirmed the fact that the proposed subdivision site has basically been maintained as a lawn by the abutting homeowner, and thus contains no wetland areas or significant natural features. The proprietor's engineer has provided a hypothetical street pattern layout for the adjacent properties. This proposed subdivision is to be developed in accordance with the standard lot size provisions of the subject R-1D Zoning District. All of the lots are substantially larger than the 8,500 square foot minimum lot size in that District, and much wider than the 75 foot minimum frontage width. The proposed shallow-sloped unfenced stormwater detention basin is of the type which is typically ultimately conveyed to the City for maintenance, with a maintenance deposit. Approval of this Tentative Preliminary Plat was recommended by the Planning Department.

Mark Lederman, the proprietor, was present. He stated that this subdivision would be small but upscale. The homes would be 3400-3800 square feet in size with three car side entrance garages.

Gary Elsner of 6193 Evanswood stated that he owned the three plus acre parcel directly to the north, and was concerned about potential utility location and the trees along the edge of his property. Mr.

Keisling explained that all new subdivisions are required to have rear yard drains, and that an easement for same would most likely be along the north edge of the subdivision site.

Philip Hepp of 6136 Evanswood was concerned about more congestion in the area. He noted that Evanswood currently does not have sidewalks.

Chairman Beltramini commented that the proposed lots were larger than normal for R-1D zoning, and thus that this subdivision could involve more lots. Mr. Littman noted that sidewalks will be constructed within the proposed subdivision, including the Evanswood frontage.

Moved by Kramer; Seconded by Starr

RESOLVED, that the Planning Commission hereby recommends to the City Council that Tentative Approval be granted to the Preliminary Plat of Meadow Creek Subdivision, on the west side of Evanswood north of Square Lake Road.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

REZONING PROPOSALS AND TEXT AMENDMENTS

10. PUBLIC HEARING - PROPOSED REZONING – West Side of Rochester, North of Trinway – Section 10 – R-1C to R-M (Z-667)

Mr. Keisling explained that a request has been submitted for the rezoning of a 1.36 net acre parcel having 170 feet of frontage on the west side of Rochester Road north of Long Lake Road (between Trinway and Sylvanwood) from R-1C to R-M (Multiple Family Residential-Medium Density). The site plan submitted with this request indicates the construction of a three-unit townhouse building. R-M zoning could, however, provide for dwelling unit density ranging from 6-10 units per acre, dependent upon unit size or room count. On this basis, this parcel could theoretically support 8-13 dwelling units. As an additional piece of information, if this property was zoned in the R-1T classification, with a maximum dwelling unit density of 6.2 dwelling units per acre, the maximum number of units permitted would be 8.

Mr. Keisling stated that the Master Land Use Plan, as amended in July of 1999, indicates Medium-Density Residential Use in the westerly Rochester Road frontage north of the Community Service Area at the Long Lake intersection. The requested R-M District is one of the three Zoning Districts which would enable development within the Medium-Density range. In the course of discussing the four rezoning requests which have been considered in those areas which are now shown for Medium-Density Residential use, staff has advised that, even though an area is shown for that use on the Master Plan, the Planning Commission and the City Council must still decide whether the parcel assembly or configuration involved in a particular rezoning request would result in a reasonable ultimate development configuration, and one which would relate properly to the surrounding area. Although the Planning Department continues to feel that the Master Plan designation in this area of the Rochester Road frontage is proper, it was their opinion that independent rezoning of a small parcel such as that now requested was premature. Development in accordance with such a rezoning request could in fact inhibit the potential for reasonable ultimate Medium Density Residential development in adjacent portions of the Rochester Road frontage. It was, therefore, the staff's recommendation that this request for rezoning be denied.

In response to Mr. Storrs' question regarding proper parcel depth from Rochester Road, Mr. Keisling stated that the depth of the subject property was not excessive, but the limited north-south dimension would not enable reasonable independent development.

Gary Currier, architect, was present on behalf of the petitioners. He stated that assembly of more property would be cost prohibitive, as they only planned to build three units. In response to Mr. Waller's question, he stated that no attempt had been made to acquire the property to the south. Mr.

Storrs asked if they had considered R-1T zoning, as that classification would enable the type of development which was proposed by the petitioners.

The Public Hearing was declared open.

Leonard Bertin of 5352 Rochester Road stated that he owned the new log home on the property abutting to the north. He did not want multi-family or apartment development adjacent to his home. He noted that the zoning allows up to eight units per acre, and that the proposed three unit building could not be guaranteed.

Ehsan Jaghory of 884 Trinway stated that he was also opposed to multi-family residential development. He liked the residential character of the Trinway area in its present form.

Cindy Adams of 5352 Rochester Road stated that her residence is directly across from the property. She was concerned about additional traffic and a potential decrease of her property value. She did not think that the proposed development would blend in with the area, as most homes in the area are on parcels of one acre or more.

Rex Brown of 717 Trinway stated that the requested zoning would not bring about proper use for the property. He noted that three expensive homes are on the adjacent Trinway frontage. He had checked on the zoning and Master Plan status of this area twenty years ago when he purchased his property, and had been told that the area would remain single-family residential.

Vicky Brown of 5240 Rochester Road stated that she lived directly across from Trinway, and she felt that there was nothing quiet and peaceful about that area. She further noted that the property on the northwest corner of Rochester and Trinway is an eyesore.

No one else wished to be heard.

The Public Hearing was declared closed.

Mr. Chamberlain noted the one written objection that had been received. He noted that the petitioner could put in the maximum density permitted once the property was rezoned. He was definitely opposed to the rezoning. Chairman Beltramini noted that, when the Commission had amended the Master Plan, they had not intended that rezoning and development would occur one acre at a time. Mr. Storrs asked the other Commission members if they would support rezoning at such time as more property was assembled. He was concerned about a potential extension of commercial strip zoning and development in this area. Chairman Beltramini commented that she would be more inclined to consider CR-1 zoning in this area.

Moved by Chamberlain; Seconded by Starr

RESOLVED, that the Planning Commission hereby recommends to the City Council that the request for the rezoning of a 1.36 acre parcel having 170 feet of frontage on the west side of Rochester Road north of Trinway, from R-1C to R-M (Multiple Family Residential-Medium Density) be denied, as such rezoning is premature at this time, and could impede the potential for reasonable and desirable Medium-Density Residential Use in this area in accordance with the intent of the Master Land Use Plan.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

11. PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT – Church Provisions in R-1 and C-F Districts (#15)

Mr. Keisling explained that on December 20, 1999, the City Council held a Public Hearing on the

request of the St. Nicholas Greek Orthodox Church for rezoning, from R-1B to C-F, of their 10.2 acre site on Wattles, west of I-75. The Planning Commission recommended denial of this request, while the staff recommended approval. The City Council tabled action on this matter, following their Public Hearing, in order to provide an opportunity to further consider the Ordinance provisions related to churches in R-1 and C-F Districts, particularly in relation to the ancillary activities which may occur. It was the staff's impression that the Council is inclined to support community-related activities, and in particular, youth-related activities such as those which would occur in the proposed gymnasium. It was further their impression, however, that the Council is concerned about potential unlimited use of elements such as hall facilities, which could presumably occur under the present C-F provisions.

Mr. Keisling noted that, at recent Study Meetings, the Commission has discussed and developed proposed amendments to the Zoning Ordinance language dealing with the establishment of churches in R-1 and C-F Districts. The advertisement for this Public Hearing was based on a text now dated April 4, 2000. A City Council Public Hearing has been set on this same matter for their Regular Meeting of May 15, 2000. The proposed R-1 District provisions include only those involved in the Commission's recent discussions. In the case of the C-F District provisions, staff has also taken this opportunity to once again propose the reorganization of the C-F District text in order to make its structure more consistent with other Zoning Districts. In this regard, the principal direction or effect of the changes is to distribute the uses involved into three conventional use categories: (1) Principal Use Permitted; (2) Uses Permitted Subject to Special Conditions, and (3) Uses Permitted Subject to Special Use Approval. A substantial portion of the C-F District Text Amendments thus consist of relocation of the current Principal Uses and Conditional Uses into these three use categories.

Mr. Keisling stated that, in conjunction with the proposed amendments to the C-F District, the staff also proposed to add provisions, under the Special Use Approval category, for the establishment of childcare centers in those Districts. This direction has been discussed on a few occasions in the past, both in relation to the potential establishment of free-standing childcare center sites and the establishment of childcare facilities as accessory or secondary uses on sites involving other C-F District uses such as hospitals and churches.

Mr. Keisling advised the Commission that, following discussion at the May 2 Study Meeting, he was contacted by George Malis, Attorney and President of the Parish Council at St. Nicholas Church. Mr. Malis had a couple of suggestions relative to the proposed C-F District church provisions, and specifically in relation to Section 18.30.02-H-3. He suggested that this Section read as follows:

"3. Such incidental facilities must be used for church, worship, religious education, indoor recreation, or for community service purposes. The facilities may be made available for use by private non-profit, public, or community organizations. They shall not, however, be used, leased or rented for other commercial purposes."

The Commission also noted that, in the course of the discussion earlier in this meeting of the St. Petka Church proposal, it was recognized that language should be added to the proposed provisions, both in the R-1 and C-F Districts, which would apply the expanded parking area setback and berming requirements on church sites only to facilities for which site plans will be approved after July 1, 2000.

Mr. Keisling stated that the Planning Department recommended that the text be adopted, with the inclusion of the modified version of Section 18.30.02-H-3 as discussed earlier, and the other noted detail modifications.

In response to Mr. Waller's question relative to the proposed 80 foot setback for active indoor recreation uses, Mr. Keisling stated that this setback would be the same as that applied to recreation uses in other residential situations.

The Public Hearing was declared open.

George Malis, attorney, and Constantine Pappas, architect, were present representing St. Nicholas Greek Orthodox Church. Mr. Malis noted that St. Nicholas' proposed gymnasium building would also house administrative offices. Mr. Pappas stated that the church had drawn up a master plan in 1992, and that they would not be able to construct the building housing their proposed gymnasium based

upon the proposed 80 foot setback requirement. In response to his question, Mr. Keisling summarized the parking requirement which would apply to the gymnasium. Mr. Pappas noted that the various uses in the church complex would not be happening at the same time. He was concerned that the parking requirements would result in too much paved area on the site. Chairman Beltramini noted that the Zoning Ordinance provisions apply to uses throughout the City, not just to the St. Nicholas site. She suggested that, if St. Nicholas felt that a parking variance was warranted, the City Council could consider such a request. Mr. Pappas noted that the proposed expansion would include classroom, library, and storage areas as well as the gymnasium.

No one else wished to speak.

The Public Hearing was declared closed.

Mr. Chamberlain agreed with the present parking requirements and the proposed 80 foot setback requirement for active recreation uses. Chairman Beltramini and Mr. Littman had concerns regarding potential commercial operations, such as the hall activities. Chairman Beltramini saw no problem with providing for community service activities involving organizations from other communities. Mr. Littman suggested that the questions regarding the 80 foot setback and the parking requirements may warrant further study. He presented a resolution tabling action for this purpose, but the resolution died due to lack of support.

Mr. Chamberlain felt that, due to the amount of discussion which has already occurred on this item, action should proceed. He further noted that the word "other" should be removed from Section 18.30.02-H-3.

Moved by Chamberlain; Seconded by Littman

RESOLVED, that the Planning Commission hereby recommends to the City Council that the text of the R-1 and C-F Districts be amended, in accordance with the text as presented and modified on this date, (delete the word "other" from Section 18.20.02-H--3), in order to improve the development standards and controls for the establishment of churches in R-1 and C-F Districts, to reorganize the structure of the C-F District to make it more consistent with other Zoning Districts, and to provide for the establishment of childcare centers as Special Approval Uses in C-F Districts.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

12. PUBLIC HEARING - PROPOSED ZONING ORDINANCE TEXT AMENDMENT -
Restaurant/Support Use Access in R-C Districts (#186)

Mr. Keisling noted the present Conditional Use provisions within the R-C District text, which do not permit accessory uses in those Districts to have their own separate outside entrances. This text, which is similar to that in the O-1 District, is intended to require that such accessory uses would be accessible from a lobby entrance or an entrance in common with the office portion of the building complex. A formal request has now been received from attorneys representing the Hayman Company, owners of the Northfield Plaza office complex on the east side of Crooks Road south of I-75, to amend the text of the Zoning Ordinance in order to permit restaurants which are a part of larger building complexes in the R-C District to have their own separate outside entrances. The particular interest of the Hayman Company in this regard is in conjunction with their proposal to establish a restaurant as a part of the proposed expansion of their Northfield Plaza building complex. The restaurant operators wish to have their own outside entrance.

Mr. Keisling stated that, after considering this request, it was the opinion of staff that, if this Section of the Zoning Ordinance is to be amended, the amendment should not be limited only to restaurants. As an alternative, the staff proposed that the subject Zoning Ordinance Section be replaced with language which is basically the same as that which occurs within the O-M (Office Mid-Rise) and O-S-C (Office-Service-Commercial) Districts. The advertisement for this Public Hearing, therefore,

included such language. Adoption of a proposed Zoning Ordinance Text Amendment of this type was recommended by staff.

