

AGENDA

Meeting of the

CITY COUNCIL OF THE CITY OF TROY

JULY 7, 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.

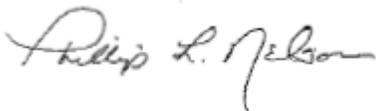
Identified below are goals for the City, which have been advanced by the governing body; and Agenda items submitted for your consideration are on course with these goals.

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

**July 7, 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 Edward Belczak – St. Thomas
More Catholic Church** **1**

ROLL CALL **1**

CERTIFICATES OF RECOGNITION: **1**

- A-1 Presentations: 1
 - a) On behalf of the City of Troy Employee’s *Casual for a Cause* Program (May), Carol Anderson, Parks & Recreation Director will present a check in the amount of \$569.72 to the Troy Police/Fire Benevolent Association. 1

CARRYOVER ITEMS: **1**

B-1 No Carryover Items 1

PUBLIC HEARINGS: **1**

C-1 No Public Hearings 1

POSTPONED ITEMS: **2**

D-1 No Postponed Items 2

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

REGULAR BUSINESS: **2**

- E-1 Appointments to Boards and Committees: a) Mayoral Appointments: None Scheduled b) City Council Appointments: Cable Advisory Committee; Historical Commission; and Troy Daze 2
- E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None Scheduled (b) City Council Nominations: Building Code Board of Appeals; Historic District Commission; Historic District Study Committee; Historical Commission; Library Advisory Board; Liquor Advisory Committee; and Parks & Recreation Board 3
- E-3 Amendment to Chapter 29 of Troy City Code - Cemetery 5
- E-4 Amendment to Chapter 34 of Troy City Code – Sidewalks and Driveway Approaches 5
- E-5 Amendment to Chapter 60 of Troy City Code – Fees and Bonds Required - Add Fees for Sidewalk and Approach Permits 5
- E-6 Amendment to Chapter 61 of Troy City Code – Transient Merchants – Include Mobile Windshield Repair and Similar Service Businesses 6
- E-7 Amendment to Chapter 100 of Troy City Code – Municipal Civil Infractions 6
- E-8 Amendment to Chapter 106 of Troy City Code – Traffic – Registration Certificate Signature 6
- E-9 Approval of Distribution of Draft City of Troy 2008 Master Plan 7
- E-10 DSS Recording System Upgrade 7
- E-11 City of Troy vs. Sunset Excavating Company and Eclipse Excavating, LLC 8

CONSENT AGENDA: **8**

F-1a	Approval of “F” Items NOT Removed for Discussion	8
F-1b	Address of “F” Items Removed for Discussion by City Council and/or the Public	8
F-2	Approval of City Council Minutes	8
F-3	Proposed City of Troy Proclamation:	9
	a) Parks and Recreation Month – July, 2008.....	9
F-4	Standard Purchasing Resolutions	9
	a) Standard Purchasing Resolution 1: Award to Low Bidder – Building Demolition	9
	b) Standard Purchasing Resolution 4: AEPA Cooperative – Fitness Room Flooring	9
	c) Standard Purchasing Resolution 4: Award – Macomb County Cooperative Purchasing Agreement – Fleet Vehicle	10
	d) Standard Purchasing Resolution 8: Best Value Award – Public Safety Field Communications Unit	10
	e) Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Membership Renewals Over \$10,000.00; Southeast Michigan Council of Governments (SEMCOG)	10
	f) Standard Purchasing Resolution 4: MITN Cooperative Award – City of Rochester Hills Single Axle Dump Truck	10
	g) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 08-7 – Maplawn, Barrett and Northfield Mill and Overlay.....	11
F-5	Request for Acceptance of a Warranty Deed and Four Permanent Easements – Grand Troy Villas Condominiums, Sidwell #88-20-15-477-036	11

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS: 11

G-1	Announcement of Public Hearings:	11
	a) EcoMotors, 1055 West Square Lake – Request for Industrial Development District (IDD) and the Issuance of an Industrial Facilities Exemption Certificate (IFEC) – July 21, 2008	11
G-2	Memorandums: None Submitted	11

COUNCIL REFERRALS: Items Advanced to the City Manager by Individual City Council Members for Placement on the Agenda 11

H-1	No Council Referrals Advanced	11
-----	-------------------------------	----

COUNCIL COMMENTS: **12**

I-1	No Council Comments Advanced	12
-----	------------------------------	----

REPORTS: **12**

J-1	Minutes – Boards and Committees:	12
-----	----------------------------------	----

- a) Charter Revision Committee/Final – July 31, 2007 12
- b) Animal Control Appeal Board/Final – March 5, 2008 12
- c) Downtown Development Authority Special/Final – April 4, 2008 12
- d) Downtown Development Authority/Final – April 16, 2008 12
- e) Election Commission/Final – April 18, 2008 12
- f) Troy Daze Committee/Final – April 22, 2008 12
- g) Employees’ Retirement System Board of Trustees/Final – May 14, 2008 12
- h) Board of Zoning Appeals/Final – May 20, 2008 12
- i) Historic District Commission/Final – May 20, 2008 12
- j) Charter Revision Committee/Final – May 22, 2008 12
- k) Personnel Board/Final – May 22, 2008 12
- l) Planning Commission Special/Study/Draft – June 3, 2008 12
- m) Planning Commission Special/Study/Final – June 3, 2008 12
- n) Planning Commission/Draft – June 10, 2008 12
- o) Planning Commission/Final – June 10, 2008 12
- p) Animal Control Appeal Board/Draft – June 11, 2008 12
- q) Troy Daze Committee/Draft – June 24, 2008 12
- r) Charter Revision Committee/Draft – June 30, 2008 12
- s) Election Commission/Draft – June 30, 2008 12
- t) Personnel Board/Draft – July 2, 2008 12

J-2	Department Reports:	12
-----	---------------------	----

- a) Building Department – Permits Issued During the Month of May, 2008 12
- b) Customer Solutions Monthly Report – May, 2008 12
- c) Purchasing Department – Final Reporting – Bid-Net On-Line Auction Services
– April and May 2008 12

J-3	Letters of Appreciation:	13
-----	--------------------------	----

- a) Letter of Thanks to Chief Craft from Resident David Easterbrook Regarding
the Assistance of Troy Police Officers at Intersections in Troy with Non-
working Traffic Lights 13
 - b) Letter of Thanks to Chief Craft from Troy Teacher Andrea Moon Regarding
the Assistance of Troy Police Officers at Intersections in Troy with Non-
working Traffic Lights 13
-

- c) Letter of Appreciation to Chief Craft from Desmond Scanlon, US Department of Homeland Security, Regarding the Assistance of Lieutenant David Livingston during the Visit of Senator Barack Obama 13
- d) Letter of Appreciation to Police Department Personnel from Chief Craft Regarding the Efforts during the Power Outage..... 13
- e) Letter of Thanks to Casual for a Cause Participants from Julie Sigler, Friends of the Troy Public Library Treasurer, Regarding Donations from April, 2008 13
- f) Letter of Appreciation to Stu Alderman from Mark Weigand, Troy Hurricanes Coach Regarding Flynn Park Improvements..... 13
- g) Letter of Thanks from Resident Patricia Johnson Regarding the Charnwood Sewer Project and Professionalism and Efforts of Engineering Specialist Pat Fitzpatrick 13
- h) Letter of Appreciation to Chief Craft from Stephanie Bergeron, Walsh College President, Regarding Assistance with Commencement Ceremony 13
- i) Letter of Appreciation to Carol Anderson from Stephanie Bergeron, Walsh College President, Regarding Assistance with Commencement Ceremony 13
- j) Letter of Thanks to Chief Craft from Monsignor Zouhair Toma, Pastor, St. Joseph Catholic Chaldean Church Regarding Police Department Assistance during the 2008 Easter Season 13

J-4 Proposed Proclamations/Resolutions from Other Organizations: None Submitted 13

STUDY ITEMS: 13

K-1 Boards and Committees 13

K-2 Open Meetings Act 13

PUBLIC COMMENT: Address of “K” Items 13

CLOSED SESSION: 14

L-1 No Closed Session Requested 14

ADJOURNMENT 14

FUTURE CITY COUNCIL PUBLIC HEARINGS: 14

- Monday, July 21, 2008..... 14
 - 1. EcoMotors, 1055 West Square Lake – Request for Industrial Development District (IDD)..... 14
 - 2. EcoMotors, 1055 West Square Lake – Issuance of an Industrial Facilities Exemption Certificate (IFEC)..... 14

SCHEDULED CITY COUNCIL MEETINGS:

Monday, July 21, 2008 Regular City Council.....	14
Monday, August 11, 2008 Regular City Council	14
Monday, August 25, 2008 Regular City Council	14
Monday, September 8, 2008 Regular City Council.....	14
Monday, September 22, 2008 Regular City Council.....	14
Monday, October 6, 2008 Regular City Council	14
Monday, October 20, 2008 Regular City Council	14

CALL TO ORDER:

INVOCATION & PLEDGE OF ALLEGIANCE: Father Edward Belczak – St. Thomas More Catholic Church

ROLL CALL

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

- (b) Resolution to Excuse Mayor Pro Tem Howrylak

Suggested Resolution

Resolution #2008-07-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Mayor Pro Tem Howrylak at the Special City Council meeting of July 1, 2008 due to _____.

Yes:

No:

CERTIFICATES OF RECOGNITION:

A-1 Presentations:

- a) On behalf of the City of Troy Employee's *Casual for a Cause* Program (May), Carol Anderson, Parks & Recreation Director will present a check in the amount of \$569.72 to the Troy Police/Fire Benevolent Association.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings

POSTPONED ITEMS:

D-1 No Postponed Items

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: None Scheduled b) City Council Appointments: Cable Advisory Committee; Historical Commission; and Troy Daze

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 – No Appointments Scheduled

(b) City Council AppointmentsSuggested Resolution

Resolution #2008-07-

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

Nancy Chen - Student

Term Expires 07/01/09

Chi Song - Student

Term Expires 07/01/09

Historical Commission

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

Roger Kaniarz

Term Expires 07/31/11

Rosemary Kornacki

Term Expires 07/31/11

Troy Daze

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

Sarah Wunderlich – Student

Term Expires 07/31/09

Yes:

No:

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: None Scheduled (b) City Council Nominations: Building Code Board of Appeals; Historic District Commission; Historic District Study Committee; Historical Commission; Library Advisory Board; Liquor Advisory Committee; and Parks & Recreation Board

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 – No Nominations Scheduled**(b) City Council Nominations**

Suggested Resolution

Resolution #2008-07-

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:

Building Code Board of Appeals

Appointed by City Council (5-Regular) 5-Year Terms

Term Expires 07/31/13

Historic District Commission

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

Student Term Expires 07/01/09**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

Historical Commission

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

Term Expires 07/31/11

Student Term Expires 07/01/09**Library Advisory Board****Appointed by City Council (5-Regular) 3-Year Terms****Student** Term Expires 07/01/09**Liquor Advisory Committee****Appointed by City Council (7-Regular) 3-Year Terms****Student** Term Expires 07/31/09**Parks & Recreation Board**

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

****Troy School District Rep. Term Expires 07/31/09**

****NOTE: Recommendation scheduled for Troy School District's July meeting.**

Yes:

No:

E-3 Amendment to Chapter 29 of Troy City Code - Cemetery

Suggested Resolution

Resolution #2008-07-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amending Sections 2, 6, 7, 8, 12B, 12D, and 14B of Chapter 29 of the Troy City Code as recommended by the City Attorney, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

E-4 Amendment to Chapter 34 of Troy City Code – Sidewalks and Driveway Approaches

Suggested Resolution

Resolution #2008-07-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amending Sections 34.01, 34.02.03, 34.02.05 and 34.04 of Chapter 34 of the Troy City Code as recommended by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

E-5 Amendment to Chapter 60 of Troy City Code – Fees and Bonds Required - Add Fees for Sidewalk and Approach Permits

Suggested Resolution

Resolution #2008-07-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amending Section 60.03 of Chapter 60 of the Troy City Code to include fees for Sidewalk and Approach Permits in accordance with the proposal prepared by City Management, a copy of which shall be **ATTACHED** to the original Minutes of the meeting.

Yes:

No:

E-6 Amendment to Chapter 61 of Troy City Code – Transient Merchants – Include Mobile Windshield Repair and Similar Service Businesses

Suggested Resolution

Resolution #2008-07-

Moved by

Seconded by

RESOLVED, That City Council hereby **DIRECTS** City Management to revise Chapter 61 – Transient Merchants, to include mobile windshield repair and similar service businesses.

Yes:

No:

E-7 Amendment to Chapter 100 of Troy City Code – Municipal Civil Infractions

Suggested Resolution

Resolution #2008-07-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance amending Sections 100.03.07 and 100.11.03 of Chapter 100 of the Troy City Code and adds Section 100.11.03A to Chapter 100, as recommended by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

E-8 Amendment to Chapter 106 of Troy City Code – Traffic – Registration Certificate Signature

Suggested Resolution

Resolution #2008-07-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **ADOPTS** an ordinance deleting the registration certificate signature requirement as provided in subsection 5.70(1) of Chapter 106 as recommended by City Administration, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

Yes:

No:

E-9 Approval of Distribution of Draft City of Troy 2008 Master PlanSuggested Resolution

Resolution #2008-07-

Moved by

Seconded by

WHEREAS, The responsibility of cities and villages to adopt and update a master plan is outlined in the Municipal Planning Act, PA 285 of 1931, as amended;

WHEREAS, The Planning Commission prepared the draft City of Troy 2008 Master Plan;

WHEREAS, The Planning Commission has determined that the draft City of Troy 2008 Master Plan represents the long-range vision of the City of Troy; and

WHEREAS, The Planning Commission recommended that the City Council authorize distribution of the draft City of Troy 2008 Master Plan, as per the requirements of the Municipal Planning Act, PA 285 of 1931, as amended;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **APPROVES** the distribution of the draft City of Troy 2008 Master Plan, "June 25, 2008 Draft for Distribution", as per the requirements of the Municipal Planning Act, PA 285 of 1931, as amended.

Yes:

No:

E-10 DSS Recording System UpgradeSuggested Resolution

Resolution #2008-07-

Moved by

Seconded by

WHEREAS, The Police Department has always maintained a contract for the recording system of the 9-1-1 dispatch center as one of the critical systems in the Communications Section;

WHEREAS, DSS Corporation, our current provider has offered to upgrade the system for its customers at no cost for the hardware; and

WHEREAS, The benefits of the Equature upgrade include non-proprietary open architecture, unlimited search capability, improved security and enhanced monitoring of system problems;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **AUTHORIZES** City staff to execute a five-year maintenance agreement and upgrade the recording system of the 9-1-1 dispatch center from DSS Corporation of Southfield, MI, at an estimated total cost of \$34,500.00.

Yes:

No:

E-11 City of Troy vs. Sunset Excavating Company and Eclipse Excavating, LLCSuggested Resolution

Resolution #2008-07-

Moved by

Seconded by

RESOLVED, That Troy City Council hereby **AUTHORIZES** the City Attorney to file a law suit in Oakland County Circuit Court against Sunset Excavating Company and Eclipse Excavating, LLC, and is authorized to pay necessary costs and expenses and to retain any necessary expert witnesses to adequately represent the City.

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 #2008-07-

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 #2008-07-

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30 PM Regular City Council Meeting of June 16, 2008 and the 7:30 PM Special Meeting of July 1, 2008 as submitted.

F-3 Proposed City of Troy Proclamation:

Suggested Resolution

Resolution #2008-07-

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

- a) Parks and Recreation Month – July, 2008

F-4 Standard Purchasing Resolutions

a) Standard Purchasing Resolution 1: Award to Low Bidder – Building Demolition

Suggested Resolution

Resolution #2008-07-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to provide demolition of various building sites for park land expansion acquisitions to the low total bidder, Ferguson Enterprises, Inc, of Detroit, MI, for an estimated total cost of \$22,435.00, at prices contained in the bid tabulation opened May 19, 2008, a copy of which shall be **ATTACHED** to the original Minutes of this meeting; and

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

b) Standard Purchasing Resolution 4: AEPA Cooperative – Fitness Room Flooring

Suggested Resolution

Resolution #2008-07-

RESOLVED, That Troy City Council hereby **APPROVES** a contract to provide closed cell rubber flooring at the Community Center from Sport Surfaces, a Robert Cohen Company, through the Association of Educational Purchasing Agencies (AEPA) Cooperative Contract #08-0027 at an estimated cost of \$37,185.00, under the prices, terms and conditions of AEPA bid IFB #008-E, which expires February 28, 2009; and

BE IT FURTHER RESOLVED, That the work will be performed by Mid America Sport Surfacing, a Michigan based company **CONTINGENT** upon contractor submission of properly executed contract documents including insurance certificates and all other specified requirements.

c) **Standard Purchasing Resolution 4: Award – Macomb County Cooperative Purchasing Agreement – Fleet Vehicle**

Suggested Resolution
Resolution #2008-07-

RESOLVED, That Troy City Council hereby **APPROVES** the contract to purchase one (1) 2008 Ford Escape Hybrid AWD from Signature Ford, L-M Jeep of Owosso, MI, through the Macomb County Cooperative Purchasing Agreement at an estimated total cost of \$24,552.00.

d) **Standard Purchasing Resolution 8: Best Value Award – Public Safety Field Communications Unit**

Suggested Resolution
Resolution #2008-07-

RESOLVED, That Troy City Council hereby **AWARDS** a contract to furnish all labor, material, tools, equipment and construction drawings to provide one (1) new public safety field communications unit to the lowest cost and highest rated bidder, Gerling & Associates, Inc. of Sunbury, Ohio, as a result of a best value process, for an estimated total cost of \$125,670.00; and

BE IT FURTHER RESOLVED, That the award is **CONTINGENT** upon company submission of properly executed proposal and contract documents, including all specified requirements; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **REJECTS** the delivery cost options.

e) **Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Membership Renewals Over \$10,000.00; Southeast Michigan Council of Governments (SEMCOG)**

Suggested Resolution
Resolution #2008-07-

RESOLVED, That Troy City Council hereby **GRANTS** approval to pay membership dues to the Southeast Michigan Council of Governments (SEMCOG) in the amount of \$11,390.00, which covers the time period of July 15, 2008 to July 15, 2009.

f) **Standard Purchasing Resolution 4: MITN Cooperative Award – City of Rochester Hills Single Axle Dump Truck**

Suggested Resolution
Resolution #2008-07-

RESOLVED, That Troy City Council hereby **APPROVES** a contract to purchase one (1) 2009 Sterling L 8500 5-7 yard dump truck with snow plow and salt spreader from Wolverine Truck Sales, Inc. of Dearborn, MI, through a MITN Cooperative Award hosted by the City of Rochester Hills for an estimated total cost of \$129,605.00.

g) Standard Purchasing Resolution 1: Award to Low Bidder – Contract 08-7 – Maplelawn, Barrett and Northfield Mill and Overlay

Suggested Resolution
Resolution #2008-07-

RESOLVED, That Troy City Council hereby **AWARDS** Contract No. 08-7, Maplelawn, Barrett and Northfield Mill and Overlay to Cadillac Asphalt, LLC, 4751 White Lake Road, Clarkston, MI 48346, at an estimated total cost of \$489,719.80; 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 25% of the total project cost.