The Public Hearing was declared open.

Norman Hyman, attorney for the petitioners, was present and concurred in the recommended language. He stated that, in order to attract a good upscale restaurant, it was important for the restaurant to have its own identity, and also its own separate entrance. In response to Mr. Littman's question, Mr. Hyman stated that the restaurant proposed at the Northfield Plaza complex was "The Palm", which is a premium restaurant in New York City.

No one else wished to be heard.

The Public Hearing was declared closed.

Moved by Storrs; Seconded by Littman

RESOLVED, that the Planning Commission hereby recommends to the City Council that the text of the R-C (Research Center) Zoning District be amended, in accordance with the text as presented on this date, in order to enable separate outside entrances for support uses in R-C building complexes, and thus to improve the functionality and desirability of such building complexes.

Yeas: All Present (8); Absent: Wright

MOTION CARRIED

The meeting was adjourned at 10:20 p.m.

Respectfully submitted,

Laurence G. Keisling

Planning Director

/eh

A Regular Meeting of the Troy City Council was held Monday, June 19, 2000, at City Hall, 500 W. Big Beaver. The meeting was called to order by Mayor Jeanne M. Stine at 7:30 p.m.

The Invocation was given by Scott Rutterbush, Youth Pastor, First Baptist Church and the Pledge of Allegiance to the Flag was given.

PRESENT: Mayor Jeanne M. Stine

COUNCIL MEMBERS

Henry W. Allemon
Martin F. Howrylak
Thomas S. Kaszubski
Anthony N. Pallotta
Louise E. Schilling
John R. Stevens

Minutes: Regular Meeting – June 5, 2000

A-1

Resolution #2000-275
Moved by Pallotta
Seconded by Kaszubski

RESOLVED, that the minutes of the Regular Meeting of June 5, 2000, be approved.

Yes: All-7

Presentations:

A-2

- (a) Introduction of Shreyas Patel - Student Applicant for Advisory Commission for Persons with Disabilities
- (b) Introduction of Rebecca Mill - Student Applicant for Troy Daze
- (c) Introduction of Jennifer Gilbert - Student Applicant for Liquor Committee

EXHIBIT E

PUBLIC HEARINGSCommercial Vehicle Appeal - 3750 Finch

C-1

Resolution #2000-276
Moved by Pallotta
Seconded by Howrylak

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

- A) The occurrence of the subject commercial vehicle on the residential site involved is compelled by parties other than the owner or occupant of the subject residential site (e.g., employer).
- B) Efforts by the applicant have determined that there are no reasonable or feasible alternative locations for the parking of the subject commercial vehicle.
- C) A garage or accessory building on the subject residential site cannot accommodate, or cannot reasonably be constructed or modified to accommodate, the subject commercial vehicle.
- D) The location available on the residential site for the outdoor parking of the subject commercial vehicle is adequate to provide for such parking in a manner which will not negatively impact adjacent residential properties, and will not negatively impact pedestrian and vehicular movement along the frontage street(s)."; and
- E) WHEREAS, The City Council of the City of Troy has found that the petitioner has demonstrated the presence of the following condition(s), justifying the granting of a variance, petitioner is committed to park vehicle behind the fence;
- F) NOW, THEREFORE, BE IT RESOLVED, That the request from Alan Crawford, 3750 Finch, for waiver of Chapter 39, Section 40.66.00, of the Code of the City of Troy, to permit outdoor parking of one Ford Cube van in a residential district is hereby approved for one year.

Yes: Stine, Allemon, Howrylak, Kaszubski, Pallotta, Schilling
No: Stevens

PUBLIC HEARINGS - CONTINUEDStreet Easement Vacation - South End of Daley, South of Big Beaver, Sec. 26 C-2

Resolution #2000-277
Moved by Pallotta
Seconded by Allemon

WHEREAS, A request has been received from Behr America, Inc., for the vacation of the following described portion of the 50 foot wide Daley Street Easement lying within Supervisor's Plat No. 11 (Liber 46, Page 46 of Oakland County Plats) in order to enable development of the subject street area in conjunction with the abutting portions of Lots 27, 28, 33, and 34 of Supervisor's Plat No. 11:

(Description of Street Easement Area)

Beginning at the North $\frac{1}{4}$ Corner of Section 26, T. 2N., R. 11E., West 899.31 feet; thence S 00D 10M 00S E, 1127.61 feet; thence N 67D 10M 00S W, 184.93 feet; thence N 67D 10M 00S W, 70.07 feet; thence N 73D 50M 20S W, 180.05 feet; thence N 00D 17M 00S E, 243.67 feet; thence N 89D 20M 48S W, 306.67 feet to the Point of Beginning; thence S 00D 24M 00S W, 408.03 feet; thence N 88D 51M 17S W, 49.75 feet; thence N 00D 24M 00S E, 407.87 feet, thence S 89D 20M 48S E, 50.00 feet to the Point of Beginning;

and

WHEREAS, The properties which shall benefit from the vacation include portions of Lots 27, 28, 33, and 34 of Supervisor's Plat No. 11 (City of Troy Tax Parcels 20-26-103-009 and 017, and Parcel 20-26-104-013);

NOW THEREFORE, BE IT RESOLVED, That this request for vacation of a portion of the Daley Street Easement be granted, subject to the following conditions:

- A. Verification by the City Engineer of the accuracy of the description of the area to be vacated;
- B. Determination by the City Engineer of the nature and extent of easements to be retained and/or conveyed in conjunction with this vacation action;
- C. Response from the Oakland County Drain Commissioners Office as to the nature of easements to be retained and/or conveyed in conjunction with this vacation action;
- D. Action by Behr America to assure that they will dedicate a street right-of-way to the City, within the same described area as the area now proposed for vacation, in the event that their proposed building project does not proceed; and

PUBLIC HEARINGS - CONTINUED**Street Easement Vacation - South End of Daley, South of Big Beaver, Sec. 26 - Continued** C-2

BE IT FURTHER RESOLVED, That final action shall be taken by the City Council to vacate said portion of the platted Daley Street easement, after receipt of the above described information from the City Engineer and the Oakland County Drain Commissioners Office, along with the required action by Behr America through a document acceptable to the City Attorney.

Yes: All-7

Proposed Rezoning - West Side of Rochester, North of Trinway, Sec. 10, from R-1C to R-M C-3

Resolution #2000-278
Moved by Allemon
Seconded by Kaszubski

RESOLVED, That the request to rezone a 1.36 acre parcel on the west side of Rochester Road north, of Trinway, from R-1C to R-M (Multiple-Family Residential - Medium Density) be denied, as recommended by the City Management and the Planning Commission.

Yes: All-7

Zoning Ordinance Text Amendment - Restaurant / Support Use Access in RC Districts (#186) C-4

Resolution #2000-279
Moved by Allemon
Seconded by Kaszubski

RESOLVED, That an Ordinance to amend Section 27.25.01 of Chapter 39, Zoning, of the Code of the City of Troy, be hereby adopted, in order to enable separate outside entrances for support uses in R-C building complexes, as recommended by the Planning Commission and City Management, a copy of which shall be attached to the original minutes of this meeting.

Yes: Stine, Allemon, Howrylak, Kaszubski, Pallotta
No: Schilling, Stevens

TABLED ITEMS

Consideration of Industrial Development District and Industrial Facilities Exemption Certificate Policy for Public Act 198, Plant Rehabilitation and Industrial Facilities Tax Abatement

D-1

Resolution #2000-280
Moved by Stevens
Seconded by Schilling

WHEREAS, The City Council of the City of Troy desires to return to the pre-January 17, 2000 policy resolution for the establishment of Industrial Development Districts; and

WHEREAS, The City Council of the City of Troy desires to return to the pre February 7, 2000 policy resolution for the approval of the application of Industrial Facilities Exemption Certificates;

BE IT THEREFORE RESOLVED, That the City Council of the City of Troy, hereby RESCINDS AND REVOKES amendments to policy Resolution #79-128, adopted on January 17, 2000, by Resolution #2000-26;

BE IT ALSO RESOLVED, That the City Council of the City of Troy, hereby RESCINDS AND REVOKES amendments to policy Resolution #83-555 (further amended by Resolution #84-840) adopted on February 7, 2000 by Resolution #2000-50.

Yes: Stine, Schilling, Stevens
No: Allemon, Howrylak, Kaszubski, Pallotta

MOTION FAILED

Resolution as proposed by Councilman Howrylak

Resolution #2000-281
Moved by Howrylak
Seconded by Stine

WHEREAS, The economic growth and health of the City of Troy is of utmost importance to the City Council; and

WHEREAS, The City of Troy has the second highest property value of all cities in the State of Michigan; and

WHEREAS, The City of Troy is well known for providing high quality goods and services to its residential and commercial property owners; and

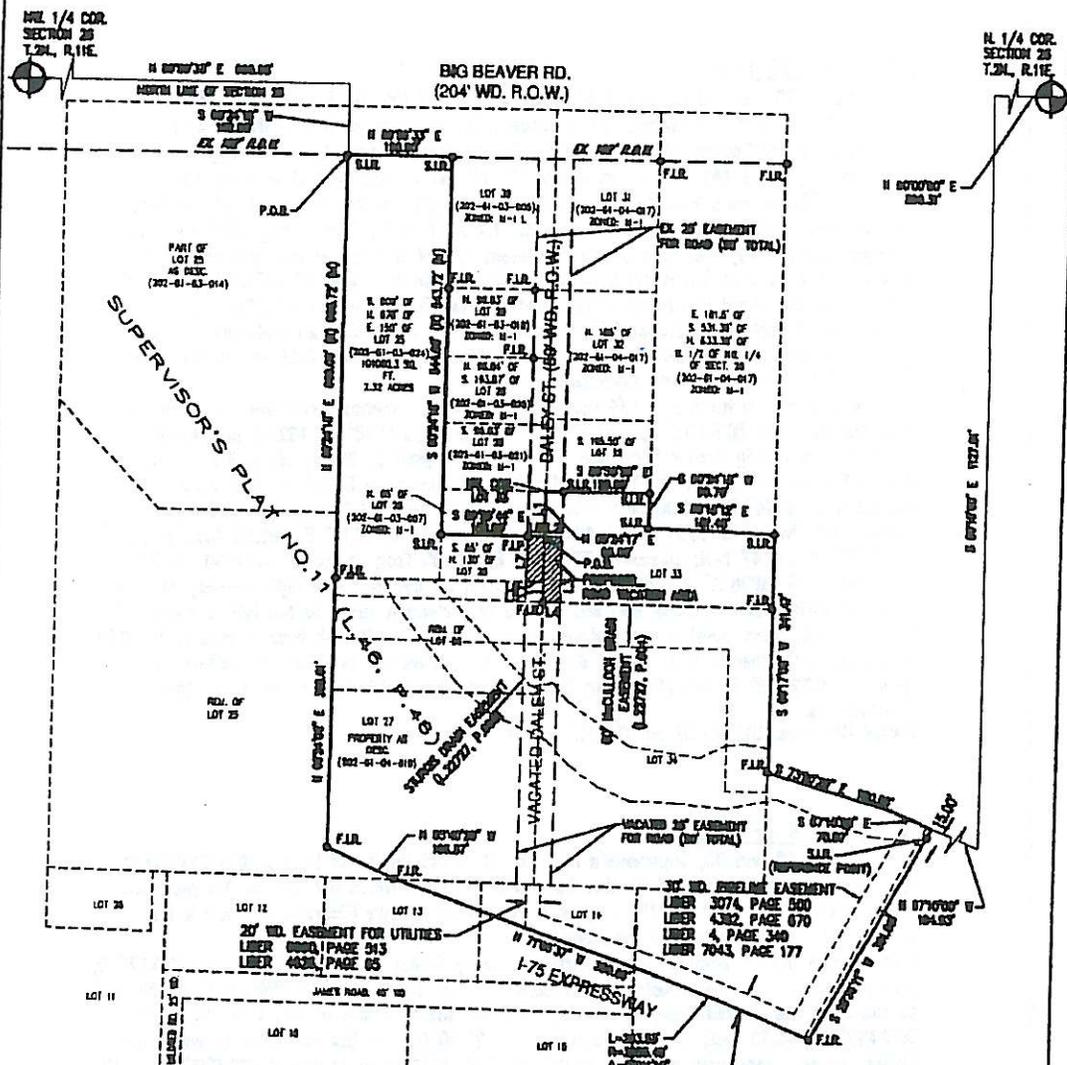
WHEREAS, The City of Troy has one of the lowest property tax rates in Oakland County; and

TABLED ITEMS

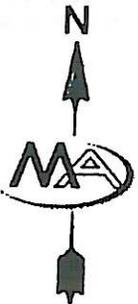
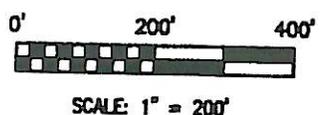
Consideration of Industrial Development District and Industrial Facilities Exemption Certificate Policy for Public Act 198, Plant Rehabilitation and

D-1

ROAD VACATION



BASE OF BEARING IS THE NORTH SECTION LINE OF SECTION 28, T.24N., R.11E.