F-5 Request for Acceptance of a Warranty Deed and Four Permanent Easements – Grand Troy Villas Condominiums, Sidwell #88-20-15-477-036

Suggested Resolution
Resolution #2008-07-

RESOLVED, That Troy City Council hereby **ACCEPTS** the Warranty Deed and Permanent Easements for water main, public utilities, sanitary sewer and emergency ingress/egress from property owners Raju Venkatraman, Raji Raju, Srikanth Rajagopalan, Panapakkam Singaracharlu, Nirmala Singaracharlu, K.K. Venkat, Hema Venkat, R. Rajaraman, Ranjani Rajaraman, Bala K. Murthy, Revathi Murthy, Sridhar Rajagopalan, Sujatha S. Rajagopalan, Srikanth Rajagopalan, Aruna Srikanth, Jay Shankar Balan, Sandya Shankar, having Sidwell #88-20-15-477-036; and

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

MEMORANDUMS AND FUTURE COUNCIL AGENDA ITEMS:

G-1 Announcement of Public Hearings:

- a)** EcoMotors, 1055 West Square Lake – Request for Industrial Development District (IDD) and the Issuance of an Industrial Facilities Exemption Certificate (IFEC) – July 21, 2008

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) Charter Revision Committee/Final – July 31, 2007
- b) Animal Control Appeal Board/Final – March 5, 2008
- c) Downtown Development Authority Special/Final – April 4, 2008
- d) Downtown Development Authority/Final – April 16, 2008
- e) Election Commission/Final – April 18, 2008
- f) Troy Daze Committee/Final – April 22, 2008
- g) Employees' Retirement System Board of Trustees/Final – May 14, 2008
- h) Board of Zoning Appeals/Final – May 20, 2008
- i) Historic District Commission/Final – May 20, 2008
- j) Charter Revision Committee/Final – May 22, 2008
- k) Personnel Board/Final – May 22, 2008
- l) Planning Commission Special/Study/Draft – June 3, 2008
- m) Planning Commission Special/Study/Final – June 3, 2008
- n) Planning Commission/Draft – June 10, 2008
- o) Planning Commission/Final – June 10, 2008
- p) Animal Control Appeal Board/Draft – June 11, 2008
- q) Troy Daze Committee/Draft – June 24, 2008
- r) Charter Revision Committee/Draft – June 30, 2008
- s) Election Commission/Draft – June 30, 2008
- t) Personnel Board/Draft – July 2, 2008

J-2 Department Reports:

- a) Building Department – Permits Issued During the Month of May, 2008
- b) Customer Solutions Monthly Report – May, 2008
- c) Purchasing Department – Final Reporting – Bid-Net On-Line Auction Services – April and May 2008

J-3 Letters of Appreciation:

- a) Letter of Thanks to Chief Craft from Resident David Easterbrook Regarding the Assistance of Troy Police Officers at Intersections in Troy with Non-working Traffic Lights
- b) Letter of Thanks to Chief Craft from Troy Teacher Andrea Moon Regarding the Assistance of Troy Police Officers at Intersections in Troy with Non-working Traffic Lights
- c) Letter of Appreciation to Chief Craft from Desmond Scanlon, US Department of Homeland Security, Regarding the Assistance of Lieutenant David Livingston during the Visit of Senator Barack Obama
- d) Letter of Appreciation to Police Department Personnel from Chief Craft Regarding the Efforts during the Power Outage
- e) Letter of Thanks to Casual for a Cause Participants from Julie Sigler, Friends of the Troy Public Library Treasurer, Regarding Donations from April, 2008
- f) Letter of Appreciation to Stu Alderman from Mark Weigand, Troy Hurricanes Coach Regarding Flynn Park Improvements
- g) Letter of Thanks from Resident Patricia Johnson Regarding the Charnwood Sewer Project and Professionalism and Efforts of Engineering Specialist Pat Fitzpatrick
- h) Letter of Appreciation to Chief Craft from Stephanie Bergeron, Walsh College President, Regarding Assistance with Commencement Ceremony
- i) Letter of Appreciation to Carol Anderson from Stephanie Bergeron, Walsh College President, Regarding Assistance with Commencement Ceremony
- j) Letter of Thanks to Chief Craft from Monsignor Zouhair Toma, Pastor, St. Joseph Catholic Chaldean Church Regarding Police Department Assistance during the 2008 Easter Season

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

K-1 Boards and Committees

K-2 Open Meetings Act**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

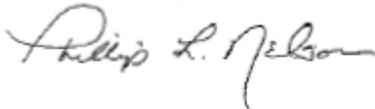
are encouraged to bring it to the attention of the City Manager, and if still not resolved satisfactorily, to the Mayor and Council.

CLOSED SESSION:

L-1 No Closed Session Requested

ADJOURNMENT

Respectfully submitted,



Phillip L. Nelson, City Manager

FUTURE CITY COUNCIL PUBLIC HEARINGS:

Monday, July 21, 2008

1. EcoMotors, 1055 West Square Lake – Request for Industrial Development District (IDD)
2. EcoMotors, 1055 West Square Lake – Issuance of an Industrial Facilities Exemption Certificate (IFEC)

SCHEDULED CITY COUNCIL MEETINGS:

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



TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
DATE: June 25, 2008
SUBJECT: Amendment to Chapter 29 of Troy City Code

Chapter 29 of the City Code establishes provisions to regulate and control the cemeteries that are maintained by the City of Troy. Included among the provisions are regulations for the purchase and transfer of burial spaces. Currently Chapter 29 only allows residents or property owners of the City of Troy to purchase burial spaces. Additionally, the ordinance currently restricts the transfer of ownership of burial spaces to members of the owner's immediate family. The current ordinance also restricts interments to members of the immediate family of the record owner of a burial space. Recently, an owner of a burial space made a request to transfer ownership to a "common law" wife of several years. The transfer would not be allowed under the current ordinance.

The attached proposed amendment to Chapter 29 would remove current restrictions and allow any person to purchase a burial space in a city cemetery. It would also allow an owner to transfer a burial space to any other person. Additionally, the proposed amendment would let the owner of a burial space determine who will be interred in the space and removes the current restriction limiting interment to family members. The proposed amendment also corrects some typographical errors and makes a few grammatical changes.

It is our recommendation that City Council adopt the proposed amendment to Chapter 29. Please let us know if you have any questions.

cc. Tonni Bartholomew, City Clerk
Carol Anderson, Parks and Recreation Director

CITY OF TROY
AN ORDINANCE TO
AMEND CHAPTER 29 OF
THE CODE OF THE CITY
OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 29, Cemetery Ordinance, of the Code of the City of Troy.

Section 2. Amendment

Sections 2, 6, 7, 8, 12B, 12D, and 14B of Chapter 29 are amended as follows:

(Underlining and strikeout denote changes)

2. Control of Cemeteries. The Director of Parks and Recreation, subject to the direction of the City Manager, shall manage, supervise, maintain and improve city cemeteries. ~~He~~The Director shall plat cemetery grounds and after these plats have been approved by the City Council they will be filed in the office of the City Clerk.
6. Purchase of Burial Spaces. ~~The sale of burial spaces shall be limited to residents or property owners of the City of Troy.~~ Any ~~such~~ person desiring to purchase a burial space in any city cemetery shall make application to the City Clerk and pay the required amount to the City Treasurer for the space selected. Upon the purchase of any such burial space, the City Clerk shall prepare and deliver to the purchaser a duly executed deed for said burial space. Such deed shall convey to the purchaser the right of interment only and shall be held subject to the provisions of this code, existing rules and regulations and such ordinances, rules and regulations as may hereafter be adopted by the City of Troy.
7. Lot Records. The City Clerk shall keep proper records in which the deeds to all such burial spaces shall be recorded. In connection with all such records, the City Clerk shall also keep a general index indicating alphabetically the name of the party or parties to every such burial space. ~~The transfer of ownership or burial spaces shall be restricted to members of the immediate family.~~ Any person desiring to transfer his or her burial space to another party shall make application with the City Clerk. No person shall be recognized as owner or part owner of a burial space until such ownership is recorded with the City Clerk. The City may buy back a burial space from any owner of record. The amount paid for a burial space by the city will be the original purchase price.
8. Owner Burial Rights. The owner of any burial space shall allow no

interments for remuneration. All interments in burial spaces shall be ~~restricted to members of the family and the immediate relatives of the owner~~determined by the owner of record.

12. Funeral and Interments.

A. *(unchanged)*

B. Funerals. - All funerals within the cemeteries shall be under the direction of the Director of Parks and Recreation or his or her authorized representative. The City ~~reserved~~reserves the right to remove funeral designs and floral pieces as soon as they become unsightly.

C. *(unchanged)*

D. General Interment Restrictions. - Only one adult interment in any one grave shall be permitted, except that cremated remains may be buried above another grave. The Director of Parks and Recreation and his or her authorized representatives shall not be held responsible for errors in location of graves on lots arising from improper instructions of lot owners. Orders from funeral directors shall be construed as orders from owners. Under no circumstances shall the City assume responsibility for error in opening graves. No graves shall be opened except under the direction of the Director of Parks and Recreation or his or her authorized representative.

14. Markers.

A. *(unchanged)*

B. Flush Markers – In sections designated as flush marker sections, all markers shall be set so that the top is flush or level with the ground. No memorials other than grave markers may be set on any section so designated. The exposed surface of all single flush markers shall be of standard size, 24 inches in length and 12 inches in width. Double flush markers shall be 12 inches in width and not less than 40 inches in length. Flush type markers issued by the United States Government must be set flush evenn if used in a section where upright markers are permitted.

C. *(unchanged)*

D. *(unchanged)*

E. *(unchanged)*

F. *(unchanged)*

Section 3. Savings

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

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

Section 4. Severability Clause

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

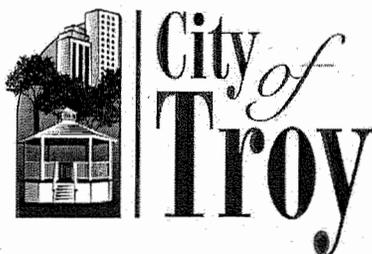
Section 5. Effective Date

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

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

Louise Schilling, Mayor

Tonni Bartholomew, City Clerk



CITY COUNCIL ACTION REPORT

June 30, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Asst. City Manager/Economic Development Services
Mark Stimac, Director of Building and Zoning
Steven J. Vandette, City Engineer *[Signature]*

SUBJECT: Amendment to Chapter 34, Sidewalks and Driveway Approaches

Background:

- SBA Communications is proposing a new communications tower within the I-75 right of way across Square Lake from Firefighter's Park.
- The Michigan Department of Transportation (MDOT) has approved the tower within their right of way but will not allow access from I-75.
- SBA has applied for an approach permit to construct a driveway approach from the tower site to Square Lake Road, which abuts the site.
- A "Driveway Approach" is defined in City Ordinance Chapter 34, Sidewalks and Driveway Approaches, as the improved portion of the street right of way designed to provide for vehicular travel from private property to a public roadway.
- Ordinance Chapter 34 does not have regulations which permit an approach from right of way to right of way, as is the case for the tower approach from the Square Lake Road right of way to the MDOT right of way.
- Since the MDOT right of way is not private property, the proposed approach did not meet the definition of a driveway approach and the permit request from SBA was not processed.
- In order to process an approach permit for the SBA tower site, a revision to the definition that changes "private property" to "abutting property" is needed.
- Since the Development Standards provides the basis for design of sidewalk and driveway approaches and includes the Standard Specifications, a revision to 34.04 is a proposed housekeeping change to reflect that fact.
- The fees for sidewalk and approach permits should be moved to Chapter 60. A separate agenda item makes changes to Chapter 60 to accomplish that move.

Financial Considerations:

There are no financial considerations.

Legal Considerations:

There are no legal considerations.

Policy Considerations:

- Consistent with Goal #3 of the City of Troy Goals & Objectives policy (Maintain Relevance of Public Infrastructure to Meet Changing Public Needs).

Options:

- The Council can approve or disapprove the suggested resolution.
- The Council can amend the suggested resolution.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 34 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 34 of the Code of the City of Troy.

Section 2. Amendment

34.01 Definitions

When used in this Chapter, the words defined in this Section shall have the following meanings:

~~(a)~~ "Sidewalk" shall mean the improved portion of the street right-of-way designed for pedestrian travel.

~~(a)(b)~~ "Development Standards" shall mean the basis for design of public and private improvements as established by the Engineer. These Development Standards incorporate the City of Troy Standard Details and Specifications for construction as established by the Engineer.

~~(b)(c)~~ "Director of Building and Zoning" means the City of Troy Director of Building and Zoning, or his/her designee.

~~(e)(d)~~ "Driveway Approach" shall mean the improved portion of the street right-of-way designed to provide for vehicular travel from abutting property ~~private property~~ to a public roadway.

~~(d)(e)~~ "Director" shall mean the Public Works Director of the City, or his/her designee.

~~(e)(f)~~ "Engineer" shall mean the City Engineer or his/her designee.

~~(f)(g)~~ "Superintendent" shall mean the Public Works Superintendent of Streets and Drains for the City of Troy.

(Rev. 06-17-02)

34.02 Permits

34.02.01 No person shall construct, rebuild or repair any sidewalk or driveway approach

without first obtaining a sidewalk and approach permit from the Director of Building and Zoning, except that sidewalk or driveway approach repairs of less than fifty (50) square feet of sidewalk or driveway approach may be made without a permit.

34.02.02 The sidewalk and approach permit shall be prominently displayed on the construction site.

34.02.03 The fee for the sidewalk and approach permit shall be specified in Chapter 60 of the Code, set by City Council resolution, which shall be incorporated by reference.

34.02.04 No sidewalk or driveway approach shall be poured until the site has been inspected and approved by the Director or his designee.

34.02.05 Each time a proposed sidewalk or driveway approach construction is inspected and rejected by the City, a re-inspection fee ~~of twenty dollars (\$20.00)~~ shall be paid prior to re-inspection. The re-inspection fee shall be specified in Chapter 60 of the Code.

34.02.06 In the event that a sidewalk or driveway approach is poured without a required permit, and/or without the required inspection or without a re-inspection, the sidewalk or driveway approach must be removed and replaced at the expense of the owner.

A. As an alternative to removal and replacement, if all visible portions of the sidewalk or driveway approach meet the sidewalk and approach specifications, the contractor may elect to prove that the concrete meets the thickness and strength requirements of the specifications by having cores taken from the sidewalk or driveway approach and having them measured and tested by an approved independent testing laboratory.

B. As a second alternative to removal and replacement, if all visible portions of the sidewalk or driveway approach meet the City's specifications, the contractor may elect to deposit a two (2) year cash bond with the City to cover the cost, as estimated by the Director, for the removal and replacement of the entire sidewalk or driveway in the event that deficiencies develop within a two (2) year time period.

(Rev. 06-17-02)

34.03 Line and Grade Stakes

The Contractor or Property Owner shall furnish line and grade stakes as may be necessary to construct the sidewalk or driveway approach as approved by the City. This shall include establishment of the property line, adjacent to the sidewalk or driveway approach to be constructed. This may require the contractor to either locate existing lot corner irons and monuments; or have a licensed land surveyor establish new lot corner irons and monuments. All lot corner irons and monuments shall bear the license number of the surveyor that performed the work.

(Rev. 06-17-02)

34.04 Sidewalk and Driveway Approach Specifications

All sidewalk or driveway approach construction, rebuild, and/or repair shall conform to the ~~"Development Standards Standard Specifications for Sidewalks and Driveway Approaches"~~ as established by the ~~Engineer~~Director.

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

_____.

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk



CITY COUNCIL ACTION REPORT

DATE: June 30, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Revisions to Chapter 60 of the Troy City Code
to add fees for Sidewalk and Approach Permits

Background:

- Previously fees for Sidewalk and Approach Permits have been set by Resolution of City Council
- City Management has tried to locate all of the fees within the same Chapter of the City Code so that they are easier for users to find.

Financial Considerations:

- There is no change in the fee schedule, just relocation to Chapter 60.

Legal Considerations:

- There are no legal considerations.

Policy Considerations:

- Effectively and professionally communicate internally and externally (Goal 4)

Options:

- City Council can approve the resolution to insert the fees into chapter 60.
- City Council can deny the revision and the fees will continue to be established by previous resolution.

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

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 60 of the Code of the City of Troy.

Section 2. Amendment

Revise Section 60.03 of Chapter 60 of the Troy City Code to add the following items

ITEM/SERVICE:	FEE:
Sidewalk and Approach Permits (Chapter 34)	
Minimum Permit Fee	\$35.00
Each additional 50 square feet above 500 square feet	\$1.00
Re-Inspection Fee	\$20.00

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

Louise E. Shilling, Mayor

Tonni Bartholomew, City Clerk



CITY COUNCIL ACTION REPORT

DATE: July 1, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Chapter 61 – Transient Merchants Ordinance – Proposed Revisions to include Mobile Windshield Repair and Similar Service Businesses

Background:

- Presently, mobile windshield repair and similar outdoor transient service businesses are not permitted in the City of Troy.
- At the June 16, 2008 Regular meeting, City Council directed City Management to investigate the possibility of expanding Chapter 61 – Transient Merchants or a similar means to include a mobile windshield repair and similar service businesses.
- City Management prepared a proposed outline for an amended Chapter 61 – Transient Merchants, to include Temporary Service Business Licenses. This would permit mobile windshield repair businesses and similar uses in the City of Troy.
- City Management seeks conceptual approval of the proposed revisions to Chapter 61 – Transient Merchants.