LINE	BEARING	DISTANCE
L1	S 00°24'17" W	65.00'
L2	S 89°59'44" E	25.00'
L3	S 00°24'17" W	94.38'
L4	N 89°19'34" W	25.00'
L5	N 00°25'07" E	29.02'
L6	N 89°59'11" W	25.00'
L7	N 00°24'17" E	65.07'
L8	S 89°59'44" E	25.00'

ISSUED FOR:	REV'D BY:	ISSUED FOR:
ISSUED FOR:	REV'D BY:	ISSUED FOR:
 MICKALICH and ASSOCIATES, INC. CIVIL ENGINEERING SURVEYING PLANNING 2850 AVON INDUSTRIAL DR., ROCHESTER HILLS, MI 48069 INTERNET: WWW.MICKALICH.COM PHONE (248) 868-1800 FAX: (248) 868-1070		
DRAWN BY <u>MLB</u> JOB No. <u>08023</u> DATE <u>5-17-05</u> SHEET No. <u>1 of 2</u> SCALE <u>1"=200'</u>	DESCRIPTION BEHR BUILDING & PARKING ROAD VACATION	

LEGAL DESCRIPTION

LEGAL DESCRIPTION:

Part of Lots 25, 28 and all of Lot 33, Supervisor's Plat No. 11, A subdivision of Part of the Southwest 1/4 of the Southwest 1/4 of Section 23 and Part of the Northwest 1/4 of the Northwest 1/4 of Section 28, T.2N., R.11E., City of Troy, Oakland County Michigan, as recorded in (L.46, P.46). Also part of Lot 12, 13 and 14 and part of vacated Jasper Avenue of "Supervisor's Plat No. 10" a subdivision of part of the Northeast 1/4 of Section 27 and part of Northwest 1/4 of Section 28, T.2 N., R.11 E., City of Troy, Oakland County, Michigan (L.46, P.42) also part of the Northwest 1/4 of Section 28 also the east 150.00 feet of Lot 25 except the North 678.00 feet and except that part of 1-75 Highway, also Lot 27 and 28 except the North 130.00 feet and Lot 34 of "Supervisor's Plat No. 11" a subdivision of part of Southwest 1/4 of Southwest 1/4 of Section 23 and part of Northwest 1/4 of Northwest 1/4 of Section 28, T.2 N., R.11 E., City of Troy, Oakland County, Michigan (L.46, P.46), more particularly described as:

Commencing at the Northwest 1/4 corner of Section 26; thence along the North line of said Section 26 N 89°59'33" E, 680.98 feet; thence S 00°24'18" W, 102.00 feet to the Southerly line of Big Beaver Road and the point of beginning; thence along the Southerly line of Big Beaver Road N 89°59'33" E, 150.00 feet; thence S 00°24'18" W, 543.72 feet; thence S 89°38'44" E, 150.00 feet; thence N 00°24'17" E, 85.00 feet; thence S 89°59'59" E, 150.00 feet; thence S 00°24'18" W, 50.70 feet; thence S 88°18'12" E, 181.48 feet; thence S 00°17'00" W, 341.47 feet; thence S 73°50'20" E, 180.05 feet; thence S 67°10'00" E, 70.07 feet; thence S 28°36'11" W, 351.65 feet to a point on the Northerly right-of-way of 1-75 (variable width); thence along said line 263.53 feet along a curve to the left, a radius of 2635.48 feet, chord bearing and distance of N 68°15'02" W, 263.42 feet; thence N 71°05'37" W, 380.66 feet; thence N 65°40'20" W, 106.87 feet; thence N 00°24'00" E, 368.61 feet; thence N 00°24'18" E, 608.72 feet to the Southerly line of Big Beaver Road and the point of beginning.

Parcel Contains: 511,581.37 sq. ft., 11.7 acres.

DESCRIPTION OF VACATION:

Part of Lots 28 and 33, Supervisor's Plat No. 11, A subdivision of Part of the Southwest 1/4 of the Southwest 1/4 of Section 23 and Part of the Northwest 1/4 of the Northwest 1/4 of Section 28, T.2N., R.11E., City of Troy, Oakland County Michigan, as recorded in (L.46, P.46), more particularly described as:

Commencing from a point in the centerline of Daley Street (50' wide) distant S 00°24'17" W, 65.00 feet from the Northwest corner of Lot 33; thence S 89°59'44" E, 25.00 feet to the East line of said Daley street; thence along the East line of said Daley Street S 00°24'17" W, 94.38 feet; thence N 89°19'34" W, 25.00 feet to the centerline of said Daley Street; thence along said centerline N 00°25'07" E, 29.02 feet; thence N 89°59'11" W, 25.00 feet to the West line of said Daley Street; thence along said West line N 00°24'17" E, 85.07 feet; thence S 89°59'44" E, 25.00 feet to the centerline of said Daley Street and the point of beginning.

ISSUED FOR:	REV'D BY:	ISSUED FOR:	REV'D BY:
ISSUED FOR:	REV'D BY:	ISSUED FOR:	REV'D BY:
		MICKALICH and ASSOCIATES, INC. CIVIL ENGINEERING SURVEYING PLANNING	
		2888 AVON INDUSTRIAL DR, ROCHESTER HILLS, MI 48068 INTERNET: WWW.MICKALICH.COM PHONE (248) 868-1800 FAX (248) 868-1870	
DRAWN BY <u>MLB</u> JOB No. <u>06023</u>		DESCRIPTION	
DATE <u>5-17-03</u> SHEET No. <u>2 of 2</u> SCALE <u>1"=200'</u>		BEHR BUILDING & PARKING ROAD VACATION	
SURVEYOR'S SEAL			

LIBRARY ADVISORY BOARD - FINAL

March 13, 2008

A Regular Meeting of the Troy Library Board was held on Thursday, March 13, 2008, at the Office of the Library Director. Kul Gauri, Chairman, called the meeting to order at 7:32 P.M.

ROLL CALL **PRESENT:** Heather Eisenbacher
Kul Gauri
Lynne Gregory
Nancy Wheeler
Audre Zembrzuski
Arthi Krishna

Cathleen Russ, Library Director

Guests: Julie Sigler, Susan Werpetinski, and a young man

The Pledge of Allegiance to the Flag was given.

Resolution #LB-2008-03-01

Moved by Zembrzuski
Seconded by Eisenbacher

RESOLVED, That Shruthi Subramanian be excused.

Yes: 5—Eisenbacher, Gauri, Gregory, Wheeler, Zembrzuski
No: 0

Resolution #LB-2008-03-02

Moved by Gregory
Seconded by Zembrzuski

RESOLVED, That Minutes of February 14, 2008 be approved.

Yes: 5—Eisenbacher, Gauri, Gregory, Wheeler, Zembrzuski
No: 0

MOTION CARRIED

Resolution #LB-2008-03-03

Moved by Wheeler
Seconded by Gregory

Reviewed Agenda entries. Discussion of the candidates for the upcoming LAB vacancy, with the purpose of making a recommendation to the Troy City Council, was added to the agenda, under New Business, Item A.

RESOLVED, That the Agenda be approved, as amended.

Yes: 4—Eisenbacher, Gauri, Gregory, Wheeler

No: 0

Abstain: 1—Zembrzuski

MOTION CARRIED

POSTPONED ITEMS

There were no Postponed items.

NEW BUSINESS.

- A. Discussion of candidates for Library Advisory Board vacancy: the Library Advisory Board members agreed that they would like to make a recommendation to the City Council about a candidate to replace Heather Eisenbacher. The Library Advisory Board members opted to postpone discussion of individual candidates until the end of the meeting.

- B. State Librarian's Plan for the Future of Library Cooperatives: C. Russ gave some background on why the State Librarian came up with this proposal. There is a lot of information on the topic, and much of it is dense and not easily understandable. Four of the five LAB members are attending the Trustee Appreciation dinner at the Clinton-Macomb Public Library on Wednesday, March 19; the keynote speaker is Roger Mendel, who is the director of the Northland Library Cooperative. The LAB members decided not to vote on the Troy LAB's position on the State Librarian's plan, pending further information to be received on March 19. However, the members did agree that they support the position of the Suburban Library Cooperative Board of Trustees on this issue.

Resolution #LB-2008-03-04

Moved by Wheeler

Seconded by Eisenbacher

RESOLVED, That the members of the Troy Library Advisory Board support the position of the Suburban Library Cooperative Board of Trustees.

Yes: 5—Eisenbacher, Gauri, Gregory, Wheeler, Zembrzuski

No: 0

- C. Proposed New Library: C. Russ has been asked to investigate grants, fundraising, and other sources of funding, to support the cost of a proposed new or expanded library.

Resolution #LB-2008-03-05

Moved by Gregory

Seconded by Wheeler

RESOLVED, That the Library Advisory Board supports the continued efforts in exploring the possibility of a new or expanded library.

Yes: 5—Eisenbacher, Gauri, Gregory, Wheeler, Zembrzuski
No: 0

OLD BUSINESS.
None

REPORTS & COMMUNICATIONS

Director's Report—see attached.

Board Members' Comments

Zembrzuski asked if driver's licenses are collected from individuals who would like to use the public Internet computers. The answer is no, as that takes up a lot of staff time, there is a lot of margin for error, and there has been no need to do so in the past.

Gauri told the LAB members that he would be speaking in his capacity as LAB chair at a Community Forum on Wednesday, April 23. The panelists at this forum will discuss the proposed new or expanded library.

A question arose about library fines: are they down? Has there been a decrease, due to the economy? C. Russ said no, there is no cause for concern. The library is at expected levels with regard to fine collection.

Student Representatives' Comments
None.

Suburban Library Cooperative--Gregory

Amy Shaunessy is the new systems librarian at SLC. The SLC Board is going to draft a resolution regarding the State Librarian's proposed plan for State Aid.

Friends of the Troy Public Library

The Friends of the Library are working with an attorney to draft a petition to request that the funding for the proposed new or expanded library be on the November 2008 ballot. The survey is ready to go, pending appropriate verbiage based on the petition language. L. Brooks Patterson has been invited to be the speaker at the Friends Annual Meeting in May.

Gifts.

The library received 3 donations in February:

- \$25 Bhogineni Family, Troy
- \$50 Gordon and Maureen Rains, Bloomfield Hills
- \$200 Nicola Antakli, Troy

Informational Items.

March TPL Calendar.

Contacts and Correspondence.

24 written comments from the public were reviewed.

Public Participation.

Julie Sigler thanked C. Russ for her quote regarding libraries and First Amendment rights in a recent Detroit Free Press article.

Discussion of Library Advisory Board vacancy

Two candidates for this position were present. The candidates offered to leave while the LAB members discussed the applications and their recommendations. There was discussion about the Open Meetings Act. The two candidates were invited to stay, but opted to leave the building. The LAB discussed their recommendations.

RESOLVED, That the Library Advisory Board will recommend to the Troy City Council that either Julie Sigler or Belinda Shelton Duggan be appointed to the Library Advisory Board, for the term commencing May 1, 2008.

Yes: 5—Eisenbacher, Gauri, Gregory, Wheeler, Zembrzuski

No: 0

The Library Board meeting adjourned at 9:45 P.M.

Kul Gauri
Chairman

Cathleen Russ
Recording Secretary

TROY ETHNIC ISSUES ADVISORY BOARD
Minutes for Tuesday, April 1, 2008

I. Call to Order 7:15 pm

II. Roll Call

Present Kelly Jones
 Grigore Buia
 Helen Yang
 Cindy Stewart
 Michelle Haight
 Reuben Ellis
 Mayada Fakhouri

Absent Karen Yelder
 William Lawrence
 Tony Haddad
 Lulu Guo

III. Approval of Minutes – February 5, 2008

Motion by Kelly Jones
Seconded by Mayada Fakhouri
To approve the February 5, 2008 minutes. Minutes approved unanimously

IV. Correspondence / Articles

Two to enter International Science Competition – Troy Eccentric, 03/23/08. Helen Yang will represent Michigan in the international Science & Engineering Fair in May in Atlanta. Helen's project is entitled "Using Arugula to Manage the Northern Root-knot Nematode in Variable Soil Types."

"Families of Foreign Workers strive to fit in – they work to break isolation, navigate everyday life." Detroit News, 3/4/08

Correspondence - Letter from teacher Nadeen Brown
Regarding the first meeting of the African American Parents of Troy Support Group – April 14 @ 7:30 pm @ Troy School District Services Building.

Kelly found online info re: Diversity from University of Chicago and National Diversity Foundation in Rhode Island.

Michelle on behalf of Big Beaver United Methodist Church ordered the free Teaching Tolerance curriculum materials.

“Legacy of Rosa Parks,” “Shadow of Hate,” “Children’s March” and “Rhinos & Raspberries” – 12 short stories teaching tolerance for young children.

Michelle is using Rhinos & Raspberries @ Barnard with the 1st and 2nd graders.

V. New Business

a. Community Labyrinth project

We will have 2 speakers at the May 13 meeting – Charlotte Summers & Ruth Turner

Coalition Prayer Breakfast – May 2

Michelle was asked to do a Diversity Calendar (May-Dec 2008) for participants.

VI. Old Business

a. Grant information

Mayada has additional info. Cindy will forward to Tim McAvoy. Remove this topic from future agendas.

b. Troy School District Update

Michelle & Karen had a meeting scheduled with Assistant Superintendent and Principals on March 27 but it was cancelled. They are going to reschedule.

Michelle and Kelly met with Tim McAvoy and Kathy Davisson re: elementary schools. They hope to penetrate PTO/PTAs to create more of a grass roots program. Kelly will send info to Tim and Kathy and try to attend a principals meeting. Tim would like us to host a professional development seminar on the variety of religions in Troy. Michelle suggested linking with Troy Interfaith Group. Idea for quarterly sessions approx. 4 - 5:30 pm. Tim has specific ideas re: this professional development and the content, for staff only right now and to begin 2008/09 school year. Michelle will contact Padma re: collaboration. Schools also want EIAB/TIG to do Diversity info session at new Teacher Orientation in August.

Tim is also looking for translation help for many school documents. Cindy will pass along the contacts she has re: translation organization. Michelle and Kelly suggested seeking help from Honors Students or perhaps their families.

Arab American Chaldean Council would be a resource for Arabic languages.

Michelle came across a parent who would not want it in her native language. She wants to be challenged and get better at the English language.

Tim feels comfortable with utilizing the EIAB as a resource. He is interested in our Resource Guide. Cindy will give Tim a copy. Intern in her office updated it this year.

c. 2008 Projects & Assignments

Contracting other cities re: Diversity Boards

Mayada found information on Farmington Hills committee on their web site – will pass along to Board. Has not heard from the contact – playing phone tag.

Idea for EIAB to implement a Recognition Program to recognize Troy residents who help bridge the racial and cultural divide.

How would we come up with people? Promotions in Troy Today, newspapers, school newsletter seeking nominations. EIAB would come up with the criteria to nominate people.

Kelly received an e-mail from Ann Arbor – they do not have a Diversity Committee, have Human Rights Commission. Their nine member commission also deals with Disabilities, Affirmative Action, and Educational Programs.

Kelly talked to Steve Guitar, Sterling Heights. Their Ethnic Community Committee has nine members. They have info on their web site – links to various ethnic/cultural groups with informational brochures. First Friday in February sponsoring a “Cultural Exchange” @ Community Center. They receive \$500/year from the city. Also produce a booklet with advertising dollars. They also do a float for their Memorial Day Parade.

Good ideas being generated for Troy’s EIAB to do.

Michelle reported that Barnard will be doing a Diversity Dinner (International Potluck) on May 28 in conjunction with International Fair. Could be something EIAB sponsors (International Potluck Dinner) for the community. Michelle suggested holding it @ Big Beaver United Methodist Church. They have a kitchen. Idea for the future.

d. Troy Daze Festival – EthniCity

Michelle is concerned with the level of participation @ EIA Board events. Do we have the commitment from the Board to carry out this project?

What is required of the Board? Outline the events & what needs to be done.

Kelly feels ok with responsibility in getting booths, but during the festival she needs more Board members to be there to help with set-up & tear down, manage student reps & take more responsibility.

It appears there are no board members who want to step up as co-chair of EthniCity with Kelly. Cindy will check with Karen and Cathy.

If they are not interested she will let the Troy Daze Board know the situation and see if there are any volunteers willing to help.

VIII. Public Comment

IX. Member Comment

X. Adjournment 8:50 pm

Motion by Reuben Ellis, seconded by Kelly Jones. Meeting adjourned.

Next Meeting Tuesday, May 13, 2008 at 7 pm

Michelle Haight, EIAB Chair

Cindy Stewart, EIAB Recording Secretary

TROY ETHNIC ISSUES ADVISORY BOARD
Minutes for Tuesday, April 1, 2008

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VIII. Public Comment

IX. Member Comment

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Motion by Reuben Ellis, seconded by Kelly Jones. Meeting adjourned.

Next Meeting Tuesday, May 13, 2008 at 7 pm

Michelle Haight, EIAB Chair

Cindy Stewart, EIAB Recording Secretary

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, May 1 2008 at the Troy Community Center. Chair Bud Black called the meeting to order at 1:00 PM.

Present: Jo Rhoads, Member
Frank Shier, Member
Pauline Noce, Member
Carla Vaughan, Staff

James Berar, Member
David Ogg, Member
Bud Black, Member

Absent: Merrill Dixon, excused, Betty Coven, excused, JoAnn Thompson, excused

Visitors: None

Approval of Minutes

Resolution # SC-2008-4-001
Moved by Jo Rhoads
Seconded by Pauline Noce

RESOLVED, That the Minutes of April 3, 2008 be approved as submitted.

Yes: 6

No: 0

MOTION CARRIED

Visitor Comments

None.

OLD BUSINESS

Lunch Visits: No report

Medicare Part D: No report.

NEW BUSINESS**Election of Officers:**

Resolution # SC-2008-4-002
Moved by Frank Shier
Seconded by Pauline Noce

RESOLVED That Bud Black was re-elected Chair.

Yes: 6
No: 0

MOTION CARRIED

Resolution # SC-2008-4-003
Moved by Frank Shier
Seconded by Jo Rhoads

RESOLVED That Pauline Noce was re-elected as Vice Chair

Yes: 6
No: 0

MOTION CARRIED

Suggestion Box: Carla reported that there were no suggestions this month.

Projects for 2008: Jo Rhoads will compose an article for the newsletter thanking the hospitality committee for their work in the lunchroom. Jim Berar would like someone to come and speak on traffic signs, speed limits, etc. Carla will look into it. Jo Rhoads spoke to a vendor at the Expo about alarm systems and a new kind of pill dispenser. She suggested they might want to come here and speak about these products which would be helpful to seniors. Jo Rhoads also brought up the procedure for making a donation for lunch and the fact that they are no longer using the box. Carla will check into it. Jim Berar discussed duck pin bowling which is not available in this area.

REPORTS

Park Board: Pauline Noce reported that the City inquired about purchasing additional land on Livernois but the owner did not respond. The golf courses are expected to open on April 15 and beverage carts have been approved. The budget was approved.

Senior Program: Carla reported that an Oakland County Men’s 50 Plus Softball League is forming. It will be offered in the evening so seniors who are still working can participate. Enough interest has been shown to form three teams from Troy. Seventy-five seniors attended the free demonstration class of the New Zumba Gold Dance Exercise Program on March 28. Flyers were mailed to last year’s bocce and shuffleboard league participants and registrations are now being taken. A student intern will be holding a Wii program on April 9 so seniors can try out this interactive video game.

Medi-Go: Jo Rhoads reported that they might have to consider ways to offset the higher gas prices.

OLHSA: No report.

Oakland County Senior Advisory Board: Jo Rhoads reported that they discussed offering an activity similar to the old Senior Power Day.

Comments

David Ogg announced the upcoming performances of “High School Musical” and of the Warren Symphony at Athens High School.

Frank Shier announced the upcoming senior talent show.

Jo Rhoads announced that OLHSA will meet in Troy on May 20.

Bud Black thanked Pauline for filling in for him as chair last month.

Jim Berar discussed a program that he saw on WTRY about traffic safety.

The meeting was adjourned at 2:15 p.m.

Respectfully submitted,

Bud Black, Chair

Carla Vaughan, Secretary

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on April 22, 2008 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson
Mark Maxwell
Philip Sanzica
Robert M. Schultz
Thomas Strat
John J. Tagle
Lon M. Ullmann
Mark J. Vleck

Absent:

Wayne Wright

Also Present:

Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Christopher Forsyth, Assistant City Attorney
Zak Branigan, Carlisle/Wortman Associates, Inc.

Resolution # PC-2008-04-050

Moved by: Strat
Seconded by: Tagle

RESOLVED, That Member Wright is excused from attendance at this meeting for personal reasons.

Yes: All present (8)
Absent: Wright

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2008-04-051

Moved by: Tagle
Seconded by: Strat

RESOLVED, To approve the Agenda as printed.

Yes: All present (8)
Absent: Wright

MOTION CARRIED

3. MINUTES

Resolution # PC-2008-04-052

Moved by: Tagle
Seconded by: Hutson

RESOLVED, To approve the minutes of the April 8, 2008 Regular meeting as printed.

Yes: All present (8)
Absent: Wright

MOTION CARRIED

4. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

5. BOARD OF ZONING APPEALS (BZA) REPORT

The Board of Zoning Appeals (BZA) report was not presented this evening because of the absence of Mr. Wright, the BZA representative.

6. DOWNTOWN DEVELOPMENT AUTHORITY (DDA) REPORT

Mr. Miller gave a brief DDA report.

7. PLANNING AND ZONING REPORT

Mr. Miller gave a brief Planning and Zoning report.

STUDY ITEMS

8. POTENTIAL REZONING OR PLANNED UNIT DEVELOPMENT APPLICATION – Northwest corner of 14 Mile Road and Executive Drive (1027 E. 14 Mile Road), Section 36 – M-1 (Light Industrial) to B-2 (Community Business)

Mr. Savidant introduced the potential PUD project.

Joseph Philips, AIA, of 921 Wing Street, Plymouth, project architect, was present to represent the applicant. Mr. Philips summarized the potential mixed-use project that proposes a mix of office and retail facing 14 Mile Road and light industrial in the back of the building.

Development team members also present were Lowell Rodd and Wisam Putrus of West Bloomfield and Khoshuba Youman of Sterling Heights.

There was general discussion of the potential project.

The Planning Commission discussed the challenges of reusing vacant, light industrial properties, and expressed general support of the proposed PUD concept at this site.

9. BIG BEAVER DEVELOPMENT CODE UPDATE

Mr. Miller summarized the Big Beaver Development Code Update.

There was no discussion.

10. BIG BEAVER ROAD DEVELOPMENT GUIDELINES AND DESIGN STANDARDS

Mr. Miller summarized the Big Beaver Road Development Guidelines and Design Standards. On April 16, 2008, the Downtown Development Authority (DDA) approved the proposal to complete these documents.

Zak Branigan of Carlisle/Wortman Associates (CWA) summarized the project. He explained that the Big Beaver Development Code project has reached a plateau and it has become necessary to add details (such as setbacks, dimensions, etc.) to the Code. This project will determine the details and will supplement the Code.

Mr. Branigan outlined the proposal with the Planning Commission. This meeting was considered the proposal's "Project Initiation".

General discussion followed.

The Big Beaver Road Development Guidelines and Design Standards may serve as a prototype for other areas of the City including Rochester Road, Maple Road and Stephenson Highway.

11. ZONING ORDINANCE TEXT AMENDMENT (ZOTA 215-B) – Article 04.20.00 and Article 40.66.00, Commercial Vehicle Definitions and Outdoor Parking of Commercial Vehicles in Residential Districts

Mr. Savidant introduced the proposed text amendment (ZOTA 215-B) relating to commercial vehicle definitions and outdoor parking of commercial vehicles in residential districts.

There was general discussion of the item.

Mr. Maxwell suggested to keep the language as written, however, to eliminate the provisions relating to recreational vehicles. Additionally, he suggested that the standards considered by the BZA for approval should require the applicant to meet all three standards, not just two of the three.

Mr. Ullmann and Mr. Vleck agreed to a type of classification system, separating light, medium and heavy vehicles.

Resolution # PC-2008-04-053

Moved by: Hutson

Seconded by: Vleck

RESOLVED, To postpone the addressing of this item until such time that the entire Zoning Ordinance is updated.

Yes: Hutson, Sanzica, Schultz, Ullmann, Vleck

No: Maxwell, Strat, Tagle

Absent: Wright

MOTION CARRIED

Mr. Strat stated that regardless of any recommendation of the Planning Commission, City Council has the responsibility of approving the amendment. He would like to see the Planning Commission provide a recommendation to the City Council so they can move forward on the item.

Mr. Tagle stated that the item is a very current issue, and he feels the members would be at square one again by postponing the item. Mr. Tagle would like to get the item done and move on.

Mr. Maxwell stated that ignoring the issue does not make it go away. He said commercial vehicles will not go away until the Planning Commission moves forward on the item.

Resolution # PC-2008-04-054

Moved by: Schultz

Seconded by: Ullmann

RESOLVED, To reconsider the previous resolution to postpone ZOTA 215 B.

Yes: All present (8)

Absent: Wright

MOTION CARRIED

The Planning Commission generally agreed to consider ZOTA 215-B at a future meeting.