Financial Considerations:

- The City would collect a fee with Transient Merchant and Temporary Service Business applications.
- Unlike permanent businesses operating in the City with which they compete, transient and temporary businesses would not be required to pay property taxes unless they are operating on December 31st.

Legal Considerations:

- City Council has the authority to adopt amendments to Chapter 61 – Transient Merchants Ordinance.

Policy Considerations:

- Mobile windshield repair does not further any City of Troy Goals and Objectives.

Options:

- City Council can approve, deny or modify the proposed Chapter 61 amendments.

Attachments:

1. Chapter 61 – Outline of Proposed Revisions.
2. City Council resolution from the June 16, 2008 Regular meeting.

Prepared by RBS/MFM

G:\Chapter 61 CC Memo 07 07 08.doc

CHAPTER 61 – TRANSIENT MERCHANT ORDINANCE OUTLINE OF PROPOSED REVISIONS

Existing Transient Merchant Ordinance to be updated and expanded to include Temporary Service Business Licenses. Proposed format of revised ordinance as follows:

1. Definitions

The following terms to be defined, and other terms as deemed necessary:

- “Service”
- “Temporary Service Business”
- “Transient Merchant”

2. License Required

Describes licensing requirements.

3. Application for Transient Service or Temporary Service Business License

Describes where the application is available, information required on the application, and who reviews/approves the application.

4. Licensing

Lists appropriate code provisions applying to licensing procedures.

5. License Fees

License fees to be established by City Council.

6. Investigation

- Criminal background check required.
- Document previous history with licenses in Troy.

7. Sketch plan required

Required information on sketch plan to be listed.

8. Standards for Approval

- Use consistent with uses permitted in underlying zoning district.
- Length of approval.
- Hours of operation.
- No overnight operations.
- Location and size of signage.
- Site design to ensure public health, safety and welfare.
- Appropriate insurance provided.
- Permission to be on property.

9. Display of License

License must be prominently displayed at all times.

10. Revocation and Suspension of License

Revocation/suspension if license requirements not adhered to.

11. Violations and Penalties

Penalties to be specified in ordinance.

E-10 Mobile Windshield Repair**Vote on Resolution to Take No Action**

Resolution #2008-06-192

Moved by Kerwin

Seconded by Schilling

WHEREAS, The City Council received a proposal for preparing a procedure to permit mobile windshield repair;

WHEREAS, The City Council referred the item to the Planning Commission for evaluation; and

WHEREAS, The Planning Commission recommended that City Council take no action on this item;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby takes **NO ACTION** on this item.

Yes: Kerwin, Schilling, Fleming

No: Beltramini, Eisenbacher, Howrylak

Absent: Broomfield

MOTION FAILED**Vote on Resolution to Develop Licensing Procedure**

Resolution #2008-06-193

Moved by Beltramini

Seconded by Eisenbacher

WHEREAS, The City Council received a proposal for preparing a procedure to permit mobile windshield repair;

WHEREAS, The City Council referred the item to the Planning Commission for evaluation; and

WHEREAS, The Planning Commission recommended that City Council take no action on this item;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DIRECTS** City Management to investigate the possibility of expanding Chapter 61 - Transient Merchant or a similar means to include a mobile service vehicle.

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

No: None

Absent: Broomfield

MOTION CARRIED



TO: Mayor and Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Allan T. Motzny, Assistant City Attorney
DATE: June 26, 2008
SUBJECT: Amendment to Chapter 100 of Troy City Code

Chapter 100 of the City of Troy Ordinances sets forth our municipal civil infraction procedure. Due to changes in state law, we propose some minor changes to Chapter 100. Specifically, MCL 600.8701 was amended to eliminate the requirement that at least \$9.00 be assessed against an individual who commits a municipal civil infraction. The elimination of this minimum assessment is proposed for Section 100.11.03. In addition, under the revised state law, there is now a requirement to impose an additional \$10.00 justice system assessment, which is payable to the State of Michigan in the Justice System Fund. The proposed addition of Section 100.11.03A would require the imposition of this mandatory obligation.

Enclosed please find proposed amendments to Chapter 100. In addition to the changes that are consistent with state law modifications, we have also incorporated a change that corrects a previous typographic error in Section 100.03.07 of Chapter 100.

We recommend adoption of the proposed amendments. Please let us know if you have any questions concerning this matter.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 100 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 100 of the Code of the City of Troy.

(Underlining and strikeout denotes changes)

Section 2. Amendment

Section 100.03.07 of Chapter 100 of the Code of the City of Troy is amended as follows:

- 100.03.07 The citation shall also inform the defendant of all of the following:
- (a) If the defendant desires to deny responsibility or admit responsibility “with explanation”, the defendant must apply to the court in person, by mail, by telephone, or by representation within the time specified for appearance and obtain a scheduled date and time for an appearance.
 - (b) A hearing will be scheduled as an informal hearing unless either the ~~defenant~~defendant or the authorized city official specifically requests a formal hearing.
 - (c) At an informal hearing the defendant must appear in person before a District Court Judge or Magistrate, without the opportunity of being represented by an attorney.
 - (d) At a formal hearing the defendant must appear in person before a District Court Judge with the opportunity of being represented by an attorney.

Section 100.11.03 of Chapter 100 of the Code of the City of Troy is amended as follows:

100.11.03 If a defendant is ordered to pay a civil fine under section 100.11.02, the Judge or District Court Magistrate shall summarily tax and determine the costs of the action, which is defined as all expenses that plaintiff has incurred directly or indirectly in pursuing the municipal civil infraction to the entry of judgment. Costs of not ~~less than \$9.00 or~~ more than \$500 shall be ordered. Except as otherwise provided by law, costs shall be payable to the general fund of plaintiff.

Section 100.11.03A is added to read as follows:

100.11.03A In addition to any fine or cost ordered to be paid under sections 100.11.02 and 100.11.03, the Judge or District Court Magistrate shall order the defendant to pay a justice system assessment of \$10.00. Upon payment of the assessment, the clerk of the court shall transmit the assessment collected to the State Treasurer for deposit in the Justice System Fund created in MCL 600.181.

Section 3. Savings

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

Section 4. Severability Clause

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

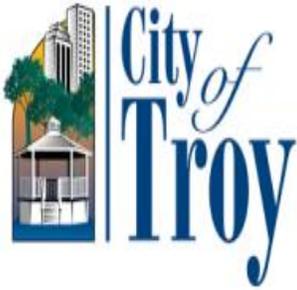
Section 5. Effective Date

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

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

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm , City Attorney
Christopher J. Forsyth, Assistant City Attorney
DATE: June 26, 2008
SUBJECT: Chapter 106; Registration Certificate Signature.

In order to be consistent with a change in state law, we are requesting an amendment to Chapter 106, Troy's traffic ordinance. Specifically, we are requesting the deletion of section 5.70 (1), which currently requires all owners of vehicles to sign each vehicle registration. The vehicle registrations are then required to be carried in the vehicle at all times.

Due to concerns about identity theft, the state legislature has amended MCL 257.223, and has deleted the requirement to sign vehicle registrations. According to the legislative analysis, technology has advanced to allow police officers to verify vehicle ownership electronically. The Michigan legislature eliminated the requirement of a signed registration, which could be used with the other personal information contained on the vehicle registration certificate to perpetrate identity fraud. Since vehicles are even more vulnerable to theft, the elimination of one identifier is designed to reduce the potential for identity fraud, which could lead to property loss, inconvenience, and negative credit ratings.

A proposed amendment and resolution are attached for your review. If you have questions or concerns, please let us know.

CITY OF TROY
AN ORDINANCE TO AMEND
CHAPTER 106 OF THE CODE
OF THE CITY OF TROY

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as an amendment to Chapter 106 of the Code of the City of Troy.

Section 2. Amendment

5.70. Registration certificate; ~~signature required~~; possession; display; violation as civil infraction.

~~(1) Upon receipt of a registration certificate the owner shall write his or her signature thereon in ink in the space provided. A person who violates this section is responsible for a civil infraction.~~

(2) The certificate of registration shall at all times be carried in the vehicle to which it refers or shall be carried by the person driving or in control of such vehicle who shall display the same upon demand of a police officer. A person who violates this section is responsible for a civil infraction.

Section 3. Savings

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

Section 4. Severability Clause

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

Section 5. Effective Date

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

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

_____.

Louise E. Schilling, Mayor

Tonni Bartholomew, City Clerk



CITY COUNCIL ACTION REPORT

DATE: June 26, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Approval of Distribution of Draft City of Troy 2008 Master Plan

Background:

- The draft City of Troy 2008 Master Plan was considered by City Council at the April 21, 2008 Regular meeting. City Council postponed the item one week to provide City Council an opportunity to submit written concerns to management for submittal to the Planning Commission.
- Written concerns were provided to City Management from City Council members.
- At the April 28, 2008 Regular meeting, City Council referred the item to the Planning Commission to review and consider comments and recommendations submitted by Council members.
- A revised draft Master Plan was prepared to address these concerns and presented to the Planning Commission.
- At the June 3, 2008 Special/Study meeting, the Planning Commission recommended that the City Council authorize distribution of the draft City of Troy 2008 Master Plan, as per the requirements of the Municipal Planning Act, PA 285 of 1931, as amended.
- At the June 16, 2008 Regular meeting, City Council referred the item to the Planning Commission to consider designating the 25 acres located on the northeast corner of Wattles and Crooks from its Neighborhood Node designation to the Public and Quasi Public designation as requested by White Chapel.
- The Planning Commission considered the item at the June 24, 2008 Special/Study meeting and recommended approval of the attached version of the draft Master Plan, which specifically permits expansion of the cemetery into the northeast quadrant of the node.

Financial Considerations:

- There are no financial considerations associated with this item.

Legal Considerations:

- The Municipal Planning Act, PA 285 of 1931, requires the following: “After preparing a proposed plan, the municipal planning commission shall submit the proposed plan to the legislative body of the municipality for review and comment. The process of adopting a plan shall not proceed further unless the legislative body of the municipality approves the distribution of the proposed plan”.

Policy Considerations:

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

Options:

- City Council may approve the distribution of the draft City of Troy 2008 Master Plan. If approved, the Planning Commission shall submit the plan to all adjacent communities, Oakland County and the Southeast Michigan Council of Governments (SEMCOG) for review and comment. The review period is 63 days.
- City Council may reject the draft City of Troy 2008 Master Plan. If rejected, the City Council shall submit to the Planning Commission a statement of its objections to the plan. The Planning Commission shall consider the objections and revise the plan so as to address those objections.

Attachments:

1. June 16, 2006 City Council minutes (draft).
2. Memorandum prepared by Carlisle/Wortman Associates, Inc., dated June 25, 2008.
3. June 24, 2008 Planning Commission minutes (draft).
4. Draft City of Troy 2008 Master Plan.

cc: Richard Carlisle, Carlisle/Wortman Associates, Inc.

Prepared by RBS/MFM

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E-11 Proposed Resolution to Approve Distribution of Draft City of Troy 2008 Master Plan**Proposed Resolution to Refer the City of Troy 2008 Master Plan to the Planning Commission**

Resolution
Moved by Fleming
Seconded by Howrylak

RESOLVED, That the Troy City Council hereby **REFERS** the 2008 Master Plan back to the Planning Commission to designate the 25 acres located on the northeast corner of Wattles and Crooks from its Neighborhood Node designation to the Public and Quasi-Public designation as requested by White Chapel, owner of the property.

Vote on Resolution to Amend Proposed Resolution to Refer the City of Troy 2008 Master Plan to the Planning Commission

Resolution #2008-06-194
Moved by Fleming
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **AMENDS** the resolution to *Approve Distribution of Draft City of Troy 2008 Master Plan* by **STRIKING** "designate" and **INSERTING** "consider designating".

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

MOTION CARRIED**Vote on Resolution to Refer the City of Troy 2008 Master Plan to the Planning Commission as Amended**

Resolution #2008-06-195
Moved by Fleming
Seconded by Howrylak

RESOLVED, That the Troy City Council hereby **REFERS** the 2008 Master Plan back to the Planning Commission to consider designating the 25 acres located on the northeast corner of Wattles and Crooks from its Neighborhood Node designation to the Public and Quasi-Public designation as requested by White Chapel, owner of the property.

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

MOTION CARRIED



CARLISLE/WORTMAN ASSOCIATES, INC.
Community Planners /Landscape Architects

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Ann Arbor, MI 48104
734-662-2200
fax 734-662-1935

6401 Citation Drive, Suite E
Clarkston, MI 48346
248-625-8480
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MEMORANDUM

TO: Phillip L. Nelson, City Manager
FROM: Richard Carlisle, PCP, AICP
DATE: June 25, 2008
RE: June 25, 2008 Master Plan Draft

Mr. Nelson:

We are pleased to present the City of Troy with a revised draft of the Troy Master Plan. This draft addresses a specific remaining concern discussed by the members of the City Council regarding the northeast corner of the intersection of Wattles and Crooks Roads.

This revised draft includes new language on page 95 that was agreed on by representatives of White Chapel Cemetery, a homeowner living in a home at the northeast corner of the intersection, and the members of the Planning Commission at the meeting of June 24, 2008. That language is located in the description of Neighborhood Node "I" (Wattles and Crooks) at the bottom of page 95. It consists of a new sentence which reads:

"The City also recognizes that expansion of the White Chapel Cemetery into the northeast corner of this node would be appropriate."

The Planning Commission passed a resolution recommending that the City Council authorize distribution of the June 10, 2008 draft with the page 95 text revisions (and other minor grammar and non-substantive amendments, which included a correction of a misspelling and a small formatting change on Page 94). *The product of the Planning Commission's resolution is this revised draft, dated June 25, 2008.*

All other elements of this June 25 draft are the same as they were in the June 10 draft. Please refer to our June 10, 2008 transmittal memo for a detailed description of the changes that have already been made to address the concerns raised by the City Council in May. The representatives of the White Chapel Cemetery agreed that the proposed Neighborhood Node at the Wattles and Crooks Road intersection is appropriate on all four corners as long as the Planning Commission include the new language on page 95 as noted above, which it subsequently did.

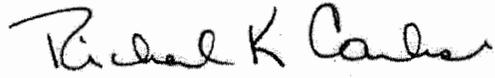
Please let us know if you have any additional questions, comments or concerns.

Carlisle/Wortman Associates, Inc.

7/25/08

Page 2 of 2

Carlisle/Wortman Associates, Inc.

A handwritten signature in black ink that reads "Richard K. Carlisle". The signature is written in a cursive style with a large, prominent "R" and "C".

Richard Carlisle, PCP, AICP
President

RC:ZB

STUDY ITEMS

7. DRAFT CITY OF TROY MASTER PLAN

Mr. Miller introduced the item.

Mr. Branigan summarized the draft Master Plan, including a description of the conceptual nature of the Future Land Use Plan as described on page 88 of the Master Plan.

Chair Schultz opened the floor for questions.

Dennis Cowan, 38505 Woodward Avenue, Suite 2000, Birmingham, attorney for White Chapel Cemetery, addressed the Planning Commission. Mr. Cowan stated that he and his clients have reviewed the proposed revision which provides for cemetery uses within the Neighborhood Node located at the intersection of Crooks and Wattles. He stated it is a great compromise. He assumed that the Planning Commission would act in good faith when updating the Zoning Ordinance in the future, so that the Zoning Map would be consistent with the Master Plan.

Mr. Hutson stated the proposed revision was a very good compromise.

Deanna Ball, 926 West Wattles, asked what the impacts would be on her residential property if it were to be located within the Neighborhood Node.

Mr. Miller summarized the potential impacts.

Mr. Branigan summarized grammatical and non-substantive changes made to the Master Plan.

Resolution # 2008-06 (motion amended)

Moved by: Tagle

Seconded by: Strat

WHEREAS, The responsibility of cities and villages to adopt and update a master plan is outlined in the Municipal Planning Act, PA 285 of 1931, as amended; and

WHEREAS, The Planning Commission prepared the draft City of Troy 2008 Master Plan; and,

WHEREAS, The Planning Commission has determined that the draft City of Troy 2008 Master Plan represents the long-range vision of the City of Troy.

THEREFORE BE IT RESOLVED, The Planning Commission recommends that the City Council authorize distribution of the draft City of Troy 2008 Master Plan, "June 10 Draft for Distribution", as per the requirements of the Municipal Planning Act, PA 285 of 1931, as amended, with page 95 being revised as discussed and other minor grammar and non-substantive revisions as discussed.

Discussion on the motion on the floor.

Chair Schultz suggested adding a paragraph to the motion on the floor that White Chapel Cemetery representatives have reviewed the proposed text revision and agrees with the proposed text revision.

General discussion followed.

Resolution # PC-2008-06-079

Moved by: Tagle

Seconded by: Strat

RESOLVED, to add the following to the motion on the floor.

WHEREAS, The Planning Commission has discussed this issue at two previous meetings and White Chapel Cemetery representatives have reviewed the Master Plan revision and agreed to the revision.

Yes: All (6)

Absent: Sanzica, Vleck, Wright

MOTION CARRIED

Resolution# PC-2008-06-080 (as amended)

Moved by: Tagle

Seconded by: Strat

WHEREAS, The responsibility of cities and villages to adopt and update a master plan is outlined in the Municipal Planning Act, PA 285 of 1931, as amended; and

WHEREAS, The Planning Commission prepared the draft City of Troy 2008 Master Plan; and,

WHEREAS, The Planning Commission has determined that the draft City of Troy 2008 Master Plan represents the long-range vision of the City of Troy; and,

WHEREAS, The Planning Commission has discussed this issue at two previous meetings and the White Chapel Cemetery representatives have reviewed the Master Plan revision and agreed to the revision.

THEREFORE BE IT RESOLVED, The Planning Commission recommends that the City Council authorize distribution of the draft City of Troy 2008 Master Plan, "June 10 Draft for Distribution", as per the requirements of the Municipal Planning Act, PA 285 of 1931, as amended, with page 95 being revised as discussed and other minor grammar and non-substantive revisions as discussed.

Yes: All (6)

Absent: Sanzica, Vleck, Wright

MOTION CARRIED

June 25, 2008 DRAFT for Distribution



City of
Troy

2008

**MASTER
PLAN**

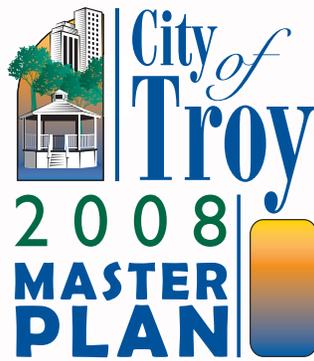




City
Troy

2008
**MASTER
PLAN**





Mayor

Louise E. Schilling

City Council

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

Planning Commission

Chair

Robert Schultz

Members

Michael Hutson
Lawrence Littman
Thomas Strat, AIA
John Tagle, AIA
Kathleen Troshynski
Mark Vleck
Wayne Wright

Student Representatives

Joel Cortright
Jonathan Shin

City Manager

Phil Nelson

**Assistant City Manager/Economic
Development Services**

Brian Murphy

**Assistant City Manager/Financial
Administration**

John Lamerato

Planning Department

Mark Miller, AICP, PCP, Planning Director
Brent Savidant, AICP, PCP, Principal Planner
Ronald Figlan, Planner
Paula Preston Bratto, RLA, Planner
Kathy Czarnecki, Secretary

Information Technology Department

Gert Paraskevin, I.T. Director
Alex Bellak, GIS Administrator

City Planning Consultant

Carlisle/Wortman Associates
Ann Arbor and Clarkston, Michigan

Photographer

All Troy photos, unless otherwise credited,
were provided by Acacia Photography of Troy,
Michigan

This Plan was adopted
by the City of Troy on **MONTH DATE**, 2008

Insert Adoption Resolution Information Here

CONTENTS

Introduction	1
What is this Master Plan’s true function?	1
The Creation and Care of the Master Plan	2
Master Plan Leadership	2
Studies Relating to the Master Plan	2
Organization of the Plan	3
How will the Plan be used?	6
Community Participation	7
Troy’s Context: From Local to Global	9
A Global Market	10
The International Population	10
Empowering International Investors	10
Troy in the Regional Economy	11
Leadership	12
Transportation	12
Sustainable Development	13
A Place to Learn and Play: The Quality of Life in Troy	17
A Philosophy of Learning	17
The Integral Role of Educational and Cultural Institutions	19
School Location	19
A City of Villages	20
Cultural Spaces	21
Trails and Pathways	22
Quality of Life, the Knowledge Economy, and the Creative Class	23
Parks and Recreation	24
Cultural Amenities	26
Public Art	26
A Place of Prosperity: The Economy of Troy	29
Sustainable Business	29
The Changing Economic Environment	32
Retail and Services	32
B2B and B2C	33
Office and Information Technology	33
Research and Research Technology	35
The Land Use Balance	37
Mixed-Use and Tax Base	37
Troy as a Hub for the Regional Economy	38
The DDA as a Center for the Regional Hub	38

The City in Motion: Local and Regional Mobility	41
Troy's Existing Transportation Infrastructure	41
Existing Conditions: Roadways	41
Streets and Roads	41
Roadway Improvement Program	42
FAST-TRAC	42
Traffic Committee	43
Neighborhood Traffic Harmonization Program	43
Existing Conditions: Highway Access	43
Existing Conditions: Air Travel	43
Existing Conditions: Transit	44
The Future of Mobility in Troy	44
Thoroughfare Plan	44
Access Management	44
Non-Motorized Transportation Plans	46
The Transit Center and Transit-Oriented Development	47
Virtual Pathways	49
Impacts of Telecommuting	50
Infrastructure: The Assets and Care of the City	55
Investment	56
Coordination	56
Regional Smart Growth Development Patterns and Infrastructure Improvements	57
Coordination Between Land Use Planning & Capital Improvements	57
Innovation	58
Low Impact Development	58
Water Quality	60
Green City: Responsibility to Natural & Energy Resources	63
Preservation and Enhancement of Existing Natural Features	63
Development and Natural Feature Preservation	64
Urban Redevelopment	65
Brownfield Redevelopment Authority	66
Redevelopment Incentives	67
Transportation	67
Green Building	68
Urban Form and Neighborhood Design	70
Community Energy Planning	71
City Demonstration Projects	72
Hands-On Projects	72
Maintenance of Parks and Recreation Facilities	72
Planting Trees	73
Waste Reduction	74
Adaptive Reuse	74

People: The Changing Face of Housing Demand 77

Population and Households: Who are we and who are we becoming?	77
Housing Options in Troy	80
Housing an Aging Population	80
Housing for the Knowledge Economy	81
Live-Work Units	82
Lofts and Urban Housing Options	83
Housing for First Time Homebuyers	83

Land Patterns: City Design and Image 87

Land Use and City Design	87
Future Land Use Map	89
Neighborhoods Map	90
Single Family Residential	91
Neighborhood Nodes	93
Economic Nodes Map	97
High Density Residential	99
Big Beaver Road	101
Rochester Road	103
Maple Road	105
South John R Road	107
Northfield	109
Smart Zone	111
Automall	113
Transit Center	115
21st Century Industry	117
Recreation and Open Space	119
Public and Quasi-Public	119

Implementation 121

Regulation	121
Zoning	121
Zoning Districts	121
Overlay or Special Districts	122
Planned Unit Development	123
Conditional Rezoning	123
Spending	123
Capital Improvements	123
Corridor Improvement Authorities:	124
Downtown Development Authority	126
Brownfield Redevelopment Authority	126
Further Planning and Study	126
Site and Architectural Pattern Books	126
Green Building Manual	128
Development Standards	128
Subarea Plans	128
Updates and Plan Maintenance	129
Promotion of the Plan	130

Index of Key Concepts	133
Key Concepts	133
Appendix 1.1	135
Current Land Use Conditions	135
Existing Land Use Map	136
Residential Uses	135
Low Density Residential	137
Medium Density Residential	137
High Density Residential	137
Manufactured Housing Community	137
Commercial and Office Uses	137
General Office	138
High Intensity Office	138
Local Commercial	138
Center Commercial	138
Regional Commercial	138
Automobile Dealership	138
Planned Unit Developments	138
Industrial Uses	138
Research and Technology	138
Industrial	139
Public Uses	139
Public/Quasi-Public	139
Recreation / Open Space / Water	139
Utility / Retention Basin / Airport	140
Rights of Way / Private Roadway	140
Appendix 1.2	141
SGRAT Results summary	141
Appendix 1.3	151
Planning and Zoning Concepts for a Sustainable Future	151
Appendix 1.4	163
Demographics	163
Appendix 1.5	169
Airport Approach Plan	169

Introduction

Introduction

Fueled by necessity and inspired by a changing population, economy and region, the City of Troy has determined that the development of a new Troy Master Plan is critical to help the community cope with the realities of the 21st century in Michigan. The Master Plan is the official policy guide for the resolution of community development issues, and is relied upon to illustrate the desires of the City with regard to future growth and development. Given that the previous Master Plan was originally adopted in 1968, with approximately 20 updates since that time, a large measure of effort became necessary to develop a new, original Master Plan designed around the modern City of Troy.

The City derives its authority for the preparation of a Master Plan from the Municipal Planning Act, P.A. 285 of 1931. Section 6 states, in part:

“The commission shall make and adopt a master plan for the physical development of the municipality, including any areas outside of its boundaries, which, in the commission’s judgment, bear relation to the planning of the municipality. The plan, with the accompanying maps, plats, charts, and descriptive matter shall show the commission’s recommendations for the development of the territory, including, among other things, the general location, character, and extent of streets, viaducts, subways.”

To respond to the changes that have taken place in Troy since the development of the previous Master Plan, the goals and policies contained within this document have been carefully prepared to respond to new conditions and projected trends to make **Troy an attractive place to live and work. Community planning is the process which involves a willful effort to draw from a variety of sources to develop those new goals and policies.**

What is this Master Plan’s true function?

The Plan serves many functions and is to be used in a variety of ways including, but not limited to, the following:

- **The Master Plan is a general statement of the City’s goals and policies** and provides a single, comprehensive view of the community’s desire for the future.
- **The Master Plan serves as an aid in daily decision-making.** The goals and policies outlined in the Master Plan guide the Planning Commission and City Council in their deliberations on zoning, subdivisions, capital improvements, and other matters relating to land use and development. This provides a stable, long-term basis for decision-making.
- **The Master Plan attempts to coordinate public improvements and private development.** For example, public investments such as road improvements should be located in areas identified in the Master Plan as having the greatest benefit to the City and its residents.

- **The Master Plan serves as an educational tool** and gives citizens, property owners, developers, and adjacent communities a clear indication of the City's direction for the future.
- **The Master Plan provides the statutory foundation upon which zoning decisions are based.** The Michigan Zoning Enabling Act (P.A. 110 of 2006, as amended) requires that the zoning ordinance be in accordance with a plan designed to meet the residents' need for natural resources, places of residence, recreation, industry, trade, service, and other uses, and to insure they are situated in appropriate locations.



The Creation and Care of the Master Plan

The Planning Commission of the City of Troy is the primary agency responsible for the preparation of the Troy Master Plan. Supported by City staff, consultants, and public involvement, it is the role of the Planning Commission to develop and adopt this Plan and encourage its implementation.

In a large, complex community such as Troy, however, the Planning Commission must broaden its planning process to go beyond

conventional land use planning and explore a variety of topic areas which play a role in the development, redevelopment and well-being of the community. This Plan was designed from the ground up to relate to a broad range of topics and build momentum for the future of Troy.

Master Plan Leadership

The Master Plan is a document that should and must be embraced by as large a representation of the leadership of the City of Troy as possible. While ultimately the responsibility of the Planning Commission, the Master Plan must inspire consistent decision making throughout the community to live up to its potential. The Plan serves as a basis for the fundamental responsibilities of the Planning Commission, such as review of development proposals and maintenance of the Zoning Ordinance, but also serves a larger purpose to inspire informed, innovative community development. In that spirit, it is also the responsibility of the Planning Commission to advocate for the Master Plan outside of its own reach, to ensure that it is implemented community-wide.

Studies Relating to the Master Plan

The concepts introduced in the Master Plan are drawn from many sources, including the previous Master Plan, other planning documents in the City, such as the Big Beaver Corridor Study, the goals of the City Council, and the Ten Tenets of Smart Growth, (see sidebar, next page) explored in depth during this Plan's development. **The Big Beaver Corridor Study shall be considered an integrated component of this Master Plan, and is also adopted as part of the Master Plan adoption process.**

The Ten Tenets of Smart Growth are those principles adopted by the Smart Growth Network to encourage the idea that growth can improve conditions. These Tenets are:

- 1. Create a range of housing opportunities and choices.*
- 2. Create walkable communities.*
- 3. Encourage community and stakeholder collaboration in development decisions.*
- 4. Foster distinctive, attractive communities with a strong sense of place.*
- 5. Make development decisions predictable, fair, and cost-effective.*
- 6. Mix land uses.*
- 7. Preserve open space, farmland, natural beauty and critical environmental areas.*
- 8. Provide a variety of transportation options.*
- 9. Strengthen and direct development towards existing communities.*
- 10. Take advantage of compact building design.*

www.smartgrowth.org

The Plan was further inspired by the efforts of the Troy Futures Group; an organization of motivated “civic entrepreneurs” who collectively developed a document entitled “Vision 2020.” Troy Futures consisted of over 150 volunteers who served on seven separate task forces eager to work on important issues such as infrastructure, community image, lifestyles, learning, mobility, the role of Troy in the region, and economics. These areas of study, along with the Ten Tenets of Smart Growth, in part inspired the topic areas covered in this Master Plan.

Organization of the Plan

In order to bring together the wide variety of topic areas relating to community development beyond conventional land use planning, the Troy Master Plan represents a new generation of community planning document. The Plan is more strategic in nature and focuses on a series of subjects, such as transportation, urban design, or housing, and is designed to go beyond a simple basis for decision making. The Plan will also act as a vehicle for the development of new ideas in the City.

In many traditional community plans, the master plan is arranged around the process, and seeks to explain the steps taken to complete the Plan, rather than focus on the subject matter itself. While this conventional approach has worked in the past, it is far more useful to a smaller, less developed community for which land use allocation is still a primary concern. In a community such as Troy, where the City is nearly built out and in which the land use pattern is firmly established, new issues emerge. A more focused and strategic approach is necessary to fully appreciate the character, assets, and potential of the community.

In addition, many conventional master plans are simply impractical to use on a daily basis. A burdensome document with hundreds of pages

of background data and exhaustive analysis is difficult to navigate. While this Plan is supported by similar research and analysis, such supporting elements are collected in an appendix and are distributed throughout the document within the topic areas where they are most appropriate. Therefore, when the reader is investigating a topic such as transportation, the salient research and data necessary to substantiate the policies for that topic are found in the most relevant Chapter.

The Plan is also designed to be used as a series of stand-alone documents, where an individual interested in a topic can rely upon the applicable Chapter of the Plan to learn where the City stands and where it desires to go. In that spirit, the Plan has been arranged around the following topics:

Troy's Context: From Local to Global

This Chapter will analyze Troy's role in the regional development and economic landscape, as well as establish the City's ability to position itself as a gateway to global markets. This Chapter focuses on intergovernmental cooperation, as an important practice in the positioning of Troy as a regional leader. The Chapter will create "bookends" with the later "Image and Character" Chapter around the more specific Chapters which discuss recreation and learning, economy, mobility, infrastructure, housing, and natural resource protection.

Building on the concept of a more "global" Troy promoted by Troy Vision 2020, this Chapter will describe Troy's assets and attributes which could ultimately help accomplish ambitious regional goals. This Chapter will position Troy as a regional leader for transit, the development of world-class amenities, and regional responsibility to the environment and to civic infrastructure.

A Place to Learn and Play: the Quality of Life in Troy

A vibrant community must have a variety of elements. This Chapter will connect innovative development styles, economic and social diversity, and cultural, educational, and recreational amenities. The benefits and techniques of maintaining or upgrading current amenities and the creation or encouragement of new ones, both within and outside of Troy, will be explored. This Chapter will specifically emphasize the importance and role of recreation in the evolution of Troy as a global city.

A Place of Prosperity: The Economy of Troy

This Chapter will focus on the changing economic environment and how Troy may develop an optimal mix of land uses for a balanced tax base which also meets the service, employment, and retail needs of the City and the area beyond. Further, this Chapter will build consensus on the role Troy wishes to play in the regional and global economy.

The City in Motion: Local and Regional Mobility

This Chapter will analyze the existing transportation network, including public transit, non-motorized pathways, access to air travel, and roadways within the City of Troy and beyond. It will also explore the technological "virtual pathways" that are emerging for telecommuting and digital commerce, which could significantly impact the way people work and obtain goods and services.

Infrastructure: the Assets and Care of the City

In order to implement most of the measures that will ultimately be recommended by the Master Plan, upgrading and maintaining civil infrastructure must be considered. In that regard, this Chapter will contain the Master Plan's discussion of sewer, water, and stormwater infrastructure. It will describe some of the key needs or opportunities with regard to these utilities and discuss the City's ability to maintain them, while describing and recommending alternative methods of meeting the needs of the City.

Green City: Responsibility to Natural & Energy Resources

This Chapter will provide the City with a forum for establishing itself as a regional and national leader in the responsible treatment of natural resources and energy. The concept of sustainability will appear throughout the Chapter in many areas, from stormwater management to green building technology, to the preservation of natural features.

Specific techniques to preserve the quality of existing natural spaces and features related to development and redevelopment will be discussed. Formal programs such as Low Impact Development (LID) for watershed protection and Leadership in Energy and Environmental Design (LEED) for architecture and site design will be included.

Potential next steps beyond Master Planning will be outlined to provide additional guidance to the City in an effort to allow for the continued growth of green elements in the City while allowing for a balance of new construction and reconstruction.

People: The Changing Face of Housing Demand

This Chapter will analyze the changing nature of Troy's population and compare local trends to regional and national trends. Topics such as household size and age will be used to make recommendations to improve the utility of the City's housing stock to meet the changing demand for housing types of many varieties. The concepts of affordability and housing an aging population will be covered in detail.

Land Patterns: City Design and Image

The goals and objectives established in the previous Chapters of this Plan will be translated into land use policy within this Chapter. The Future Land Use Map will formalize the input, research, and conclusions of the Plan by establishing clear land use policy. While it is intended to be a fluid document, the Future Land Use Map establishes a continuous basis for land use decision-making through changes in the makeup of elected and appointed boards, and therefore encourages the implementation of the long-term goals and objectives adopted within the Master Plan.

This Chapter will also expand on the Future Land Use Map and discuss visual and design characteristics in the City of Troy. The physical differences which affect the daily function and success of developed areas, especially corridors, will be pointed out in order to more accurately focus on those areas which could benefit from change.

The Chapter will promote smart growth principles related to compact, mixed-use development, and will describe the benefits to Troy in this regard. This Chapter will center on a series of sub-area plans and will highlight the importance and utility of form-based codes.

Implementation

The “action plan” to help the City realize the goals of this Plan will be collected in the Implementation Chapter. A description of general tools and measures for Master Plan implementation will also be included.

How will the Plan be used?

Day to day

On a daily basis, the City Staff will refer to the Master Plan when conducting the regular business of the City. Whether discussing development options with a potential developer, working on drafting new Zoning Ordinance amendments, or making recommendations to the Planning Commission or City Council, the

Master Plan will inform and guide the policies of the City’s professionals. In addition, the Plan will serve as a reference for neighborhood groups, the local investment community, and for non-profit community development organizations.

Month to month

On a weekly or monthly basis, the elected and appointed officials of the City will refer to the Master Plan when making decisions about land use development proposals, and in the setting of City policies relating to community development. The improvement of infrastructure, development of regulations and ordinances, and budgeting of the City will all be influenced by the goals and policies established by this Master Plan.



The five common traits of civic entrepreneurs according to the authors of “Grassroots Leaders for a New Economy” are that they:

1. *See opportunity in the new economy*
2. *Possess an entrepreneurial personality*
3. *Provide collaborative leadership to connect the economy and the community*
4. *Are motivated by broad, enlightened, long term interests*
5. *Work in teams, playing complementary roles*

(Information from “Grassroots Leaders for a New Economy— How Civic Entrepreneurs are Building Prosperous Communities” Collaborative Economics, 1997 and “The civic entrepreneur— a new leadership model is taking root, but not here” Charleston Regional Business Journal 07/30/2001, http://www.charlestonbusiness.com/pub/4_16/news/1875-1.html)

Year to year

It is critical that the Master Plan be annually evaluated to ensure that it still represents the policy direction of the City. The City should audit its effort on a regular basis to reflect on the Plan and recognize the accomplishments it has made towards the execution of the goals and policies of the Plan. Revisions and updates to the Plan should be considered annually to make sure the Plan continues to enjoy widespread support.