OTHER ITEMS

12. **PUBLIC COMMENTS** – Items on Current Agenda

Art Moross of 3221 Helena, Troy, addressed the City of Troy Master Plan.

13. **PLANNING COMMISSION COMMENTS**

Mr. Vleck addressed the lighted signs at the AT&T building at Caswell Town Center PUD.

Mr. Schultz addressed three site features at Caswell Town Center PUD: the lighted sign, the curb cut on Hartwig and the speakers within the development.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:00 p.m.

Respectfully submitted,

Robert M. Schultz, Chair

R. Brent Savidant, Principal Planner

G:\Planning Commission Minutes\2008 PC Minutes\Draft\04-22-08 Special Study Meeting_Draft.doc

CALL TO ORDER

A meeting of the Troy Daze Festival Advisory Committee was held Wednesday, April 22, 2008 at the Troy Community Center at 7:03 pm.

ROLL CALL

Members Present: Mike Gonda
 Bob Berk
 Sandy Macknis
 Jeff Stewart
 Allison Miller
 Dan O'Brien
 Jim Hattan
 Bob Preston
 Sarah Wunderlich, student

City Staff Present: Cindy Stewart
 Tonya Perry
 Bob Kowalski
 Jeff Biegler

Others: Danielle Cover
 Pam Cheli
 Michael Connors
 Jim Winiarski
 Darcel Connors

Absent: Jeff Super
 Kasey Wang, student rep

Excuse Absent Members

RESOLUTION #TD-2008-04-07
Moved by Mike Gonda
Seconded by Jim Hattan

RESOLVED, that the Troy Daze Advisory Committee excuses Jeff Super and Kasey Wang from the April 22, 2008 meeting.

Yes: All
No: None
MOTION CARRIED

Additions/Deletions to Agenda

Boy Scouts Michael Conner Eagle Scout Project

Approval of Minutes from Jan. 22, 2007

RESOLUTION #TD-2008-04-08
Motion by: Mike Gonda
Seconded by: Jim Hattan

RESOLVED, that the minutes of January 22, 2008 are approved as submitted
MOTION CARRIED

Old Business

a. Boy Scout Project – Michael Connors, Troop 1702. For his Eagle Scout project, Michael offered to provide games for the Kids Corner. These include a skeeball game and catapult game (uses bean bags). Dimensions are approximately 4' - 5' x 2'. Michael showed his schematic designs of the games. Games would cost approximately \$450. Eagle Scouts would raise the money by can drives. He has not yet determined the date of the fund-raising drives. Michael will be the leader of this project. He has a scout meeting on 4/22 and will meet with his advisors. It will then be approved by his troop, followed by the district. The project must be completed before he turns 18 years old.

New Business

a. Miss Troy Pageant – New date and location. Danielle Cover submitted a proposal for a new location at Troy High School auditorium on Saturday, August 16, 2008. Her expenses in 2007 at Boulan Park were \$3326 and revenue was \$4670. Total profit was \$1344. She'd like to change from Boulan Middle School due to size of auditorium (100 people over capacity in 2007) and inadequate technical services.

2008 at Troy High would require use of the green room from 9 am – 2 pm and auditorium from 2 pm – 10 pm. Custodial costs at \$40.20/hr, Tech costs at \$44.42/hr and Auditorium rental is \$175/hr.

<u>Expenses</u>	
Custodian	\$522
Aud. Rental	\$1,400

Aud. Tech	\$355
Sashes	\$140
Contest #s	\$26
Q. Sashes	\$65
Crowns	\$164
Flowers	\$106
Gift Cert	\$300
Addl Award	\$50
Scholar.	\$500
Décor	\$70
Misc	\$200
Trophies	\$550
Tickets	\$55
Total	\$4504

<u>Anticipated Revenue</u>	
Early Registration	\$120
General Regis.	\$2,220
Emergency Regis.	\$500
<u>Ticket Sales</u>	<u>\$2,800</u>
Total	\$5,640

Danielle would like to increase registration fees.

Early (5/27 – 6/6)	\$30
General (6/6 – 7/11)	\$50
Emerg. (7/12 – 22)	\$100

Tonya Perry (Fire) said she strongly recommends you follow guidelines for capacity to the letter. We must be strict with this.

RESOLUTION #TD-2008-04-09

Moved by Mike Gonda

Seconded by Alison Miller

RESOLVED, that the Troy Daze Advisory Committee Motion accept Danielle's proposal for venue change for Miss Troy Pageant to Troy High on August 16, 2008.

Yes: All

No: None

MOTION CARRIED

b. New Name for Magic Cauldron – Kids Corner

Signage and banners to be changed

c. Booth Discussion

Bob Berk suggested at the end of last year some booth changes.

- Make three 900 row food booths into non-food booths;
- Make all non food booths 20 x 20 and add 2 booths;
- Keep current outdoor booth pricing;
- Drop \$25 service vehicle fee;
- Increase commercial food booth fee from \$440 to \$450;
- Increase non-commercial food booth fee from \$220 - \$225.

RESOLUTION #TD-2008-04-10

Moved by Sandy Macknis

Seconded by Mike Gonda

RESOLVED, that the Troy Daze Advisory Committee accept Bob Berk's proposed booth changes.

Yes: All

No: None

MOTION CARRIED

d. 50-50 Raffle Discussion

Troy People Concerned called to inquire if they still had 50-50 raffle. Yes. They were concerned since they lost money in 2007. Are they tied to the \$500 prize giveaway? Bob advised they should try and sell 50-50 tickets ahead of the actual festival. TPC is concerned they do not have adequate volunteers to run this fund raiser. Troy Daze Festival advised them this takes work and commitment to grow into a prosperous project.

RESOLUTION #TD-2008-04-11

Moved by Bob Preston

Seconded by Jim Hattan

RESOLVED, that the Troy Daze Advisory Committee will get TPC to make a final decision if they will commit to running the 50-50 raffle by the next Troy Daze Meeting on June 24, 2008.

Yes: All

No: None

MOTION CARRIED

e. Contract Updates

1. Amusement Rides - Arnold Amusement was approved by City Council (only vendor), with same rate of return, for a 3 year contract. New in contract – all day bracelet
2. Fireworks - MAD Bomber is the recommended company and will be considered at the May 12 Council Meeting.
3. T-shirts - Must be ordered soon. Jeff has catalog with colors.
4. Table & Chairs Rental - Jim Hattan suggested we purchase our tables and chairs. We currently rent 150 tables and 500 chairs. Golden Crown Party Rental is holding an auction (4/29) for chairs and tables. Discussion: Where would we store them?

f. Event Updates

- a. Volunteers – Sandy has contacted all high schools and groups about volunteering.
- b. Fireworks – Interesting seeing the DVDs of vendor finale shows.
- c. Entertainment – Is all books and under budget
- d. Sound – New sound company is Ignite Light & Sound out of Clinton Twp.
- e. Miss Troy Pageant – Danielle is working on applications. They will be available later in May for Web site.
- f. EthniCity – The EIAB is having problems getting co-chairs. They will continue to work on this.
- g. Sponsorships – Check are coming in: WOW, ITC Holdings, National City, Tringali, MSG Credit Union.
- h. Parade – Diana and Joe McKay are still committed. We are moving it to Sat., Sept. 13 at 10 am.
- i. Budget – Council was presented budget at April 21, 2008 meeting. They cut \$10,000 from general fund transfer.
- j. Booths – Tonya gave Bob information about fire rules and regulations.

Bob spoke with City Attorney about booth space and parameters of rental of that space and misuse. If people do not follow rules, they will not be asked back.

Old Business (cont.)

Fire Extinguishers - Eastman Fire Extinguishers does rent fire extinguishers or vendor has extinguishers he'd like to get rid of (free) as long as they are tagged as useable. We'd have to get rid of them after the festival. We need 15-20 extinguishers. Mike will go visit Jim Eastman on Souther to check out his extinguishers.

Police & Fire Explorers Contract - Jeff Biegler, Dave Roberts and Bob Kowalski met and looked at previous contracts, filled in new numbers. Police Explorer contract will go to Council (3yrs over \$10,000) and Fire Explorer contract will be submitted for approval by Asst. City Manager.

T-shirts - Color chosen is Birch (polo & adult volunteer t-shirts) and Kiwi green (youth volunteer t-shirts).

RESOLUTION #TD-2008-04-12

Moved by Mike Gonda

Seconded by Jim Hattan

RESOLVED, that the Troy Daze Advisory Committee will order birch polo shirts and adult volunteers t-shirts and kiwi green t-shirts for student volunteers.

Yes: All

No: None

MOTION CARRIED

New Logo - does the board need to approve the logo? Can it be used as one color, black & white and full color? Yes

RESOLUTION #TD-2008-04-13

Moved by Mike Gonda

Seconded by Sandy Macknis

RESOLVED, that the Troy Daze Advisory Committee approves the new Troy Daze logo.

Yes: Gonda, Macknis, Berk, Stewart, Hattan, Miller, O'Brien

No: Preston

MOTION CARRIED

Student Rep –

RESOLUTION #TD-2008-04-14

Moved by Bob Preston

Seconded by Jim Hattan

RESOLVED, that the Troy Daze Advisory Committee recommends to City Council that Sarah Wunderlich be reappointed as the Student Rep to the Troy Daze Advisory Committee.

Yes: All

No: None

MOTION CARRIED

Member Comment

Bob Preston – would like the January and February Financials.

Adjourn

RESOLUTION #TD-2008-04-15

Moved by Mike Gonda

Seconded by Sandy Macknis

RESOLVED, that the Troy Daze Advisory Committee Meeting is adjourned.

Yes: All

No: None

MOTION CARRIED

Meeting adjourned at 8:50 pm.

Bob Berk, Co-Chairperson

Cindy Stewart, Community Affairs Director

Advisory Committee for Senior Citizens

A regular meeting of the Advisory Committee for Senior Citizens was held on Thursday, May 1 2008 at the Troy Community Center. Chair Bud Black called the meeting to order at 1:02 PM.

Present:	Jo Rhoads, Member	James Berar, Member
	Frank Shier, Member	David Ogg, Member
	Pauline Noce, Member	Bud Black, Member
	Merrill Dixon, Member	JoAnn Thompson, Member
	Carla Vaughan, Staff	

Absent: Betty Coven, excused

Visitors: Paula Fleming

Approval of Minutes

Resolution # SC-2008-5-001
Moved by Jim Berar
Seconded by Frank Shier

RESOLVED, That the Minutes of April 3, 2008 be approved as submitted.

Yes: 8
No: 0

MOTION CARRIED

Visitor Comments

Paula Fleming discussed upcoming school district events and news.

OLD BUSINESS

Lunch Visits: No report. This item will be removed from the agenda.

Medicare Part D: No report. This item will be removed from the agenda until October.

Projects for 2008:

Lunch Donation Box: Carla spoke to Emerald staff and the donation box is in place once again. Jo Ann will pay close attention to how it is handled when she comes to lunch on Tuesday and let Carla know if there is a problem.

Traffic Signs, Etc.: Carla reported that since someone did come to the meeting last year (Jan. 2007) from the Traffic Engineering Department to address traffic issues, they would like questions submitted in writing so they can be sure they address the proper issues. Jim will put something in writing.

Enhanced Garden at Community Center: Merrill Dixon would like to see a bench or tree or some such item at this site recognizing the Senior Advisory Committee.

NEW BUSINESS

Suggestion Box: Carla reported that there were several suggestions to bring back Ilene Hill as an exercise instructor. She had to resign last year because she was under contract with another company. She is no longer under contract with them and we are going to try to set something up with her beginning in the fall if not sooner.

Dandelions Along Roadways: David Ogg reported that there are too many dandelions along the roadways. If the City is going to go to the trouble to plant flowers, they should spray the weeds too. Spraying by the City would be worthwhile even if the County is responsible for the area.

Meeting Schedule: Carla suggested that due to the limited amount of business, the Committee should consider meeting every other month. After discussion, the Committee voted in favor of trying it.

Resolution # SC-2008-5-002
Moved by David Ogg
Seconded by Jo Rhoads

RESOLVED, That beginning in September 2008, the Committee meet every other month.

Yes: 5
No: 3

MOTION CARRIED

REPORTS

Park Board: Pauline Noce reported that there is nothing special to report and that things are going well.

Senior Program: Carla reported that the Zumba Gold exercise class that started in March continues to remain popular with approximately 70 in attendance each week. The Nintendo Wii workshop for seniors attracted about 20 participants who enjoyed the experience. Troy has three teams in the new Men’s 50 Plus softball league that is being offered in the evening so seniors who are still working can participate. There are nine registered for the bocce league and seven registered for the shuffleboard league. Today was the deadline to register, but we will hold off on making a decision about the leagues until the meetings next week.

Medi-Go: Jo Rhoads reported that they are going to be doing some fundraising and they are concerned about the higher gas prices.

OLHSA: Pauline Noce reported that they had a program about HIV and the services available to people with HIV. Jo reported that OLHSA will be meeting in Troy on May 20 and invited committee members to attend.