Community Participation

The development of a community’s master plan must involve not only elected and appointed officials within that community, but also leaders within the community at large. The community participation measures taken throughout the process are essential in establishing public support for the policies within the document, and to ensure that the plan is indicative of the preferences of as broad a representation of the population as possible.

Therefore, during the planning process, the importance of “civic entrepreneurship,” such as that displayed by the Troy Vision 2020 group, becomes significant. These and other community leaders have brought their considerable knowledge and experience to the table to ask difficult questions about the future of the City, and to do their part to help the City evolve. The Planning Commission has called on groups such as Troy Vision 2020 to participate in the planning process, as well as other boards, commissions, and agencies throughout City government and beyond.

Civic Entrepreneurs

The phrase “Civic Entrepreneur” was coined in 1997 in the book “Grassroots Leaders for a New Economy—How Civic Entrepreneurs are Building Prosperous Communities” by Collaborative Economics. The main theme of civic entrepreneurship as stated by the authors is that an individual of influence, be it social, economic, political or some combination of these, chooses to volunteer their time and attention for a greater good at a large scale. Often associated with regional initiatives, civic entrepreneurs are known to use their connections and resources to lead opinions and bring visibility to large-scale initiatives.

Collaborative Economics state that civic entrepreneurs "...have the personality traits commonly associated with entrepreneurial business leaders. They are risk takers. They are not afraid of failure. They possess courage born of strong conviction. They are people of vision. They are passionate and energetic. They bring out the best in people and know how to encourage them along."

Workshop

To engage the civic entrepreneurs of Troy, on June 21, 2007, the City conducted a Master Plan workshop which involved a selected participant list of over 150 invitees. Those invited to participate on the workshop process represented a wide cross section of Troy's population, and included residents, business owners, City officials, volunteers, and other participants.

In this workshop, the participants were engaged to employ the "Smart Growth Readiness Assessment Tool," (SGRAT) a new program designed by the Michigan Land Policy Institute at Michigan State University. The tool is designed to help communities learn how to incorporate "Smart Growth" principals into their land use management practices. "Smart Growth" is a term conceived in 1996, when the Environmental Protection Agency lead a group of organizations to form the Smart Growth Network. The Smart Growth Network is a group dedicated to creating new land development practices which "...boost the economy, protect the environment, and enhance community vitality," as stated by the Smart Growth Network.

A comprehensive document including the results of the June 21, 2007 workshop and an analysis of the findings uncovered by the SGRAT can be found in an appendix to this Plan. The Tool is intended to assess how well a community is prepared to develop according to the Ten Tenets, to allow communities to measure progress over time, and to supply resources for communities interested in growing smart. The SGRAT is the most comprehensive such tool in the nation.

Chapters 2 through 8 contain a summary of several questions and responses from the survey and from the SGRAT itself. The sample of SGRAT results chosen for each Chapter were selected to complement the survey results or highlight areas of particular concern as identified through various phases of the planning process. All sections of the SGRAT were considered in the development of the Master Plan.

Troy's Context: From Local to Global

Troy is a leader in Michigan. Home to a large number of international corporations, and about 6,000 individual businesses, the City of Troy has a workforce of over 120,000 and a daytime population of over 136,000 people, nearly 55,000 more people than reside in the City. Given the scale of these estimates, it is clear that Troy possesses a business culture rivaling any in the Midwest. Building on this success, the City has an opportunity to establish itself as the international gateway to Southeast Michigan for the global business community.

The national manufacturing economy is becoming a "Knowledge Economy." The Knowledge Economy, which will be explored in subsequent Chapters, is essentially a new competitive environment empowered by the availability of information from new sources. This Master Plan includes any topics which relate directly to managing change in Troy to capitalize on this fundamental shift. Troy has a head start in this regard, given its substantial office presence, and its lesser dependence of conventional manufacturing land uses, when compared with other local communities.

Knowledge Economy businesses depend on global communication and 21st century technology to reach out to markets around the world. These types of practices tie communities together in new ways, for new purposes, than ever before. The emergence of such businesses demands a new set of assets for a City to attract the best new companies and workforce. Knowledge-based businesses, for instance, rely on telecommuting and home-based businesses more than ever before. Businesses that conduct much of their business over the internet may

have specific building and use needs, which could benefit Troy in that it has a great deal of available light industrial and office complex property.

The integration of communities like Troy into these worldwide markets also creates opportunities for them to expand their horizons and introduce themselves to new, expanding or relocating businesses that may never have been aware of them otherwise. **Competing for these businesses and the workforce necessary to support them will be a major focus of this Master Plan.**

City of Troy Facts:

Population (Census 2000) - 80,959

*Population (Planning Dept., 2007)
- 87,594*

Annual City Budget - \$149 Million

City Millage Tax Rate - 9.28 mils

Market Valuation - \$12 Billion

Retail Space - 6.59 Million sq. ft.

Office Space - 17 Million sq. ft.

*Manufacturing/Engineering Space
- 18.8 Million sq. ft.*

Businesses - 5,818

Employment - 125,000

Number of Households - 38,747

Average Cost of Housing - \$247,631

Household Income - \$88,141

www.troymi.gov

A Global Market

Troy must adopt a strategy to position itself globally, in terms of international business connections and with regard to marketing its assets to attract worldwide investment. Southeast Michigan is a region founded on innovation in industry. Troy is a community within that region with unique attributes which will empower it to serve as a gateway in the 21st century between this important region and the rest of the world. For instance, Troy has a much higher percentage of foreign-born residents than any community in the area, nearly 20 percent, or double that over Oakland County on average. Troy's foreign-born population is over 62 percent Asian, which provides a unique opportunity to link Troy with the fast-growing markets of Asia. Figures 2.1 and 2.2 demonstrate these statistics. The Troy Vision 2020 Wealth Creation Task Force specifically mentioned Troy's Asian population as a asset for worldwide outreach.

The International Population

Troy has embraced international populations and now benefits from a great deal of diversity. The courses of action recommended by Troy Vision 2020 for the City's Asian population are

applicable for any potential international group. For instance, Troy Vision 2020 suggests that the City should partner with local Asian business leaders to promote the City in Asia. This could be applied to any country or region of the world. The City should consider developing a task force of international ambassadors for Troy, to represent the community around the world.

The Vision 2020 recommendation that the international community within Troy be encouraged to participate more actively in community affairs is also an important task for the City to accomplish. **By engaging the international population of Troy more actively, and collaborating with people from around the world, Troy will benefit from broad points of view and an international perspective.**

Empowering International Investors

This City plays a central role in the establishment of a new business or the redevelopment of an old business. Approvals and permitting for new facility construction, provision of City services, taxing policies, and other elements of City governance must all be taken into account when a business investigates potential locations or markets. These complex elements become even more intimidating

Figure 2.1 Percent Foreign Born

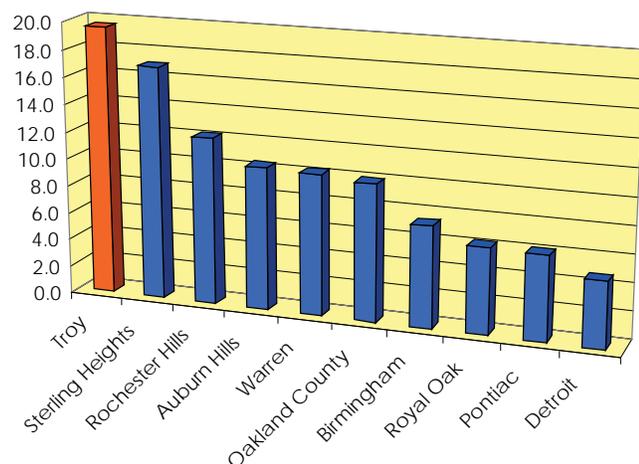
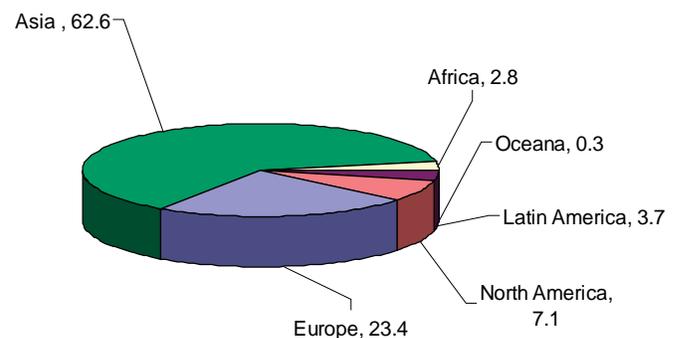


Figure 2.2 Area of Origin by Percentage, Foreign Born Troy Residents



for international businesses, who may be facing hurdles with regard to language or understanding of Federal, State, or local laws and regulations.

With this in mind, **the City should consider partnering with the Chamber of Commerce and Automation Alley to create a “hub” for international investors to find assistance in these areas.** Project managers assigned to potential investors could help these businesses find real estate opportunities, obtain legal or accounting consultation, or overcome communication barriers. These project managers would connect Troy’s resources with those who would most benefit from them to make the City a partner for the companies considering Michigan in their business plans.

Troy in the Regional Economy

The use of effective communication is a key ingredient of building and nurturing partnerships or celebrating social, economic and physical diversity. Communication must include all forms of transmission and media. The importance of regional collaboration, a sentiment echoed by Troy Vision 2020, which stresses that Troy is part of a greater region, which must grow together for Troy to meet its full potential. The Regionalism Task Force for Troy Vision 2020 dealt exclusively with developing visions for all of Southeast Michigan, with the goal of contributing to a region with a cooperative spirit, willing to coordinate and consolidate services, and to improve relationships pertaining to water and sewer regional service.

Cities cannot thrive alone. Systems and relationships are needed between the public and private and non-profit environments. Coordination and consolidation efforts between public entities are also critical as resources become more expensive and services more difficult to sustain. Partnerships between

SEMCOG

The Troy Vision 2020 Plan stresses the importance of regional coordination and communication. Troy is a member community in SEMCOG, the Southeast Michigan Council of Governments. SEMCOG is the regional planner in Southeast Michigan. SEMCOG plans in areas that cross jurisdictional boundaries in Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne counties.

At SEMCOG, local governments can deliberate on regional issues, such as improving transportation and water quality. SEMCOG assists local governments and educational institutions in planning for common needs and in recognizing regional opportunities. Policy decisions are made by local elected officials of SEMCOG’s member governments, ensuring that regional policies reflect the interests and concerns of member communities.

SEMCOG advocates for changes in public policy, representing Southeast Michigan in Lansing and Washington as a single, strong voice for its local member governments.

SEMCOG is the premier resource for data about Southeast Michigan, gathering and analyzing information for public and private sector decision making on the region’s economy and quality of life. SEMCOG’s library has a specialized collection of more than 30,000 books and reports on regional planning issues in the areas of transportation, the environment, community and economic development, demographics, land use, and intergovernmental cooperation.

from www.semco.org

the City and these other agencies, as well as partnerships that are regional in scope, have a place for the City of Troy. Through communication and partnering, the City can take an active part in making all of Southeast Michigan a better place to live and work.

Troy must be willing to take the lead within Oakland County and Southeast Michigan to arrange networking functions, lead regional discussions, host events and functions, and take responsibility for managing projects relating to regional cooperation.

The City of Troy can advocate for common goals in the region by sharing its findings, plans, and studies with other communities. Given Troy's willingness to develop new and innovative ways to develop solutions and provide a high quality of life for its residents, Troy has developed resources that would be helpful in other area communities. The City can set an example for others to follow, and develop consensus on important issues like the environment and transportation.

Leadership

Becoming a regional leader in the areas of transit, environmental concerns, and civic infrastructure is an important theme described by Troy Vision 2020. While the City does have an opportunity to advocate for regional cooperation, it must also establish firm precedents that will gain it increased credibility in the region to position itself as a leader and authority.

In order to provide the most successful example of a community thriving in the 21st Century economy, Troy must think strategically about focused areas which represent community values and which will differentiate Troy amongst its peers. If Troy is to provide leadership to

other Southeast Michigan communities to establish firm partnerships geared toward regional improvement, it must select focused areas that serve the dual purpose of inspiring other communities, and in which Troy can be competitive. The City must find niche markets where it can lead the Midwest and the nation, which build on its strengths. Two areas where the City of Troy can excel, and which are important throughout the region, are preservation of the natural environment, and enhanced transportation.

Transportation

Troy is a complex place that contains diverse neighborhoods, business districts, industrial and educational campuses, and a wide variety of roads, from freeways to neighborhood streets. These ingredients are in place and complement one another to make up the City of Troy. To sustain the positive relationship between land uses and street characters, linking and connecting the City through multiple methods is critical. Linking the City to other communities and to the greater region is just as important.

Troy and Birmingham Transit Center

Located on a three-acre parcel of land behind the Midtown Square at Coolidge Highway and Maple Road in Troy, the planned Troy and Birmingham Transit Center will be a \$3.5 million facility designed to offer users a central hub for train, taxi, rental car, or bus service. The project would replace the train station in Birmingham with the new facility, primarily located in the City of Troy.

www.michigan.gov/mdot

Mobility, which is presented in a comprehensive Chapter later in this Master Plan, will be a crucial area for the City moving forward with regional cooperation and enhancement. Connecting the employment centers of Troy with a wide variety of housing markets in the area, including those in other nearby communities, and regional shopping, entertainment, and educational facilities is an important strategy for bringing Southeast Michigan together. Shared access to a successful multi-modal transportation framework will be a major step in providing access between communities for all residents, to allow people to experience other regional communities in new ways.

Advocating for enhanced regional transportation is an important step in Troy’s goal to become a regional leader. The development of the planned Troy and Birmingham Transit Center will bring Troy and Birmingham to the forefront of Southeast Michigan in providing an example of coordinated planning for new transportation options in Michigan.

Sustainable Development

An area where the City can accomplish a variety of objectives is the adoption of a strong philosophy toward sustainable development. Incorporating new sustainable development standards into City policies will encourage environmentally, socially, and economically responsible development and enhance the preservation of the City and region’s assets. This philosophy will also demonstrate to the greater Southeast Michigan Community that Troy is leading the effort to promote sustainability.

This important topic is being addressed in many Michigan communities, providing Troy with another opportunity to promote regional cooperation.

Sustainable Development

The United States Environmental Protection Agency (U.S. EPA) defines sustainability as “the ability to achieve continuing economic prosperity while protecting the natural systems of the planet and providing a high quality of life for its people”. It further states that “achieving sustainable solutions calls for stewardship, with everyone taking responsibility for solving the problems of today and tomorrow—individuals, communities, businesses and governments are all stewards of the environment”.

Sustainability covers many areas, including the environment, economics and social responsibility. In terms of the Master Plan, sustainable development may be the most important concept to be familiar with. Environmentally friendly building design and a reduced dependence on the automobile, for instance, are elements that contribute to a philosophy of sustainable development. A simple, common definition for sustainable development was originally presented in the report “Our Common Future.” It reads:

“Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”

Sustainable development essentially means improving quality of life without increasing the use of natural resources to the point of exhaustion or compromising economic or social well-being.

(Information from <http://www.epa.gov/sustainability/>, World Commission on Environment and Development (WCED). *Our common future*. Oxford: Oxford University Press, 1987 p. 43 and <http://www.sdgateway.net/introsd/definitions.htm>)

FIGURE 2.3: SUSTAINABLE DEVELOPMENT
GRAPHIC BY CARLISLE/WORTMAN, CONTENT FROM JOHANN DRÉO



Another positive benefit that a City-wide philosophy encouraging sustainable development would be the creation of a new global reputation for environmental stewardship,

under which the City could market itself to eco-conscious businesses throughout the world. The Master Plan will describe many techniques for enhancing the City's natural features in Chapter 7

By demonstrating and marketing the City's commitment to sustainability, and specifically eco-friendliness, a new niche to attract green energy and other environmentally concerned businesses would emerge. Troy can become the model of an environmentally friendly community envisioned by the Image and Feel Task Force of Vision 2020, while enhancing its attraction to the Creative Class and welcoming Knowledge Economy businesses operating with a renewed interest in environmental protection.



Survey Responses

A primary source from which many of the ideas in this Plan have been derived is the supplemental survey given to SGRAT Workshop participants, City department heads, and the Planning Commission. The following are a selection of questions and responses which helped inform this Chapter.

What can the City of Troy do to continue to attract world-class businesses?

- *Streamline the start up process. Be proactive in soliciting business – domestic and worldwide. Help business to find locations and reasons to locate in Troy (incentives). Accelerate development of the transit center. Improve road conditions and traffic movement.*

What steps would you take to make Troy a more vibrant and engaging place to live and work?

- *Provide mass transit options to access entertainment in metro Detroit.*

What is the most important improvement that Troy can make to ensure that all residents have access to safe and efficient transportation?

- *Lobby and work towards a high density regional transit system with a City component connected to the system.*
- *Create regional public transportation that is efficient, safe and inexpensive.*
- *Make it affordable and convenient not just within the City.*
- *Keep the roads nice – for all transportation.*
- *Promote multi model transportation options in City.*
- *Transit – regional transportation initiative.*

Should Troy play a role in the development of improved regional transportation?

- *Yes, we should work on developing the proposed Transit Center and expand from there.*
- *Yes. We need a method for our residents to get to their place of employment without using single occupant vehicles. We need a method of transportation for youth and seniors. Lastly, we need a method to bring employees to the businesses located in Troy. Continue to develop walkability.*
- *Mass transit will be critical to future vitality of all communities. The leader regionally in mass transit will create financial stability for all. Troy should be the leader in Oakland County.*

Should the City be a model for responsible care of the natural environment?

- *Yes. The City needs to promote green growth in new developments and within its own buildings. City owned property does not need to be all developed into parks, it can be just left in its natural state. Encourage and educate about mass transit and walkability.*
- *Yes, we only have a natural environment once. The trees, parks and water resources must be protected. The City of Troy is the steward of the resources in the community.*

Do you feel it is important for the City of Troy to promote the advancement of or mandate the practice of sustainable development, such as, but not limited to, the construction of certified “green buildings” and Low Impact Development techniques for stormwater management?