Oakland County Senior Advisory Board: Jo Rhoads reported that this committee is co-sponsoring the Oakland County Older Michiganian Rally on June 6 at the Oakland County Executive Offices in Pontiac.

Comments

Frank Shier would like to see the appropriate staff person at the meeting when there is discussion about traffic signs, etc.

Jo Rhoads commented that since the meeting is on TV, information gets to seniors who are homebound.

Carla reported that Troy will be observing National Senior Centers Month in September to raise awareness of the senior program and asked committee members to give her any suggestions they might have.

Jim Berar stated that the meetings are important for communication.

JoAnn Thompson agreed with Mr. Berar and also stated that the signs on the dining room tables about bocce and shuffleboard are good to get people talking. The Restaurant Club is going well.

The meeting was adjourned at 2:45 p.m.

Respectfully submitted,

Bud Black, Chair

Carla Vaughan, Secretary

**CITY OF TROY
TRAVEL EXPENSE REPORT**

Name: Mary Kerwin Position: Council Member

Other Employees Included in Request: None

Trip Destination: Detroit, MI Date From: May 6, 2008 To: _____

Purpose of Trip: Brownfields 2008 Conference at Cobo Hall

Items	Dates:	Sun	Mon	Tues 6-May	Wed	Thurs	Fri	Sat	TOTAL
Miles (Personal Car)				50.00					50.00
Enter Current Mileage Rate: \$ 0.50 /mile				\$25.00					\$25.00
City Car Expense (Details on Bottom)									
Air/Bus/Train									
Registration									
Room (Attach all Receipts)									
Meals (Include tips and taxes. Note meals included with registration)									
Breakfast:									
Lunch:									
Dinner:									
Other Detail, Explain Below				Parking 8.00					\$8.00
Additional Other Detail, Explain Below									
TOTAL EXPENSE				33.00					\$33.00

Details of City Car Expense

Total Mileage	
Gasoline/Oil Purchased (Attach Receipts)	
Maintenance Work (Attach Receipts)	
Parking/Storage	
Other ()	
Total	

Cash Advanced and Prepaid Expenses	\$0.00
P-Card Purchases	
Balance Due Employee	\$33.00
(or) Balance Due City	

Mary Reddon Requested By Date 5/12/08

[Signature] Department Head Date _____

Approved - Human Resources Director Date _____

[Signature] Approved - Financial Services Director Date 5/12/08

Notes and Explanations:

Charge to: Education & Training (City Council)

Account # 102.7960



CITY COUNCIL REPORT

May 8, 2008

TO: Phillip L. Nelson, City Manager
FROM: Beth Tashnick, Customer Solutions Director
SUBJECT: April, 2008 – Customer Solutions Monthly Report

Background:

- The Customer Solutions Department was officially established in February of 2008, for the purpose of enhancing service provided by the City of Troy. Customer Solutions is designed to be the first point of contact for residents, businesses and visitors to obtain information and assistance from the City of Troy.

Our mission is to exceed customer expectations by providing accurate information that is communicated in an efficient and effective manner through the integration of people and technology.

This report generated on a monthly basis will provide you with service request statistics, trends and general Customer Solutions Department updates and information.

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 Customer Solutions Department provides information and assistance to residents, businesses and visitors to the City of Troy. (**Goal I** – Enhance the livability and safety of the community)
- The Customer Solutions Department provides assistance and support to City of Troy staff. (**Goal II** – Minimize the cost and increase the efficiency and effectiveness of City government) (**Goal IV** – Effectively and professionally communicate internally and externally)

Options:

- There is no council action requested for this item.



Customer Solutions

500 W. Big Beaver Rd * Troy, MI 48084 * 248-524-3337 * CustomerSolutions@troymi.gov

Customer Solutions - Monthly Report

April, 2008

****Please note:** The following figures include only service requests/inquiries that were received by the Customer Solutions department. Service requests received by other departments directly that were not routed through Customer Solutions are not included in this report.

Total Service Requests/Inquiries: 94
Requests Resolved: 89
Requests Unresolved: 5

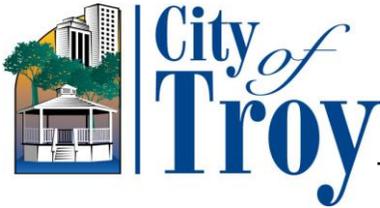
Unresolved Detail:

- SR 29756 In process of inspection by Building Department
- SR 30033 In process of inspection by Building Department
- SR 30423 Department of Public Works in process of sod repair due to snow plow damage
- SR 30602 Engineering in process of inspecting utility work
- SR 30644 Customer Solutions is waiting for a response from resident

Service Requests/Inquiries Pertaining to Departments:

Assessing	1
Building Inspection	8
City Attorney	1
City Clerk	11
Community Affairs	2
Customer Solutions	34
Department of Public Works	20
Engineering	4
Human Resources	2
Parks and Recreation	5
Police Department	3
Treasurer	3
Total	94

Note: One goal of the Customer Solutions department is to assist other departments by resolving caller requests without having to transfer the caller. For the month of April, 2008 we were able to accomplish that goal at 85%. Of the 94 calls that were received by the Customer Solutions department, 80 were resolved without the need to be transferred to another department.



Customer Solutions

500 W. Big Beaver Rd * Troy, MI 48084 * 248-524-3337 * CustomerSolutions@troymi.gov

Customer Solutions Department Updates:

Our official opening was announced in a press release on February 19, 2008. (Attached)

We have an article about the department in the Summer, 2008 Troy Today, Page 4. (Attached)

The Customer Solutions webpage will be up and running by the end of May, 2008.

I will begin training a network of Customer Solutions (CS) representatives from various departments the week of May 19th, 2008. My initial goal is to have a network of 5 CS representatives trained to respond to CS inquiries and requests for service.

Beth L Tashnick

From: Cynthia A Stewart
Sent: Tuesday, February 19, 2008 12:47 PM
To: Phillip L. Nelson; Beth L Tashnick
Cc: Brian P Murphy; John M Lamerato; Mary F Redden
Subject: New "Customer Solutions Department" is Launched to Streamline Citizen Assistance

Contact: Cynthia Stewart
Community Affairs Director
500 West Big Beaver
Troy MI 48084
ph 248.524.1147
fax 248.524.3499

FOR RELEASE: February 19, 2008

New "Customer Solutions Department" is Launched to Streamline Citizen Assistance

(TROY, MI) – The City of Troy, committed to achieving the highest quality of customer satisfaction, announces the establishment of its new **Customer Solutions Department**. The department is comprised of existing personnel and is designed to be the first point of contact for citizens to obtain assistance from the City of Troy.

"Our residents give us consistent positive feedback on our annual customer satisfaction survey, but we know we can be doing even more to streamline and simplify interaction with our services," City Manager Phil Nelson said. "The mission of this newly established department is to exceed customer expectations by providing accurate information in an efficient and effective manner. These readily accessible customer service professionals are focused on facilitating and resolving customer concerns, as well as individual and community requests."

The functions for the new department include being the City's call center and providing general information and assistance regarding Municipal Offices, City Services, Oakland County, community organizations, District Court and Local and State government. Other functions include responding to customer service requests and concerns -- or directing them to the appropriate department -- within 24 hours on the next business day of the initial request.

"The department is also charged with maintaining and monitoring call records to report trends to City administration and allow for more effective strategic planning as the City strives to meet citizen needs," Nelson said.

The Customer Solutions Department is coordinated by Beth Tashnick, administrative aide, functioning in the City Manager's office. The Customer Solutions Department is located at 500 W. Big Beaver Rd. For more

information call 248.524.3337 or e-mail CustomerSolutions@troymi.gov. A representative is available Monday-Friday, 8 am-4:30 pm.

###

Cindy Stewart



Cindy Stewart
Community Affairs Department
Director

(248) 524-1147 Work
(248) 885-1887 Mobile
Cindy.Stewart@troymi.gov
500 W. Big Beaver Road
Troy, MI 48064
www.troymi.gov

Property Tax bills en route

The July property tax bills will be mailed by the end of June. Persons eligible for deferment of summer taxes may request applications at the Treasurer’s Office, 248.524.3333.

City Hall Office Hours: Monday-Friday, 8 am-4:30 pm

After Hours Drop Box: Drop boxes are located outside the east and west entrances of City Hall.

Property Tax Payment Options

1) Credit Cards may be used online or over the phone via Official Payments Corp. A service charge does apply. Credit Cards MAY NOT be used in person at City Hall or by mail. Official Payments Corp. is set up only for paying property tax bills, not water* or other service fees. To pay by phone, call 800.272.9829. Use the Jurisdiction Code 3255 when prompted. To pay online, go to www.officialpayments.com.

2) Mail a check with your payment coupon in the payment envelope (no service charge applies).

3) Pay in person at City Hall with a check or cash at the Treasurer’s Office on the second floor. After hours leave payment envelope in one of the drop boxes conveniently located at the east and west entrances of City Hall.

***Water Bills: to set up Direct Payment for your water bills, go online to www.thepaymentsauthority.org or call the Treasurer’s Office at 248.524.3333 to request an enrollment form.**

Donate at the City-Wide Red Cross Blood Drive

Monday, July 21

Athens High School, 2-8 pm

Tuesday, July 22

Community Center, 9 am-9 pm

Wednesday, July 23

Community Center, 9 am-9 pm

Thursday, July 24

St. Elizabeth Ann Seton Church, 2-8 pm

Please join the City-Wide Blood Drive and help save lives! To donate blood you must be over 17 and at least 110 lbs. Please bring photo ID.

Appointments: 248.524.1147

Walk-in donors welcome too!

Holiday weekend dates to remember

- Friday, May 23, Aquatic Center opens for the season
- Saturday & Sunday, May 24 & 25, Library & Museum closed
- Monday, May 26, City Hall & Library closed. Refuse collection delayed one day this week
- Monday, May 26, Memorial Day Ceremony, 11 am, Veterans Memorial Plaza in front of City Hall, 500 W. Big Beaver
- Friday, July 4, City Hall, Library, Museum & Nature Center closed
- Saturday & Sunday, July 5 & 6, Museum closed

Introducing Customer Solutions

The City of Troy would like to announce the establishment of the Customer Solutions Department.

The Customer Solutions Department has been developed to enhance service provided by the City of Troy. The new department is designed to be the first point of contact for residents, businesses and visitors to obtain information and assistance from the City of Troy.

We are committed, as always, to achieving the highest level of customer satisfaction and will continually strive to create a positive and enjoyable experience for our customers as they interact with the City of Troy.

Our mission is to exceed customer expectations by providing accurate information that is communicated in an efficient and effective manner through the integration of people and technology.

We offer readily accessible customer service professionals who are focused on facilitating and resolving customer concerns as well as individual and community requests.

Our vision for service puts customers firmly at the center. We are determined to provide a level of service in which our interactions

Answers, information, assistance and possible solutions to concerns and issues raised, or the status thereof, will be provided within 24 hours on the next business day of the initial request.

continue to build an implicit trust between our customers and the City of Troy – where citizens, businesses, and visitors experience the value the City of Troy provides.

Facts...

- The Customer Solutions Department is coordinated by Beth Tashnick, functioning in the City Manager’s Office.
- The Customer Solutions Department may be contacted via the following:
 Phone: 248.524.3337
 e-mail: CustomerSolutions@troymi.gov
 US Mail: Customer Solutions
 500 W. Big Beaver Rd.
 Troy, MI 48084
 Visit our office at: 500 W. Big Beaver, City Manager’s Suite
 A Customer Solutions Representative is available:
 Monday through Friday, 8 am-4:30 pm

Functions...

- The City of Troy Call Center.
- Provides general information and assistance regarding: Municipal Offices, City Services, Oakland County, Community Organizations, District Court, Local/State Government.
- Responds to customer service requests and/or direct requests to the appropriate department within 24 hours on the next business day of the initial request.
- Responds to customer concerns or complaints and/or direct requests to the appropriate department within 24 hours on the next business day of the initial contact.
- Reports trends of the customer service requests/concerns.