- *I believe promotion is desired for construction of certified “green buildings”. Low impact Development techniques for stormwater management are a practice that should be mandated. Economics will determine the practical nature of these areas of development.*
- *Absolutely – we are doing that now with planning.*

What does the Smart Growth Readiness Assessment Tell Us?

Throughout this Master Plan, each Chapter will contain a brief summary of those SGRAT results which most directly inform the topics covered by that Chapter. The SGRAT responses will also play a critical role in the development of implementation policies.

Tenets 3 and 5 contained a series of questions addressing cooperation and collaboration, public outreach, and the practices and procedures which regulate land development in the City. The following summaries provide a short description of the City's score in these areas.

Tenet 3: Encourage community and stakeholder collaboration in development decisions.

Troy was awarded approximately 40 percent of the available points for Tenet 3. While the participants perceived the City of Troy to be very good about collaboration in formal settings, such as the development of new Zoning Ordinance amendments or Master Plan revisions, the perception of collaboration outside of those programs was poor. In other words, respondents felt that the City has room to improve when it comes to general encouragement of an open, collaborative environment with special interest groups, adjoining communities, and the general public, especially as it relates to smart growth principles.

Another area where the City could improve its score in this area is to develop stronger community outreach programs with regard to planning and growth issues. While collaboration with schools scored well, education and collaboration with the general public, especially when initiated by the City itself, was not perceived well.

Tenet 5: Make development decisions predictable, fair, and cost-effective.

The City scored very well with regard to Tenet 5. The City received nearly 75 percent of the available points in this area, thanks to a strong perception that the City diligently maintains its Zoning Ordinance, Master Plan, and other community planning documents, its consistency between its zoning and planning, and perception of fairness to the development community. Respondents felt that developers are given a fair chance to innovate in Troy, and that most new development makes a strong contribution to the City as a whole.

The City could score even higher in this area were it to permit additional density for developers who propose more smart-growth oriented developments. Also, participants felt that more attention to long-range planning could be paid, although there was a positive recognition that current practices for ongoing development were strong and fair.

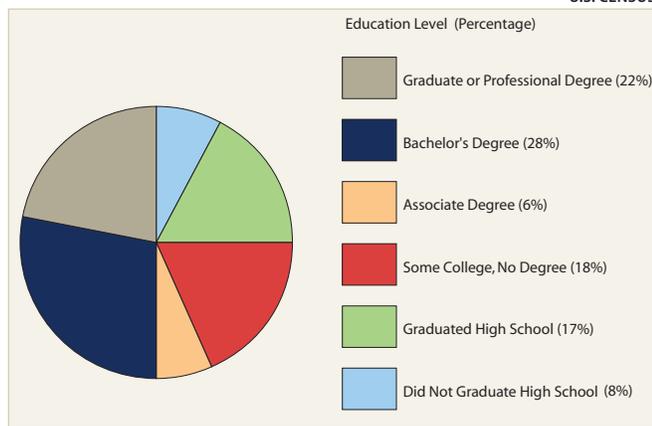
The City received extra points for supporting participation in elected and appointed official training programs, such as the Michigan State University Extension Citizen Planner Program, and continuing education in the area of planning.

A Place to Learn and Play: The Quality of Life in Troy

Quality of life is what makes a community thrive. Elements like schools, parks, and cultural amenities contribute to the quality of life, but must be complemented by innovative development and supporting infrastructure. **A dedication to learning, healthy citizens, and strong institutions will help create a community which attracts a workforce of educated and talented members of young generations.** Excellence in these areas will enhance Troy beyond expectations, and therefore this Chapter provides a foundation for all other areas of this Master Plan.

People have a choice of where to live, and every community has its own unique elements to attract residents. What makes Troy a special community where people aspire to live and work? Troy Vision 2020 explored this issue in depth. **Beyond strong employment, attractive and affordable housing, and efficient access to goods and services, people seek communities with the amenities that will enhance their lives.**

FIGURE 3.1: EDUCATIONAL ACHIEVEMENT OF RESIDENTS OVER 25 YEARS OF AGE
U.S. CENSUS



Troy has invested greatly in its parks and cultural amenities and must continue to do so to grow as a community and differentiate itself from other Southeast Michigan cities and townships. Troy must embrace innovative development styles which capitalize on economic and social diversity, and cultural, educational, and recreational amenities. In that spirit, this Chapter will focus on the enhancement of quality of life issues to secure Troy's status as a global city.

A Philosophy of Learning

A critical theme to emerge from the Troy Vision 2020 was the concept of "Lifetime Learning." In order to become a competitive community in the Knowledge Economy and a community renowned for its attention to the enhancement of its citizens' changing educational needs, the City must adopt a new philosophy. This philosophy includes, but goes beyond, conventional formal education and introduces the idea that all aspects of community life must consider and promote the continued enhancement of Troy's citizens. **The way in which learning is regarded in the City of Troy will continue to support and impact the future enrichment of the community in this area.**

As it stands today, the City of Troy has a well-educated population. As indicated in figure 3.1, almost 75 percent of Troy's residents have some college education. Fifty-six percent of residents have an advanced degree, including a bachelor's, associates or graduate/professional degree. Only 8 percent of residents did not graduate high school.



The Troy Vision 2020 Lifetime Learning Task Force developed ideas to ensure that “Troy will be globally recognized as a community that provides its citizens with the opportunity to achieve social enrichment and personal growth via lifetime learning.” The Troy Vision 2020 Report indicates that the Lifetime Learning Task Force was asked to examine “access to personal, professional, and organizational intellectual stimulus and growth” within the Troy community. The Executive Summary from this Chapter of the Report states that the Task Force created a vision statement and a series of goals for learning in Troy:

“Our vision is for Troy to be globally recognized as a community that places a high value on lifetime learning for its citizens. A collective community effort is required for this effort to be successful. The vision can be achieved by taking action on five broad goals:”

1. *Coordinate the efforts of our learning institutions — establish a new City of Troy committee focused on lifetime learning, with the responsibility for strategic coordination of Troy’s learning resources. This will strengthen the connection between the needs of the community and Troy’s lifetime learning assets.*
2. *Improve communication about the learning opportunities that are available in the Troy community — establish and maintain a “Learning Clearinghouse” and make it the primary resource for information about lifetime learning resources within the Troy community.*

This will increase the awareness of lifetime learning opportunities; establish a focal point for this information and make efficient use of the resources of the Troy Public Library.

3. *Utilize the expertise and knowledge of Troy citizens — maintain and expand programs (ex. Sights & Sounds, APT to Succeed) that encourage the shared personal knowledge and discourse among different cultural, professional, public and private organizations. This benefit will strengthen the sense of community in Troy.*

High Quality Schools

The Troy School District operates twelve elementary, four middle, and two high schools within the City. In addition to the schools, the Troy School District has other properties in the City, including Niles Continuing Education Building, the Administration Building, bus garage, and several vacant properties. The Troy School District encompasses most of the City, but small segments along its perimeter are served by six other school districts. Two of these school districts, Birmingham School District and Warren Consolidated Schools, have elementary schools in Troy.

Troy is also home to universities and colleges. Campuses or facilities of Central Michigan University, Michigan State University, ITT Technical Institute, the International Academy of Design and Technology, Walsh College, Spring Arbor College and the University of Phoenix can all be found within Troy.

4. *Invest in world-class lifetime learning services and facilities — build a bigger and better library. Now. The Troy Public Library is extremely popular and far too small. Additional parking and program space are desperately needed.*
5. *Provide opportunity, encouragement and recognition for the highest levels of academic achievement – actively pursue regional and national academic competitions (ex. Math Olympiad) and host them in Troy. Publicly celebrate academic achievement more often than once a year. This will enhance Troy’s reputation as a center of high-quality K-16 education.*

These formal goals must be supported by other measures which enhance Troy’s culture of learning. To attract the Creative Class, Troy must continue to evolve into a regional leader for innovation. Troy Vision 2020 accurately observes that Southeast Michigan has historically been an “incubator” for innovative ideas, within the industrial sector especially. Troy has an opportunity to rekindle this reputation.

The development of formal City programs and facilities, like the “Learning Clearinghouse” introduced by Troy Vision 2020, and the further improvement or replacement of the Troy Library represent active steps the City can take to establish a basis for lifetime learning. **Continuing education, higher education, job training, career counseling, and a renewed cooperation with local public and private schools, colleges and universities are measures Troy should take to build momentum for a culture of learning.**

The enhancement of educational opportunities throughout all phases of community life will allow people from a wider variety of economic and age groups to enjoy a quality of life already enjoyed by the most educated residents of Troy. Increased job opportunities and better income, as well as a more visible and meaningful role in community life can in this way be made available

to anyone in the City. Complemented by the strong reputation of Troy schools, the regional image of Troy as a community dedicated to lifelong enhancement and engagement will continue to grow.

The Integral Role of Educational and Cultural Institutions

Schools, parks, vibrant downtowns, natural features, and many other land uses which factor into a community’s quality of life consequently play a large role in the physical development of the community. **The location of schools, for instance, has a profound effect on residential housing values.** In fact, central civic uses like schools have always driven the success of whole communities, especially colleges and universities, which can greatly influence community development.

School Location

With this in mind, the City must closely monitor the demographics to prepare for the changing nature of schools. Given that schools, from elementary through college, are such a critical component of how cities develop, the continued presence of existing facilities and the placement of future facilities must be anticipated by the City through close communication with local public and private school leaders, and university and college officials.

This Master Plan can suggest physical planning and land use policies which support and improve the educational framework in the City by enhancing access and vitality of those areas where educational centers are located. Given the correlation between a good neighborhood school and its effect on nearby property values, the City must ensure that these institutions remain relevant and successful.

In order to secure continued enrollment in neighborhood schools, the City must permit residential densities within their districts which support and are compatible with their student capacity. Furthermore, the City can integrate safe, walkable school access into new mixed-use development in instances where such development is nearby existing or proposed neighborhood schools. As the demand for new or different schools arises, the City must partner with local school leaders to encourage the

establishment of schools within mixed-use areas, rather than automobile-dependent locations, to promote interaction between classrooms and the greater community.

A City of Villages

Troy does not have a conventional “city center” or downtown. The vibrant core of many successful communities known for their ability to attract the creative class is often cited as a primary determinant of that community’s image. **Respondents to the Master Plan survey felt strongly that while Troy may not be able to have a single focused center, it must create activity nodes throughout the City, capitalizing on the diversity of Troy for shopping and entertainment experiences.**

This type of response was preceded by Troy Vision 2020, which introduced the concept of “Villaging” in Troy. **The idea of “Villaging” could be described as a means of staging complementary development in a focused manner intended to create vibrant “nodes” of activity which have an identifiable character.** Similar to smaller towns, these areas would be compact, would have a clear edge, would generally be supported by a common theme, and would incorporate dense, mixed-use development. Such “Villages” should incorporate common community elements, be designed to encourage active living, and should have uses which support a successful business foundation.

The Big Beaver Corridor Study supports the concept of focused development areas. The area described by the Study as the “Troy City Center” is intended to be the “ultimate people place,” an area which would build off of its most successful commercial and office tenants, such as Somerset Collection, to foster a mixed-use, vibrant area with significant year-round activity. The Study aspires for the Troy City Center to become the “heart” of Troy, where urban residents can live, work and play in a single area. The predominant

Safe Routes to School

Michigan’s Safe Routes to School program is managed by the Michigan Department of Transportation (MDOT), with support from the Governor’s Council on Physical Fitness, Health and Sports. A State coalition and steering committee provide leadership for all aspects of the program. The Federal Safe Routes to School program was created by Section 1404 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), (P.L. 109-59) of August 10, 2005 (www.saferoutesmichigan.org) The purposes of the Safe Routes to School program are:

- *To enable and encourage children, including those with disabilities, to walk and bicycle to school;*
- *To make bicycling and walking to school a safer and more appealing transportation alternative, thereby encouraging a healthy and active lifestyle from an early age;*

For the period from 2005 to 2009, at total of 612 million dollars has been set aside for this program across the United States. In this period, Michigan will receive a total over five years of 19.26 million dollars, based on its share of national enrollment in grades K-8.

building uses prescribed by the Study in the City Center are large mixed-use buildings with retail at grade and office and residential uses on upper floors.

"...the casual introduction of cultural life is part of the historic mission of cities." -Jane Jacobs, Death and Life of Great American Cities

Cultural Spaces

The Big Beaver Study also includes an area labeled "The Promenade" designed for restaurants and entertainment uses in close proximity to hotels and business meeting places. The Promenade would also serve as a large local draw, and could include a gathering public space for enjoyment for residents, visitors, workers, etc. Within Troy's focus areas, the City has an opportunity to leverage physical development to casually introduce cultural life to the City.

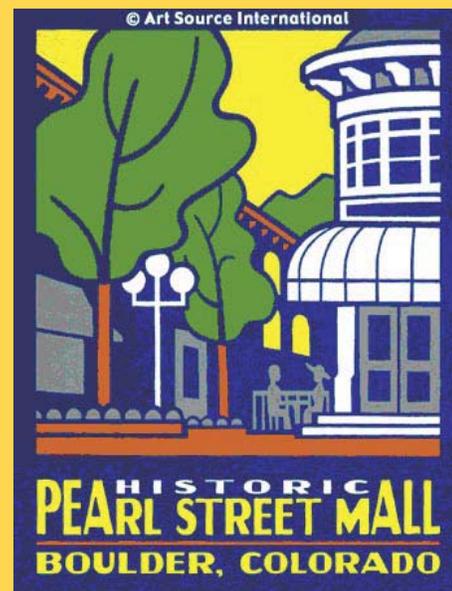
How can a City "casually" introduce cultural life? What should a Master Plan, a document focused on land use and physical planning, have to do with cultural life? While it may not be the direction of this document to introduce techniques for programming cultural activities, it can establish a direction for the provision of space for such activities to occur, either formally or informally. **A city must have central, unprogrammed open spaces in close proximity to its homes and businesses to encourage a flourishing cultural atmosphere.**

While many communities are home to traditional brick-and-mortar cultural facilities, such as theaters and art museums, those communities renowned for cultural atmosphere are so recognized for the things that take place in public spaces. Art in the park, street performers, summer theater programs, and many other forms of cultural expression are common in cities



Pearl Street Mall in Boulder, Colorado. Photo by Mark Ruckman

A good example in the United States of unprogrammed open space is Boulder, Colorado's Pearl Street Mall. Pearl Street Mall is a section of blocks in the center of Boulder which were closed off to automobile traffic, and finished with seating areas, landscaping, and most of all, large areas of open, unprogrammed space. These areas have become popular for political and artistic expression in the summer months. Given their strategic location and limited space, they provide a series of intimate outdoor "rooms" that enhance the surrounding businesses.



that allow for such activity by providing central, unprogrammed open space. Thousands of European cities have supported central parks or small unprogrammed open spaces for centuries.

The introduction of small, intimate public open spaces in select areas could be a positive step in encouraging a thriving cultural atmosphere in Troy. Those efforts outside of the Master Plan, such as the introduction of formal cultural facilities, are critical for the enhancement of Troy, but they must not be left to stand alone if Troy wishes to achieve the regional reputation expressed by Troy Vision 2020. To be successful, these spaces must have some of these traits:

- Little or no programming; that is, the space cannot be dominated by formal gardens or active recreation, such as baseball fields.
- The space must be located directly adjacent to vibrant, mixed-use development with both residential and commercial concerns nearby, to draw people throughout the day.
- The spaces must be walkable and accessible for pedestrians.
- The space must be located in a central area. Large unprogrammed spaces are located in many European cities at the intersection of major roads. In a community like Troy, they could be best located very near a major corridor, such as Big Beaver, but surrounded by a mixed-use development.
- The space should be intimate, that is, surrounded on several sides by buildings, to provide a feeling of enclosure and protection from the elements.

The creation of common areas for social interaction is a theme that threads throughout the Big Beaver Corridor Study. Along Big Beaver, the Study described potential “Experiential Moments,” like a walk along the boulevard, interaction within a large public plaza enhanced by public art, and experiencing pocket parks throughout the community. The Study specifically calls for mixed-use development that makes Big Beaver a round-the-clock “people place,” which attracts cultural and entertainment uses to the Corridor.

The central philosophy of the Big Beaver Corridor Study is that social interaction, and therefore quality of life, can be improved by the careful design of new elements and select redevelopment within the Big Beaver Corridor. The provision of public greens for example, is described in the Pedestrian Circulation and Greenspace Plan as focal points amid denser development to help draw people to these focus areas; a strategy for implementing the casual introduction of cultural life in Troy.

Trails and Pathways

The next section of this Chapter will explore the importance of cultural and recreational amenities in the enhancement of the City’s quality of life. Furthermore, the Mobility Chapter will include a more specific analysis of the role of trails and pathways in Troy. **However, given the overwhelming call for trails and pathways in the Big Beaver Corridor Study, the Master Plan Survey responses, and the Parks and Recreation Plan, trails and pathways warrant recognition in this section as well.**

Much of the responses collected from these sources and the input of the SGRAT suggest that people consider trails and pathways to be more than simple recreational amenities, and genuinely consider them valid transportation corridors for access to the important places and institutions discussed in this Section. Furthermore, they drive property values and can be seen as an amenity for real estate development.

These assertions support the exploration of programs like Safe Routes to School. They also introduce the idea that residents desire support for an active lifestyle, which provides a platform for the City to develop a network of trails and pathways linking the critical institutions and places of Troy.

Quality of Life, the Knowledge Economy, and the Creative Class

In order to attract a premium workforce and support the long-term health of the City, Troy must recognize that the working world is changing. Many of the most valuable members of the new workforce come from the Creative Class. The term was coined by the sociologist Richard Florida, who describes the Creative Class as an emerging class of working professional from a younger generation. The Creative Class is a demographic of worker with more education and a greater focus on high-tech or intellectual fields, rather than the previous generations, which were primarily based on agriculture and industry.

The Knowledge Economy, put very simply, is a competitive economy centered on knowledge-based industries which require high-tech facilities and which are empowered by the availability of information from new sources

“Creative class people value active outdoor recreation very highly. They are drawn to places and communities where many outdoor activities are prevalent---both because they enjoy these activities and because their presence is seen as a signal that the place is amenable to the broader creative lifestyle.”
 -Richard Florida, *The Rise of the Creative Class*

around the world. Knowledge-based businesses are less likely to manufacture a product as they are to conceive or design one.