CITY OF TROY
TRAVEL EXPENSE REPORT

Name: Robin Beltramini Position: Councilmember

Other Employees Included in Request: _____

Trip Destination: Brevard NC Date From: May 8, 2008 To: May 11, 2008

Purpose of Trip: NLC Finance, Admin, Intergovernmental Relations Steering Cte mtg

Items	Sun Dates: 05/11/08	Mon	Tues	Wed	Thurs 05/08/08	Fri 05/09	Sat 05/10	TOTAL
Miles (Personal Car)	43 mi				43 mi			
Enter Current Mileage Rate: \$ 0.50 /mile	21.50				21.50			43. ✓
City Car Expense (Details on Bottom)								
Air/Bus/Train					348			348. ✓
Registration								
Room (Attach all Receipts)					109. ⁶⁴	109. ⁶⁴	109. ⁶⁴	328. ⁹² ✓
Meals (Include tips and taxes. Note meals included with registration)								
Breakfast:								
Lunch:							3. ⁵¹ ✓	3. ⁵¹ ✓
Dinner:					14. ⁴¹ ✓		27. ¹⁹ ✓	41. ⁶⁰ ✓
Other Airport transport Detail, Explain Below	35. ⁰⁰ ✓				35. ⁰⁰ ✓			70. ⁰⁰
Additional Other Detail, Explain Below								
TOTAL EXPENSE	56. ⁵⁰				528. ⁵⁵	109. ⁶⁴	140. ³⁴	835. ⁰³ ✓

Details of City Car Expense

Total Mileage	
Gasoline/Oil Purchased (Attach Receipts)	
Maintenance Work (Attach Receipts)	
Parking/Storage	
Other ()	
Total	

Cash Advanced and Prepaid Expenses	
P-Card Purchases	676.92 ✓
Balance Due Employee	158.11 ✓
(or) Balance Due City	

Robin E. Beltramini / 05/13/08
Requested By Date

Department Head Date

Approved - Human Resources Director Date 5/14/08

Approved - Financial Services Director Date

Notes and Explanations:

Charge to: Education & Training

Account # 102-7960

CITY OF TROY
MONTHLY FINANCIAL REPORT
30-Apr-08

CITY OF TROY
 Monthly Financial Report
 General Fund
 For the Period Ending April 30, 2008

CITY OF TROY GENERAL FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
GENERAL FUND REVENUES					
TAXES	35,679,836	36,308,690	18,559	36,472,391	100.45
BUSINESS LICENSES & PERMITS	38,993	42,000	2,102	31,099	74.05
NON-BUS. LICENSES & PERMITS	1,452,966	1,705,500	127,779	1,113,590	65.29
FEDERAL GRANTS	198,102	55,900	0	8,172	14.62
STATE AGENCIES	6,800,242	6,784,000	2,798	3,711,894	54.72
CONTRIBUTIONS-LOCAL	171,189	180,000	3,126	50,947	28.30
CHARGES FOR SERVICES - FEES	1,455,402	1,159,000	39,501	790,778	68.23
CHARGES FOR SERVICES - REND.	2,346,725	1,717,500	30,009	961,056	55.96
CHARGES FOR SERVICES - SALES	154,366	157,000	30,756	106,876	68.07
CHARGES FOR SERVICES - REC	3,740,024	3,565,200	335,368	3,113,270	87.32
FINES & FORFEITS	1,243,286	1,027,000	75,776	692,469	67.43
INTEREST AND RENTS	2,363,543	2,081,600	202,973	1,328,820	63.84
OTHER REVENUE	546,469	510,550	5,089	388,347	76.06
OTHER FINANCING SOURCES	4,635,622	8,161,480	0	3,672,479	45.00
TOTAL GENERAL FUND REVENUE	60,826,765	63,455,420	873,836	52,442,188	82.64
EXPENDITURES					
LEGISLATIVE	1,839,175	2,033,040	134,899	1,476,228	72.61
FINANCE	4,726,731	5,054,990	340,677	4,008,910	79.31
OTHER GEN GOVERNMENT	2,552,515	2,700,750	140,780	1,914,913	70.90
POLICE	23,147,967	24,060,510	1,824,165	19,262,918	80.06
FIRE	4,376,861	4,317,390	200,379	3,566,253	82.60
BUILDING INSPECTION	2,051,078	2,243,190	156,877	1,667,754	74.35
STREETS	4,754,158	5,606,460	316,212	4,370,102	77.95
ENGINEERING	2,676,718	3,136,960	189,044	2,094,232	66.76
RECREATION	8,424,151	9,225,600	630,709	6,886,106	74.64
LIBRARY	4,805,280	5,066,530	399,755	3,790,700	74.82
TRANSFERS OUT	3,510,000	10,000	0	10,000	100.00
TOTAL GEN FUND EXPENDITURES	62,864,634	63,455,420	4,333,497	49,048,116	77.30

CITY OF TROY
 Monthly Financial Report
 Refuse Fund
 For the Period Ending April 30, 2008

REFUSE FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
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	410	2,780	185.33
INTEREST AND RENTS	162,643	175,000	18,387	116,772	66.73
OTHER FINANCING SOURCES	0	0	0	0	.00
TOTAL REVENUE	4,419,159	3,749,170	18,797	3,884,635	103.61
EXPENDITURES					
CONTRACTORS SERVICE	4,380,060	3,577,000	294,022	2,940,817	82.21
OTHER REFUSE EXPENSE	47,855	55,230	1,136	37,967	68.74
RECYCLING	101,047	116,940	5,492	75,950	64.95
TOTAL EXPENDITURES	4,528,962	3,749,170	300,650	3,054,734	81.48

CITY OF TROY
 Monthly Financial Report
 Downtown Development Authority Fund
 For the Period Ending April 30, 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	89,328	496,103	124.03
OTHER FINANCING SOURCES	0	2,844,590	0	0	.00
TOTAL REVENUE	4,035,425	7,037,590	89,328	4,186,129	59.48
EXPENDITURES					
ECONOMIC DEVELOPMENT	41,011	350,000	0	88,487	25.28
TAX TRIBUNAL REFUNDS	8,242	0	0	13,353	.00
CAPITAL OUTLAY	0	3,000,000	0	0	.00
DEBT SERVICE	3,021,460	3,285,000	849,586	3,280,235	99.85
TRANSFER TO GENERAL FUND	311,944	402,590	0	326,021	80.98
TOTAL EXPENDITURES	3,382,657	7,037,590	849,586	3,708,096	52.69

CITY OF TROY
 Monthly Financial Report
 Capital Fund
 For the Period Ending April 30, 2008

CAPITAL FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
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	762,594	17.08
CHARGES FOR SERVICES - REND.	327,744	75,000	2,562	39,977	53.30
INTEREST AND RENTS	1,181,962	807,200	150,173	888,502	110.07
FINES & FORFEITS	0	246,180	0	0	.00
OTHER REVENUE	1,262,421	0	5,679	223,757	.00
OTHER FINANCING SOURCES	5,700,000	18,694,560	0	3,353,000	17.94
TOTAL REVENUE	17,193,535	32,726,940	153,290	13,789,437	42.13
EXPENDITURES					
ELECTIONS	0	65,000	0	0	.00
FINANCE	33,464	55,000	0	9,735	17.70
OTHER GEN GOVERNMENT	90,439	4,627,600	80,159	432,590	9.35
POLICE	411,940	1,274,210	255,752	301,745	23.68
FIRE	856,110	608,200	0	103,775	17.06
BUILDING INSPECTION	440	10,000	0	0	.00
STREETS	7,879,499	15,293,000	127,535	5,812,776	38.01
ENGINEERING	369,372	0	0	0	.00
RECREATION	1,708,773	7,704,000	212,608	2,245,829	29.15
LIBRARY	105,525	471,000	27,911	142,733	30.30
MUSEUM	82,068	522,000	5,579	7,212	1.38
STORM DRAINS & RET PONDS	536,741	1,347,930	10,945	472,247	35.03
INFORMATION TECHNOLOGY	1,150,000	749,000	0	0	.00
TOTAL EXPENDITURES	13,224,371	32,726,940	720,489	9,528,642	29.12

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CITY OF TROY
Monthly Financial Report
Sanctuary Lake Golf Course
For the Period Ending April 30, 2008

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SANCTUARY LK GOLF COURSE FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	37,416	38,500	2,520	21,844	56.74
CHARGES FOR SERVICES - REC	1,007,452	1,249,090	92,623	658,828	52.74
INTEREST AND RENTS	6,988	6,500	0	4,306	66.25
OTHER REVENUE	4,279	0	26	200	.00
OTHER FINANCING SOURCES	0	0	0	0	.00
TOTAL REVENUE	1,056,135	1,294,090	95,169	685,178	52.95
EXPENDITURES					
SANCTUARY LAKE GREENS	792,102	885,280	43,111	584,284	66.00
SANCTUARY LAKE PRO SHOP	888,113	1,165,390	16,392	477,372	40.96
SANCTUARY LAKE CAPITAL	0	40,000	0	0	.00
TOTAL EXPENDITURES	1,680,215	2,090,670	59,503	1,061,656	50.78

CITY OF TROY
 Monthly Financial Report
 Sylvan Glen Golf Course
 For the Period Ending April 30, 2008

SYLVAN GLEN GOLF COURSE FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - SALES	28,566	38,500	1,321	17,774	46.17
CHARGES FOR SERVICES - REC	936,929	1,092,630	97,159	607,410	55.59
INTEREST AND RENTS	227,644	200,400	16,345	214,010	106.79
OTHER REVENUE	400	0	10,664	12,186	.00
OTHER FINANCING SOURCES	0	0	0	0	.00
TOTAL REVENUE	1,193,539	1,331,530	125,489	851,380	63.94
EXPENDITURES					
SYLVAN GLEN GREENS	729,347	766,160	40,723	540,955	70.61
SYLVAN GLEN PRO SHOP	352,687	322,020	14,759	243,397	75.58
SYLVAN GLEN CAPITAL	0	187,100	0	73,222	39.14
TOTAL EXPENDITURES	1,082,034	1,275,280	55,482	857,574	67.25

CITY OF TROY
 Monthly Financial Report
 Aquatic Center
 For the Period Ending April 30, 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	10,329	187,283	42.00
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	10,329	207,674	43.49
EXPENDITURES					
AQUATIC CENTER	684,334	628,670	20,106	398,787	63.43
CAPITAL	0	110,000	0	0	.00
TOTAL EXPENDITURES	684,334	738,670	20,106	398,787	53.99

CITY OF TROY
 Monthly Financial Report
 Sewer Fund
 For the Period Ending April 30, 2008

SEWER FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
FEDERAL GRANTS	17,081	0	0	0	.00
CHARGES FOR SERVICES - FEES	423,810	400,000	21,753	282,928	70.73
CHARGES FOR SERVICES - REND	10,867,704	11,836,000	572,259	7,561,051	63.88
INTEREST AND RENTS	1,187,038	820,000	175,008	939,673	114.59
OTHER REVENUE	426,738	0	0	0	.00
TOTAL REVENUE	12,922,371	13,056,000	769,020	8,783,652	67.28
EXPENDITURES					
ADMINISTRATION	9,186,528	9,743,900	670,944	7,118,940	73.06
MAINTENANCE	1,151,136	1,532,140	44,362	1,016,304	66.33
CAPITAL	0	4,628,000	12,499	2,038,809	44.05
TOTAL EXPENDITURES	10,337,664	15,904,040	727,805	10,174,053	63.97

CITY OF TROY
 Monthly Financial Report
 Water Fund
 For the Period Ending April 30, 2008

WATER FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - FEES	707,790	885,000	117,492	738,345	83.43
CHARGES FOR SERVICES - SALES	13,847,856	15,432,000	710,434	9,910,765	64.22
INTEREST AND RENTS	987,721	648,000	102,789	763,970	117.90
OTHER REVENUE	569,010	0	0	0	.00
TOTAL REVENUE	16,112,377	16,965,000	930,715	11,413,080	67.27
EXPENDITURES					
ADMINISTRATION	11,552,161	12,147,070	1,108,747	8,820,865	72.62
TRANS AND DISTRIBUTION	220,659	224,930	37,397	200,957	89.34
CUSTOMER INSTALLATION	101,647	92,720	8,226	66,560	71.79
CONTRACTORS SERVICE	148,717	217,360	12,289	107,483	49.45
MAIN TESTING	56,893	121,940	1,742	20,064	16.45
MAINTENANCE OF MAINS	362,261	447,950	32,640	323,197	72.15
MAINTENANCE OF SERVICES	196,788	272,480	22,033	137,308	50.39
MAINTENANCE OF METERS	471,767	709,860	10,493	340,199	47.92
MAINTENANCE OF HYDRANTS	310,130	392,070	25,198	295,456	75.36
METERS AND TAP-INS	300,220	388,720	16,640	199,248	51.26
WATER METER READING	106,366	103,290	12,930	151,060	146.25
ACCOUNTING AND COLLECTING	95,296	106,400	7,630	84,449	79.37
CAPITAL	0	8,715,000	68,208	1,222,906	14.03
TOTAL EXPENDITURES	13,922,905	23,939,790	1,364,173	11,969,752	50.00

CITY OF TROY
 Monthly Financial Report
 Motor Pool
 For the Period Ending April 30, 2008

MOTOR POOL FUND

Description	Last Year Actual	2007-08 Budget	Current Month	Year To Date	%
REVENUES					
CHARGES FOR SERVICES - REND	0	5,000	8,268	99,568	1991.36
INTEREST AND RENTS	3,870,828	3,913,400	351,248	3,169,249	80.98
OTHER REVENUE	612,792	380,000	30,481	342,978	90.26
OTHER FINANCING SOURCES	0	1,913,090	0	0	.00
TOTAL REVENUE	4,483,620	6,211,490	389,997	3,611,795	58.15
EXPENDITURES					
ADMINISTRATION	543,477	586,650	37,384	440,536	75.09
OPERATION AND MAINTENANCE	3,366,597	3,417,450	285,319	2,816,308	82.41
DPW FACILITY MAINTENANCE	361,706	392,890	19,538	279,618	71.17
CAPITAL	0	1,814,500	41,197	231,018	12.73
TOTAL EXPENDITURES	4,271,780	6,211,490	383,438	3,767,480	60.65