In light of the struggling manufacturing economy of Michigan, the State has initiated programs to help communities more fully understand what they can do to attract the workforce and the employers functioning in these new areas. Troy Vision 2020 explored this concept and developed specific ideas about what Troy can do to become a leader in the cultivation of the Creative Class in Southeast Michigan.

The City of Troy utilized a Parks and Recreation Survey in 2005 during the preparation of the Parks and Recreation Plan. A total of 3,254 surveys were sent out to a 5% random sample of property owners in the Troy community. A total of 946 surveys were returned and analyzed, for a response rate of 31%.

Respondents were asked to list their first, second and third choices of facilities they would like to have in their community. This graph shows that trails were the most popular facility chosen, with 67% of respondents listing it as their first, second or third

2005 Recreation Survey

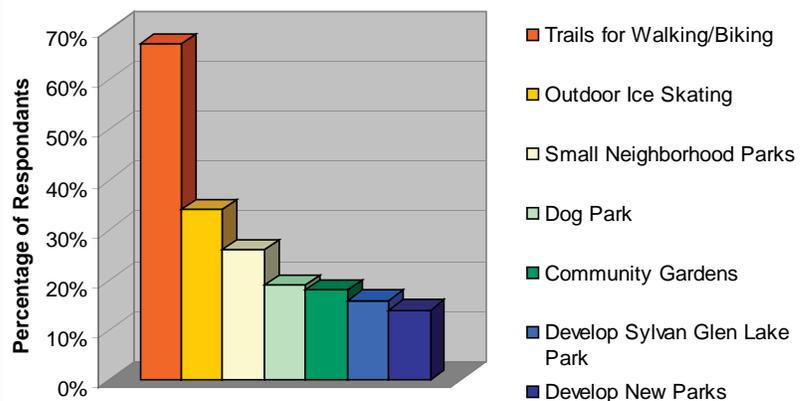


FIGURE 3.2: RESULTS OF THE 2005 RECREATION SURVEY
 (RESPONDENTS WERE ASKED TO LIST THEIR 1ST, 2ND, AND 3RD CHOICES FOR FACILITIES NEEDED IN TROY.)

Today, employers are no longer tied to railroads, rivers, highways, or resources to succeed. Knowledge-based businesses, especially, rely totally on the availability of a good workforce comprised of the most talented and creative individuals available. Quite commonly, emerging knowledge-based businesses will succeed in college towns or other communities reputed for an educated workforce and a high quality of life. This is a critical notion; the idea that communities with a high quality of life attract the potential workers who attract the businesses that need them.

What attracts the valuable workforce for knowledge-based businesses? In addition to diverse, vibrant mixed-use areas, which will be explored in depth in subsequent chapters of this Master Plan, these individuals seek communities that embody the lifetime learning philosophy and the availability of amenities that enhance their lives, like quality parks and recreation programs, cultural amenities, and a diverse and welcoming community.

Parks and Recreation

Similar to schools and downtown areas, parks have the potential to transform a neighborhood. Recreational development in Troy is guided by the Parks and Recreation Plan, which is developed under criteria established by the Michigan Department of Natural Resources (MDNR). The current Parks and Recreation Plan was developed with strong public input and contains a series of goals and objectives relating to recreation improvements.

Within the Troy Vision 2020 project, the Lifestyles Task Force took the lead with regard to quality of life issues with a series of preferred futures which speak to recreation, fitness, and community in Troy. The group introduced the idea of a special "Focus on Fitness," helping residents maximize their health and fitness goals by providing health and fitness opportunities

Top 10 Reasons Parks Are Important:

- 1. Public parks provide the opportunity to be physically active. Physical activity is an essential part of an individual's efforts to stay healthy, fight obesity and prevent chronic conditions that lead to coronary disease, high blood pressure and diabetes.*
- 2. Parks have true economic benefits. Proximity to a park improves property value. Parks provide increased local and regional revenue from heritage tourism, steady jobs, and numerous small business benefits.*
- 3. Parks provide vital green space in a fast-developing American landscape, and keep our living environment healthy.*
- 4. Parks preserve critical wildlife habitat while providing enjoyment and educational opportunities for children and families.*
- 5. Parks provide a meeting place where community members can develop social ties, and where healthy behavior is modeled and admired.*
- 6. Leisure activities in parks improve moods, reduce stress and enhance a sense of wellness.*
- 7. Recreational programs provide organized, structured, enjoyable activities for all ages. Quality recreational programs facilitate safety, good sportsmanship and community participation.*
- 8. Community recreation services provide a refuge of safety for at-risk youth and give valuable life lessons to help steer young people to success.*
- 9. Therapeutic recreation is an outlet that individuals with disabilities have to be physically active, socially engaged and cognitively stimulated.*
- 10. Public parks embody the American tradition of preserving public lands for the benefit and use of all.*

Summarized from the original

By Richard J. Dolesh, Monica Hobbs Vinluan

that are accessible, convenient, entertaining and diverse. This vision for the future would require collaboration with the Troy Nature Center, hospitals and other entities and committees. This vision also encourages the idea of more walking and biking paths throughout the City.

Another preferred vision addressing recreation is, "Troy has established an outdoor sports complex through collaboration with other cities providing opportunities to experience diverse organized sports." This vision describes the need for a large, regionally prominent outdoor recreation complex, built in partnership with other nearby communities.

The City must be diligent in executing the Parks and Recreation Plan, which calls for many improvements to the City's existing parks and recreation inventory, and provides a basis for the introduction of new facilities. Successful parks, with good access and a focus on active lifestyles will be a strong asset in the competition for a globally recognized workforce.

The City of Troy offers a wide range of recreational facilities and programming to its residents. The parks system includes eight neighborhood parks and six community parks totaling approximately 360 acres distributed throughout the City. The City also owns and maintains a number of special use facilities, including the following:

- *Troy Community Center*
- *Two (2) 18-hole golf courses*
- *Troy Farm*
- *Troy Family Aquatic Center*

A comprehensive study of each facility can be found in the Troy Parks and Recreation Plan.

Promoting Active Communities (PAC)

The PAC Program is presented by the Michigan Department of Community Health, the Governor's Council on Physical Fitness, Sports and Health, Michigan State University and the Prevention Research Center of Michigan to recognize efforts to make Michigan more active.

Participating in PAC will encourage a shift in thinking about recreational facilities and ties in well with the purpose of this Master Plan. The PAC is an assessment, much like the SGRAT, which analyzes a community's environments, policies, and programs related to promoting physical activity. The goal of a community participating in the PAC is to earn a Community Award recognizing their dedication to "Active Living."

There are five levels of the Promoting Active Communities Award.

Copper: Communities have made a commitment to becoming a healthier place to live and have begun to take steps toward removing barriers to physical activity.

Bronze: Communities have taken steps toward making it easy for people to be active.

Silver: Communities have achieved progress toward making it easy for people to be active.

Gold: Communities document achievements in making it easy for people to be active.

Platinum: Communities are models of commitment to healthy, active living.

Inspired by public feedback and the call of Troy Vision 2020 for Troy to be a community "focused on fitness," this philosophy will ensure that Troy continues to promote compact, walkable

Cultural Amenities

Cultural institutions, like museums and theaters, must be complemented by a wider appreciation of the importance of cultural life in the community. As noted earlier in this Chapter, perhaps the most critical thing Troy can do to enhance the cultural life of the City is to provide the venue for cultural life to emerge in small parks and unprogrammed open spaces.

The Task Force most closely examining the issue of cultural facilities or events was the Vision 2020 Lifestyles Task Force. This group explored a number of concepts selected to help Troy continue to grow into a truly diverse, unique, global community. The Lifestyles Task Force established a direct call for the improvement and encouragement of existing and new cultural facilities in its "Preferred Future 5" which states that "In 2020, Troy is a 'Gotta Have Art' type of place, with opportunities to celebrate and experience all of the fine arts. **This preferred future describes potential public spaces to experience art, and suggests music in the park events, theater, a symphony, art galleries, and public art as areas of focus.**

Another important area where the City can be active in introducing cultural amenities is the encouragement of diverse, mixed-use development. **One of the many positive attributes of mixed-use development, which will be explored throughout this Master Plan, is the creation of new areas for social interaction.** Rather than isolate homes from entertainment and dining venues, and separate places of work from places of play, mixed-use development is uniquely capable of creating energetic, memorable places where a person can experience new points of view, witness personal expression, and enjoy a variety of activities with other people. While this can be said for many types of communities, those places where mixed-use development occurs are more likely to succeed.

*Troy is home to several notable formal **cultural amenities**, and is in a region famous for its cultural diversity. Some amenities in the City of Troy itself include:*

- *The Troy Museum and Historic Village, which is intended to encourage hands-on learning, especially on topics relating to Troy's heritage. The Museum is also responsible for the preservation of cultural heritage through physical structures, collection of artifacts, and archival materials. The Museum is located in the former Troy Township and City Hall.*
- *The Lloyd A. Stage Nature Center is a 100 acre sanctuary with a wide range of programs, including school programs.*
- *The Troy Public Library is a popular, award winning facility which provides free wireless internet service. The Troy Public Library is #1 in Michigan among libraries serving populations of 50,000 or greater per Hennen's American Public Library Rating Index.*
- *The Ridgedale Playhouse is home to the Ridgedale Players, one of the oldest community theaters in Michigan. The Players are in their 75th season.*

Public Art

The importance of public art can not be overstated. Many of the great communities of the world are identified by their public works of art. **Public art makes a statement that the community supports the arts, and contributes greatly to the creation of unique, memorable urban places.** The City of Troy can support public art by encouraging private development to include public art, by reserving public funds for art projects, and by pursuing grants for public art initiatives.

Survey Responses

A primary source from which many of the ideas in this Plan have been derived is the supplemental survey given to SGRAT Workshop participants, City department heads, and the Planning Commission. The following are a selection of questions and responses which helped inform this Chapter.

What kind of image do you want people to think of when they are asked about Troy?

- *Excellent schools, nice residential, strong City government and services, shopping.*
- *A well maintained City with excellent schools, neighborhoods, corporations, and good services.*
- *Home to Walsh College, branches for the University of Phoenix, Central Michigan University, Spring Arbor University, ITT Technical Institute and Michigan State University Management Center.*

What can the City of Troy do to continue to attract world-class businesses?

- *In cooperation with Troy School district (plus other educational facilities) continue to promote education, diversity of ethnic groups which constitute the vibrant Troy community.*
- *Offer reasonable incentives. Maintain quality infrastructure. Continue to offer quality City services & A++ rated schools. Make it attractive for the business community to also want to live here in Troy.*

What steps would you take to make Troy a more vibrant and engaging place to live and work?

- *A need exists for the young teenagers to meet, and hang out in a secure environment. The young adults (18-22 years old) also need a place to meet and congregate. These activities need to be available to these groups year around.*
- *Add paths and trail system in City; increase property maintenance standards; increase art in public places; create synergy.*

What is the most important improvement that Troy can make to ensure that all residents have access to safe and efficient transportation?

- *Create a comprehensive pedestrian pathway system (walking, biking, rollerblading, etc.) that system would help to reduce short trip car drives that add to roadway congestion.*

How can the City better accommodate non-motorized transportation?

- *Emphasize bike paths. Develop specific requirements for safe walk & bike access.*
- *Increase the numbers of walkable/bikeable areas....more trails and information letting people know where the trails and sidewalks are.*
- *Plan the City in small village components that can service the daily needs of nearby residents by sufficient shopping areas central to each village.*

What steps would you take to make Troy a more vibrant and engaging place to live and work?

- *Build an arts center or better venues for music, stand-up comedy, performing arts, night life, etc..., utilize more mixed use development, and connect these elements with pedestrian pathways.*
- *Develop the Civic Center that becomes a focal point for residents to interact and learn.*

Many land use issues result between single-family residential areas adjacent properties proposed for higher density. How can these conflicts be reduced?

- *Include some "entertainment" areas or common areas for use of both groups.*

What does the Smart Growth Readiness Assessment Tell Us?

The SGRAT did not include any questions directly related to the care and management of educational facilities, nor did it specifically address cultural facilities. As a tool primarily directed towards the examination of the Smart Growth Tenets, which are mostly related to physical development and infrastructure, the areas where the SGRAT may most readily apply for this Chapter are related to access to such facilities.

The City scored 33 percent of the available SGRAT points for Tenet 8, “Provide a variety of transportation options.” The assessment demonstrated that the City can improve its transportation score in a variety of areas, especially by providing stronger access to public transit, rail service, or a multi-modal method of access to a regional airport. Troy could also gain points by encouraging better infrastructure for cycling as a viable option, and the provision of park-and-ride areas for bus service. Further, the City does not make extensive use of traffic calming devices, which can restrict automobile traffic, but encourage safer non-motorized transportation in certain circumstances.

These results were drawn in part from the City’s response to these questions:

Does your community provide infrastructure to promote bicycling as a viable, healthy transportation option by any of the following? (Check all that apply, if any).

- A. Providing well-maintained bike lanes, five feet in width along or between local transportation corridors.
- B. Providing non-motorized paths that connect recreation facilities and other community destinations.
- C. Implementing access management strategies that improve safety and efficiency of both bicycle and vehicular travel.
- D. Providing appropriate signage and bike racks in common community destinations such as schools, public buildings, work places and shopping centers.

Best Answer: A, B, C, D

Troy’s Response: None

Does your community encourage bicycling through any of the following?

- A. Inventorying existing conditions and developing a strategy or plan to improve biking conditions.
- B. Programs that promote bicycling to work, school or for recreational purposes.
- C. Accommodating advanced or experienced riders, basic or less confident riders and children.

Best Answer: A, B, C

Troy’s Response: A

A Place of Prosperity: The Economy of Troy

Troy is in a unique position among Southeast Michigan communities. **The assets of Troy lend themselves to a rapid transition from the manufacturing economy to the knowledge economy.** The high quality of life, availability of prime office and light industrial real estate, and an emerging regional commitment to building a new foundation for global economic leadership make Troy a competitive choice for 21st century businesses. County-wide programs such as the Oakland County Emerging Sectors program and regional organizations like Automation Alley provide the resources for a community like Troy to emerge as a national leader in business growth.



This Chapter will expand on the concepts alluded to in Chapter 2, will discuss sustainability in business, and will describe the needs of new businesses in the changing economy. It is these changing needs that Troy can focus on, coupled

with the quality of life elements described in Chapter 3, to become an economically stronger and more sustainable place to live and work.

Sustainable Business

A critical theme in Troy Vision 2020 was the concept of sustainability. As noted in Chapter 2, sustainability involves social responsibility, environmental stewardship, and economic vitality. These three elements contribute to one another. **A commitment to sustainability makes good business sense in that companies can realize a reduction in operating costs, energy consumption, and win over customers with reduced prices and a good image by becoming a good neighbor.** In other words, the first two elements of sustainability, social and environmental responsibility, can contribute to the third component, economic vitality.

The City can promote sustainability in a variety of ways. Leading by example by managing and governing itself using sustainable practices is a start, but the City can also

promote sustainable development amongst its businesses, residents, and visitors. **It is critical that the City of Troy encourage sustainable development practices to enhance the quality of life for this generation and future**

generations. Furthermore, the City can secure a positive financial future while protecting the natural environment by supporting sustainable business practices.

There are many measures the City can take with regard to sustainability, perhaps most notably those measures directly relating to environmental protection. Alternative fuel city-owned vehicles, innovative stormwater management, recycling programs and many other programs allow communities to lead by example. Many of these techniques will be described in Chapter 7.

Beyond their own assets and programs, many communities turn to regulation in order to promote sustainable practices. Regulation used alone, however, can often have an adverse effect. While ensuring environmental sustainability, heavy regulation with no reciprocal compensation or incentives could encourage businesses to leave the community. When businesses leave, it impacts economic sustainability and consequently, affects social sustainability.

The Center for Sustainability at Aquinas College in Grand Rapids, Michigan, points out that environmental and consumer protection have advanced significantly in recent years; crediting the role of government in regulating pollution. Governments have concerned themselves with air and water quality more than ever before. Local units of government must continue this positive trend, but should look for new ways, beyond regulation, to affect change.

“Ultimately, regulation is a signal of design failure, while sustainability seeks innovative and effective design. End of pipe solutions employed today often discourage creative problem solving. What if government incentivized innovative, efficient and environmentally effective design?”

***Sustainable Business** is a non-traditional strategy that strives to maximize efficiency and effectiveness while restoring environmental quality, building social equity and increasing long-term profitability. Since the industrial revolution, industry has intensified environmental degradation by exploiting natural resources and releasing unfathomable quantities of hazardous pollutants into the biosphere. On the other hand, business has spent billions of dollars to comply with governmental regulations aimed at minimizing contamination by prescribing the amount of toxic substances that can enter the air, water and landfills. An adversarial relationship has developed between business people and environmentalists, each seeing the other as a main source of the world's problems.*

Emerging just under two decades ago, a movement began within the business sector to change the way companies operate. People began to recognize that environmental degradation and commerce do not have to go hand in hand. Some of the changes have included:

- *The reduction and, in some cases, elimination of hazardous materials from industrial processes*
- *Equitable treatment of employees, which in turn increases productivity and worker retention*
- *Operating as a responsible member of the community*

The same business practices that improve social and environmental capital have been shown to also improve long-term profitability. When implemented, sustainable business practices provide an avenue to achieve mutual benefits in the natural world, the community, and the economy.

*Aquinas College Center for Sustainability
www.ceneterforsustainability.org*

ICLEI—Local Governments for Sustainability

ICLEI is an international association of local governments and national and regional local government organizations that have made a commitment to sustainable development. More than 630 cities, towns, counties, and their associations worldwide comprise ICLEI's growing membership. ICLEI works with these and hundreds of other local governments through international performance-based, results-oriented campaigns and programs.

ICLEI provides consulting, training, and information services to build capacity, share knowledge, and support local government in the implementation of sustainable development. The basic premise is that locally designed initiatives can provide an effective and cost-efficient way to achieve local, national, and global sustainability objectives.

ICLEI was founded in 1990 as the International Council for Local Environmental Initiatives. The council was established when more than 200 local governments from 43 countries convened at our inaugural conference, the World Congress of Local Governments for a Sustainable Future, at the United Nations.