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	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
	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	8	7	JPM CHASE	2008	3	6	2.770	CD	2,044,904		2,044,904.44
	2008	5	8	7	TCF BANK	2008	3	21	2.440	CD	2,271,051		2,271,050.93
	2008	5	8	8	ML	2008	3	26	2.310	GE CAP	2,422,000		2,415,317.30
	2008	5	15	7	FLAGSTAR	2008	2	14	3.070	CD	2,043,638		2,043,637.78
	2008	5	16	8	ML	2008	3	27	2.300	JOHN DEERE	2,463,000		2,455,132.08
	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	23	8	FITB	2008	4	24	3.050	FOUNT SQ	1,000,000		997,583.33
	2008	5	29	7	FLAGSTAR	2008	3	13	2.960	CD	1,156,672		1,156,671.51
	2008	5	29	7	FITB	2008	3	13	2.700	CD	2,045,240		2,045,240.00
	2008	5	29	7	CHART ONE	2008	3	20	2.450	CD	2,051,662		2,051,662.26
	2008	5	29	7	FLAGSTAR	2008	3	20	2.760	CD	1,053,395		1,053,395.00
	2008	5	29	7	NATL CITY	2008	4	24	2.550	CD	2,055,547		2,055,547.45
	2008	5	30	8	FITB	2003	2	27	2.500	MAX SAVER	7,155,506		7,155,505.60
	2008	5	30	8	HUNT BANK	2004	8	27	1.990	MM	589,919		589,918.60
	2008	5	30	8	MBIA	2005	11	18	3.000	MBIA	1,656,354		1,656,353.86
	2008	5	30	8	CITIZENS	2006	5	4	2.800	MMIA	1,139,242		1,139,241.69
	2008	5	30	8	FITB	2006	9	8	3.000	MAXSAVER+	2,097,603		2,097,602.81
	2008	5	30	8	ML	2008	4	30	2.500	MM	66		65.81
	2008	6	5	7	JPCCHASE	2008	3	27	2.440	CD	1,050,029		1,050,028.89
	2008	6	5	7	CHART ONE	2008	4	3	2.530	CD	2,166,070		2,166,069.50
	2008	6	12	7	FITB	2008	4	3	2.530	CD	2,055,856		2,055,856.34
	2008	6	12	7	TCF BANK	2008	4	10	2.540	CD	2,164,103		2,164,102.78
	2008	6	17	8	ML	2008	4	18	2.420	G E CAP	2,179,000		2,170,211.37
	2008	6	19	7	HUNT BANK	2008	4	3	2.540	CD	1,085,395		1,085,395.18
	2008	6	19	7	FITB	2008	4	3	2.530	CD	1,104,876		1,104,875.55
	2008	6	19	7	HUNT BANK	2008	4	10	2.520	CD	2,058,324		2,058,324.34
	2008	6	23	8	FITB	2008	4	24	3.060	FOUNT SQ	1,000,000		995,000.00
	2008	6	26	7	PRIV BANK	2008	4	3	3.150	CD	1,669,242		1,669,241.65
	2008	6	26	7	TCF BANK	2008	4	3	2.490	CD	2,167,471		2,167,470.59
	2008	6	26	7	CITIZENS	2008	4	10	2.600	CD	2,170,154		2,170,153.53
	2008	7	3	7	CITIZENS	2008	4	10	2.600	CD	2,169,913	12,693.00	2,169,912.70
	2008	7	3	7	HUNT BANK	2008	4	24	2.650	CD	1,089,478	5,373.00	1,089,478.28
	2008	7	10	7	HUNT BANK	2008	4	17	2.560	CD	2,175,170	11,445.00	2,175,170.23
	2008	7	10	7	HUNT BANK	2008	4	24	2.650	CD	2,384,142	11,758.00	2,384,141.52
	2008	7	17	7	CITIZENS	2008	4	17	2.750	CD	2,358,508	13,331.00	2,358,508.39
	2008	7	17	7	FITB	2008	4	24	2.700	CD	2,147,114	10,789.00	2,147,114.41
	2008	7	18	8	FITB	2008	4	10	3.060	FOUNT SQ	1,000,000		992,916.67
	2008	7	23	8	NAT CITY	2008	4	24	2.110	JP CHASE	1,154,000	4,442.90	1,147,941.50
	2008	7	24	7	CITIZENS	2008	4	24	2.850	CD	1,139,661	6,045.00	1,139,660.74
	2008	7	24	7	PRIV BANK	2008	4	25	3.000	CD	2,054,863	12,671.00	2,054,862.66

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Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
112	2008	7	30	8	FITB	2005	5	25	5.000	FHLM 2808	56,800		56,756.09
	2008	7	31	7	JPM CHASE	2008	4	24	2.670	CD	2,055,554	10,214.00	2,055,554.21
	2008	9	15	8	FITB	2005	11	30	5.000	2802	521,000		520,314.89
	2008	9	25	8	FITB	2007	9	28	5.500	FNMA 3061	548,000		548,000.00
	2008	9	28	8	FITB	2005	8	30	4.500	2545	115,000		114,470.46
	2008	9	30	8	FITB	2003	5	19	5.000	FHLM 95237	265,249		365,248.95
	2008	9	30	8	FITB	2004	1	30	4.000	FHR 2535	145,000		153,798.95
	2008	9	30	8	FITB	2004	3	25	4.500	FHR 2669	90,000		89,297.19
	2008	9	30	8	FITB	2004	10	8	3.250	FHR 2564	216,000		215,371.38
	2008	9	30	8	FITB	2007	2	9	6.000	3243	164,000		163,136.62
	2008	9	30	8	FITB	2008	5	30	3.600	FHR03 2640	332,000		331,880.24
	2008	9	31	8	FITB	2005	9	29	4.500	FHLM 2618	400,000		399,759.08
	2008	11	15	8	FITB	2007	12	27	6.000	3075	477,000		477,000.00
	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	734,000		733,808.34
	2008	12	31	8	FITB	2007	9	15	5.500	FHLM 3145	1,410,000		1,409,509.56
	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	343,500		343,191.70
	2009	1	25	8	FITB	2008	1	25	5.000	2008-2	2,458,000		2,457,668.17
	2009	1	25	8	FITB	2008	1	25	5.500	13	124,000		123,070.43
	2009	1	25	8	FITB	2008	1	25	5.500	3072	155,500		155,428.82
	2009	1	30	8	FITB	2008	2	1	5.000	FHLM 3000	1,365,000		1,364,902.30
	2009	1	30	8	FITB	2008	2	25	5.000	FHLM 2645	413,000		413,000.00
	2009	1	30	8	FITB	2008	2	25	5.500	FHLM 2687	1,838,000		1,838,000.00
	2009	1	30	8	FITB	2008	2	25	6.000	FNMA 26	3,665,000		3,664,134.61
	2009	2	15	8	FITB	2008	4	25	6.000	FHLM 3376	550,000		449,491.02
	2009	4	25	8	FITB	2006	6	30	5.000	86	752,000		751,935.94
	2009	4	25	8	FITB	2007	1	9	5.500	FNMA 80	227,000		226,318.92
	2009	4	25	8	FITB	2007	3	21	5.000	FNMA 17	863,000		862,375.00
	2009	4	26	8	FITB	2008	3	17	5.500	3157	1,746,000		1,746,000.00
	2009	6	25	8	FITB	2008	4	25	6.000	FNMA 43	475,000		470,036.77
										TOTAL		98,761.90	110,236,415.33
591	2008	5	30	8	LA SALLE	2007	7	31	3.000	MMA	2,064,990		2,064,989.56
	2008	6	26	7	NATL CITY	2008	4	3	2.540	CD	1,613,000		1,613,000.00
	2008	6	26	7	CITIZENS	2008	4	3	2.650	CD	161,276		161,276.00
	2008	6	26	7	HUNT BANK	2008	4	3	2.540	CD	176,401		176,401.19
	2008	6	30	7	COMERICA	1997	7	1	2.750	GOV'T POOL	2,110,445		2,110,445.49
	2008	6	30	8	FITB	2005	8	31	3.000	MM	107,254		107,254.32
	2008	7	10	7	LASALLE	2008	4	3	2.450	CD	1,042,703	6,244.48	1,042,702.73
	2008	8	15	8	FITB	2007	5	25	4.500	FHLM 2693	161,000		160,155.51
	2008	12	30	8	FITB	2006	3	3	5.000	FHLM 2561	28,000		27,592.48
	2008	12	31	8	FITB	2007	2	9	6.000	3243	123,000		122,922.95
	2008	12	31	8	FITB	2007	8	25	3.000	2659	31,000		30,980.97
	2008	12	31	8	FITB	2007	11	26	5.500	FHLM 3157	1,365,000		1,364,799.25
	2009	1	31	8	FITB	2007	12	27	5.500	2781	145,000		145,000.00

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Fund	Mat Yr.	Mat Mo.	Mat Day	Type	Loc	Pur Yr.	Pur Mo.	Pur Day	Rate	Name	Face	Accrue 6/30	Book
591	2009	1	31	8	FITB	2008	2	25	6.000	FNMA 26	1,280,000		1,279,631.92
	2009	5	25	8	FITB	2008	4	25	6.000	FNMA 40	149,000		148,124.60
	2009	6	25	8	FITB	2006	8	9	5.500	FNMA 73	123,000		122,604.17
TOTAL											6,244.48	10,677,881.14	
688	2008	6	30	7	CHASE	1997	7	1	2.520	GOV'T POOL	1,495,442		1,495,442.41
TOTAL												1,495,442.41	
TOTAL											105,006.38	122,409,738.88	

*** END OF REPORT ***

7 = CD 8 = Paper 9 = T-Bills

At a Regular Meeting of the Royal Oak City Commission held on Monday, May 5, 2008, in City Hall, 211 Williams Street, the following Resolution was adopted:

WHEREAS, Governor Jennifer Granholm and many legislators have called on local governments to consolidate services and create cost savings for local taxpayers; and

WHEREAS, the greatest expenditures for local units of government are in personnel expenses; and

WHEREAS, local governments and officials seek efficiencies in government on a regular basis in order to save taxpayer dollars; and

WHEREAS, it is prudent for communities to consolidate in order to save dollars and create efficiencies; and

WHEREAS, consolidations involve disparities of compensation in existing contracts that provide for salary, benefits, health care, pensions, etc. that usually need to be on the same level as a practical matter when discussing the agreements with the local employee unions; and

WHEREAS, the Urban Cooperation Act (PA 7 of 1967), Intergovernmental Transfer of Functions and Powers Act (PA 8 of 1967), Emergency Services to Municipalities Act (PA 57 of 1988), and Metropolitan Councils Act (PA 292 of 1989) contain language which acts as a disincentive for consolidation of services; and

WHEREAS, language within the acts provide that transferred employees performing under contracts for consolidated service shall be in no worse position with respect to wage and benefits than prior to the transfer; and

WHEREAS, this language effectively results in either having disparate contracts for equal employees which can damage employee morale, or bringing all employees up to the highest level which is costly and defeats any efficiencies; and

WHEREAS, elimination of this language would result in more consolidation and collaboration with taxpayer savings since new contracts can effectively be collectively bargained; and

WHEREAS, elimination of this language will not affect current contracts (which are protected in the act), but will allow for more productive immediate negotiations upon consolidation; and

WHEREAS, these changes are found in SB 550 and 551; and

WHEREAS, these changes were in the original version of HB 4266 and HB 4246, but were amended out of the bills when passed by the House of Representatives, and

WHEREAS, these acts, in conjunction with PA 312 of 1969, discourage fire and police consolidation and any local savings to taxpayers because control of the bargaining process is taken out of the hands of the locals and given to an independent arbitrator who is restricted by the language prohibiting employees from being harmed in the consolidation acts.

THEREFORE BE IT RESOLVED that the City of Royal Oak requests that the Legislature and Governor approve SB 550 and 551, the original versions of HB 4266 and 4246, or any other legislation that amends the Urban Cooperation Act (PA 7 of 1967), Intergovernmental Transfer of Functions and Powers Act (PA 8 of 1967), Emergency Services to Municipalities Act (PA 57 of 1988), and Metropolitan Councils Act (PA 292 of 1989) to remove the language that prevents employees from being harmed so that new contracts can be negotiated with a result of savings to taxpayers and communities; and to allow communities to create new contracts through collective bargaining after consolidation; and to save taxpayer dollars and create local government efficiencies.

I hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Royal Oak City Commission at a meeting held on May 5, 2008.

Mary Ellen Weaver

City Clerk