As the sustainable development and environmental agency for local governments, ICLEI provides information, delivers training, organizes conferences, facilitates networking and city-to-city exchanges, carries out research and pilot projects, and offers technical services and consultancy. ICLEI also provides software and tools to help local governments achieve their sustainable development goals.

ICLEI serves as an information clearinghouse on local sustainable development, producing newsletters, regional updates on activities, case studies, training guides, and fact sheets.

ICLEI also provides a variety of policy and practice manuals on topics ranging from financing energy efficiency projects to solid waste management to the use of municipal economic instruments to increase environmental performance.

www.iclei.org

What if government became the carrot rather than the stick? Instead of industry doing as little as possible to meet emission standards (via a government prescribed license to harm, as described by William McDonough and Michael Braungart in the book *Cradle to Cradle*) we could begin to see eco-effective products gaining the competitive edge on the market rather than outsourced, unregulated products.¹

The advantage the City of Troy enjoys in this regard is that developers seek Troy as a desirable place to live and work with a broad portfolio of assets. This puts the community in a position to offer benefits to those who choose to develop sustainable projects which include mixed-use, innovative stormwater management, green buildings, and excellent architecture in exchange for increased density or other benefits. In other words, the City can become the carrot, rather than the stick.

A number of Michigan communities have taken positive steps towards becoming leaders in sustainable development and sustainable business. Ann Arbor, Grand Rapids, Traverse City, and East Lansing, for instance, have joined communities like Portland, OR, San Francisco, CA, and Chicago, IL as members of the international organization ICLEI, Local Governments for Sustainability. This organization seeks to nurture sustainability at the local level, helping communities develop local incentives and programs to encourage and support sustainable businesses, development, and practices.

¹ www.centerforsustainability.org

B2B

Business-To-Business. A transaction that occurs between two companies, as opposed to a transaction involving a consumer. The term may also describe a company that provides goods or services for another company.

B2C

Business-To-Consumer. A transaction that occurs between a company and a consumer, as opposed to a transaction between companies. The term may also describe a company that provides goods or services for consumers.

www.investorwords.com

- retail and service
- office and information technology
- research and research technology

Retail and Services

The past 10 years have seen a revolution in the way people buy goods and secure services. **The emergence of the internet has forever changed the way companies do business around the world.** Small shops and family owned businesses can reach customers around the world, while giant corporations can maximize economics of scale and improve the position immeasurably. In this way the internet can be both a blessing and curse for retail. Those businesses that have embraced the internet to promote and sell their goods and services have an advantage over all but the strongest brick and mortar stores. Convenience and selection have become greater than ever.

There are a number of immediate advantages that traditional retail establishments have over e-commerce businesses. First, web-based businesses do not allow for consumers to see products in person or to speak face-to-face with salespeople who can assist the buyer in determining needs and preferences. Also, some goods do not lend themselves to shipping, such as foods or household items. Convenience is also a factor in many consumers' choice to purchase goods in person. Selecting an item in person and taking it home immediately requires a trip to the store, but usually does not involve a wait or additional costs associated with shipping.

Perhaps one of the more critical elements of retail success is the act of shopping as a social activity. Troy has an advantage in that it has a critical mass of large-scale retail developments, such as Somerset Collection and Oakland Mall, and has the opportunity along Big Beaver Road and other corridors to encourage retail in mixed-use developments with integrated residential units, open spaces, and other uses. **The**

The Changing Economic Environment

Shopping, working, communicating, and socializing are all aspects of our daily lives that have been impacted by the advent of the internet. **While industrial properties have traditionally been located near railroads or waterways, new technology-based clean industries are locating nearly anywhere.** In many cases, the prime determination a company must make is where does it want to locate, rather than where must it locate. Chapter 3 detailed the quality of life characteristics of successful communities in the knowledge economy, and recommended courses of action to raise the City's profile in this regard. This section will address three core areas of the local business environment and describe ways in which the City can preserve and enhance its position in these areas:

emerging trend of walkable, mixed-use areas enhances traditional retail establishments in that it counts on retail uses as anchors for neighborhood development. Book stores, coffee shops, shopping centers, and other retail and restaurant uses allow for social interaction and contribute to the City's quality of life.

B2B and B2C

It would be unwise to not consider the impact of e-commerce on the traditional retail community. **In 2006, e-commerce accounted for about 3 percent of all retail sales in the United States, and the trend is continuing upward.**² Troy serves as a retail hub for the region, and must be prepared to support brick and mortar retail establishments in order to help them remain viable moving forward. Given the central role the primary retail areas in Troy have within the City, it is critical that the continued success of these areas is taken into consideration.

It is important for the City to understand and consider that there are two types of retail or service businesses, business to business (B2B) and business to consumer (B2C). B2C businesses are those conventional retail establishments offering goods and services directly to consumers. Comparison shopping, convenience shopping, and restaurant and service uses fall in this category.

Given Troy's considerable office, commercial, and industrial presence, the City should devote significant marketing and promotional efforts specifically towards B2B uses to make up for any real decline of conventional B2C uses due to e-commerce or other factors. While conventional retail and service remain strong in Troy for many of the reasons outline above, there is no guarantee that this trend will continue indefinitely. In many cases, B2B companies are not the first to come to mind when planning

2. *United States Economic and Statistics Administration*

for commercial uses. Given that these uses are not always open to the public, often require warehousing, and rarely market themselves directly to the public, they are not as readily understood.

B2B businesses have embraced the internet as well, and where brick-and-mortar B2C businesses are still relevant for both practical and social reasons, B2B businesses cater to a market concerned only with convenience, quality, cost, service, and availability. **B2B businesses, in other words, may have an even easier time transitioning to an e-commerce platform than conventional retail.**

The City should investigate the needs of B2B businesses in the information age. The availability of office space in Troy can provide easy entry for a B2B business, while the available high-quality industrial properties in Troy's strategic location allows for B2B businesses to develop warehousing and shipping centers nearby. The presence of a significant business community in Troy and throughout Southeast Michigan provides an immediate market for B2B businesses.

Office and Information Technology

The Wealth Creation Task Force for Troy Vision 2020 suggests that Troy must become a link to international business. The City has a head start in that many of its largest office tenants are international corporations based in countries around the world. Troy has 14 million square feet of office space, providing facilities in every imaginable shape, size, and form with any package of amenities a potential tenant may require. The Big Beaver Corridor is home to over 100 businesses and the headquarters for companies like Kelly Services, Kojaijan Companies, LaSalle Bank, Behr, National City Bank, Altair Engineering, and Kirco.³

3. *Troy Chamber of Commerce: <http://www.troychamber.com/gli/whytroy.htm#office>*

Automation Alley

Automation Alley is a “regionally-focused technology organization” intended to bring local business, educational institutions, and local units of government together in order to coordinate and promote technology-based businesses in Southeast Michigan.

The organization’s members are located in Genesee County, Livingston County, Macomb County, Monroe County, Oakland County, St. Clair County, Washtenaw County, Wayne County and the City of Detroit. The mission of the organization is to “...act as a catalyst to enhance the image of Southeast Michigan to help members grow their businesses.”

Automation Alley provides products and services to its members to stimulate and highlight technological excellence and economic diversity. Ultimately, Automation Alley aims to help industry, government and academia attract, develop and retain the skilled workforce required to be competitive in the new knowledge-based economy.

Automation Alley assists its members through three specific programs:

- **International Business Center:** *the Automation Alley International Business Center helps small and medium size companies become export ready, organizes trade missions and conducts international business attraction services.*
- **Technology Center:** *the Automation Alley Technology Center leverages businesses, educators and government to help entrepreneurs bring new technologies to market quicker and more efficiently.*
- **GLIMA Network:** *GLIMA, Automation Alley’s association for technology professionals, provides significant learning opportunities for individuals within Michigan’s technology community.*

www.automationalley.com

What are information technology and other knowledge economy businesses looking for when seeking new office space? Assuming that many new information-based businesses can be very selective in their location, given that they are no longer tied to availability of materials or railroads, etc., when a business has chosen Troy based on other factors, what is a company looking for in a specific facility? If Troy is able to attract new office and high-tech businesses, it must then address the second part of the equation and ensure that the City’s office spaces are qualified for the businesses it attracts.

Infrastructure for advanced technology offices and businesses includes fiber optics, wireless communication, multiple carriers, power redundancy and other components. Troy must ensure that new office spaces have this essential technology infrastructure. When new buildings are developed incorporating new technology standards, they enjoy lower vacancy rates and increased lease income based on higher rents.⁴

The City should consider encouraging physical components to ensure that new or redeveloped office spaces are more conducive to knowledge economy businesses. These elements will contribute to the economic sustainability of the structure, and when complemented by green building design will ensure that new or redeveloped structures are competitive and viable for generations to come. These elements could include:

- Elevated Ceiling Heights
- High Floor Load Capacity
- Power Redundancy Components
- Telecommunications Space
- Raised Flooring
- Flexible Connectivity
- Advanced Fire Protection Systems
- Closed Circuit Security Television Monitoring

4. Real Estate Knowledge Center

- Tenant Controlled HVAC
- Flexible Work Stations

Given a choice between a conventional office space and one having many or all of the features described above, with all other factors being equal, the facility with these upgrades will be far more competitive. **The City can explore incentives and regulations which enhance the City's stock of existing office space with an even more technologically advanced stock of desirable spaces.** In this way, the City can ensure that those businesses attracted to Troy by the quality of life and other factors will find a physical space which allows them to excel in their sector and provide an optimal environment to attract the highest quality workforce.

Research and Research Technology

Troy has a tradition of innovation in research and research technology in a variety of sectors. Troy's top employers include automotive industrial giants such as GM, Volkswagen, Chrysler, Ford, Nissan, Delphi, Behr, Magna, Valeo, Lear, Porsche, and Arvin-Meritor. Other top employers include medical entities such as Beaumont, Quest Diagnostics, Trinity Health, Henry Ford, Oakwood, St. John's, and Wayne State Physician's Group. Other technological leaders include IBM, Fanuc Robotics, and ECD Ovonic, a developer of alternative energy products like photovoltaic shingles to capture solar energy and fuel cells under development for alternative automotive power. **It is a mix of companies like these, and especially companies in a growing field such as green energy like ECD Ovonic, for which the City of Troy must compete moving forward.**

The Emerging Sectors program launched by Oakland County targets ten business sectors in which the County wants to become more competitive. It is designed to capture and develop businesses which operate in the area of new and emerging technology. Emerging Sectors functions first as a promotional program

Emerging Sectors

The Oakland County "Emerging Sectors" business attraction strategy, adopted in 2004, is designed to capture and develop businesses which operate in the area of new and emerging technology. Emerging Sectors has identified a number of critical facts which speak well of the success of 21st century businesses in Oakland County:

- More than one third of the research and development facilities in Michigan are located within Oakland County.
- Michigan is second in the nation for research and development spending.
- Michigan companies file for over 3,000 patents a year, which makes Michigan a top ten state in that category.
- Over 40 percent of Oakland County residents have college degrees, about 14 percent higher than the national average.
- Master's Degrees were awarded at a rate of 250 percent of the national average, and Ph.D.s were granted at a rate of nearly 200 percent the national average.

<http://www.oakgov.com/econ/sectors/sectors.html>

to attract businesses in these ten sectors, and also acts as an information clearinghouse to assist companies considering new locations. The program specifically targets its promotional efforts towards those companies within each sector which the County feels are most likely to consider expanding into Oakland County. These sectors are:



- Assisting Oakland County companies as they identify and promote new applications for their existing technologies in domestic and international markets.
- Linking research and development projects at local universities with proven entrepreneurs to accelerate participation in the global marketplace.
- Aggressively identifying and increasing local sources of venture and growth capital for emerging sector companies.
- Continuing to attract and develop a highly-skilled workforce.⁵

One of the primary initiatives the City of Troy has undertaken with regard to targeting emerging sector businesses is the establishment of the Smart Zone. The Big Beaver Corridor Study envisions the Smart Zone as an area in which high-technology uses at the cutting edge of innovation are cultivated. **The Study calls this location a “paragon of innovation” and prescribes a combination of “signature” light industrial, research and development, and office uses.**

As noted previously, Troy is also part of Automation Alley, and is home to the Automation Alley headquarters and Technical Center. Automation Alley is actually a broader multi-community Great Lakes Interchange Smart Zone, with a focus on business and technology in the advanced automotive, information technology and homeland security sectors.⁶

The Troy Chamber of Commerce has developed a Smart Zone website for Troy, which serves as a portal to potential businesses around the world and which highlights the many advantages they can enjoy in the City.

- Advanced Electronics & Controls
- Advanced Materials & Chemicals
- Alternative Energy & Power Generation
- Automotive R & D
- Biotechnology
- Communications & Information Technology
- Homeland Security
- Medical Devices & Instrumentation
- Micro/Nanotechnology
- Robotics & Automation

The Strategy of Emerging Sectors includes:

- Attracting high-tech businesses from around the world to Oakland County.
- Facilitating new collaborations between existing Oakland County businesses and outside companies looking to expand into North America.

5. <http://www.oakgov.com/econ/sectors/sectors.html>
 6. <http://www.troychamber.com/gli/smartzone.htm>

The Land Use Balance

A balanced tax base is an essential element of effective community governance. A balanced tax base ensures that residential taxes can be kept at reasonable levels without having to sacrifice quality of services.

Residential properties require \$6,274,919 more dollars of taxes for services than they contribute in Troy as of 2005. In other words, the residential properties represent a deficit of \$333 toward the cost of City services per acre of residential land. Commercial and industrial properties, on the other hand, pay \$6,274,919 more in taxes than the cost of the services they require. This equates to added payments of \$1,114 per acre of land.

Like most communities, the additional taxes paid by commercial and industrial properties are levied to offset the usage by residential properties. As of 2005, commercial and industrial properties comprised \$521,499,630 less in taxable value than residential properties Citywide.

If the ratio of commercial and industrial taxable value to residential taxable value were to change one way or another, the responsibility per acre of these land use classes to carry the financial obligation of the City would also change. For instance, **if the Citywide land use ratio were to tip towards a commercial and industrial majority, the residential class would pay a reduced portion of the overall costs of services when compared to its usage.** Conversely, if the commercial and industrial taxable value were to decline, residential properties would bear a greater burden of the overall financial obligation of the City, and would have to pay a larger portion of the costs of services when compared to usage.

Mixed-Use and Tax Base

One of the many advantages of mixed-use development is its ability to help offset residential development's impact on the tax base by integrating it with commercial development. That is, while new residential development alone would help tilt the land use balance towards residential overall, therefore requiring that residential pay a larger portion of the overall tax obligation, incorporating commercial, office, or even light industrial development can offset that obligation. Depending on the scale, nature, and location of the mixed use project, the non-residential component could be calculated to directly offset any increased burden created by adding the new residential uses. Employed consistently, mixed-use development could ensure that the tax base balance is maintained as new residential units are developed in Troy.



Troy as a Hub for the Regional Economy

In many ways, Troy is a primary center of urban Oakland County. Over 100,000 people come into Troy every day for work, and thousands more City residents also work in the City. **Troy's workforce is over 120,000 people, yet only about 8,000 of those workers actually reside in the City.**

Troy is an educational hub, with its strong tradition of higher education and exemplary school systems. Troy is also a financial center in Southeast Michigan, as it is home to a large number of international banking and financial institutions. Troy is also home to regionally acclaimed retail and entertainment, and is a central location for shopping in Southeast Michigan. **The City must capitalize on these facts and adopt the philosophies contained in Chapter 3 in order to encourage more of its daytime workforce to consider Troy the best place to live.**

The DDA as a Center for the Regional Hub

The Downtown Development Authority Area is highly visible when compared to the rest of Troy and when compared to the surrounding area. **While Troy may not have a traditional, small-scale downtown, its DDA is a regional center of activity.** Within Troy's Downtown Development Authority boundary, there is approximately 1.1 billion dollars of building market value. The parcels within the DDA comprise only 3 percent of those in the City as a whole, and 1.6 percent of the acreage, but account for about 36 percent of the overall community building market value.

The City of Troy can capitalize on this role by allowing the evolution of the DDA to include increased residential uses and other mixed uses as envisioned in the Big Beaver Corridor Study.

The Study is a forward-thinking blueprint to the continued development of the Corridor, and includes a series of recommendations that will help Troy capture more of the dollars spent by the over 100,000 commuters who enter and leave Troy everyday. **Mixed-use projects with integrated residences will allow more people to live and work in Troy.** The inclusion of more such properties will open Troy up as a popular place for young professionals who seek new residential styles in close proximity to their places of employment. **Often, these individuals have money to spend at Troy retail businesses, and can contribute to the dynamic and vibrant community Troy desires to be.**

Survey Responses

A primary source from which many of the ideas in this Plan have been derived is the supplemental survey given to SGRAT Workshop participants, City department heads, and the Planning Commission. The following are a selection of questions and responses which helped inform this Chapter.

What kind of image do you want people to think of when they are asked about Troy?

- *A commerce metropolis, clean and modern.*
- *A strong business presence; thriving neighborhoods, a balanced mix of residential and business tax base; the cutting edge of environmental sensitivity and walkability.*
- *A center of knowledge; an economy based on information technology.*

What can the City of Troy do to continue to attract world-class businesses?

- *Offer reasonable incentives. Maintain quality infrastructure. Continue to offer quality City services & A++ rated schools. Make it attractive for the business community to also want to live here in Troy.*
- *Promote Troy as a high-tech corridor and streamline the process of establishing and maintaining a Troy business. Make guidelines for developers very clear, concise, fair and predictable.*
- *Start by realizing that Troy needs the business community. Not long ago, businesses paid more than 50 percent of the taxes, making Troy a very desirable place to live; it has shifted the other way. Work with the Chamber of Commerce and diversify the business base.*

What is the role of the City of Troy in the region? What role should the region play in the future of Troy?

- *Cooperative neighbor that shares ideas and challenges in open communication with neighboring communities, taking on a leadership roll when it is in the best interest for all.*
- *Troy should provide an example of how a city can balance between successful business and a qualified residential base. Recent economic trouble for the state and region has tarnished that image. Troy can provide an example of leadership in how a community can excel as it matures.*
- *A leader and model of an environmentally friendly community.*
- *Troy is perceived as a strong entity and therefore we can be a leader in moving the region to think, govern, buy, and plan regional. The image of the entire region will affect the ability of Troy to attract and retain jobs and the creative class. We need to work together to solve issues of blight, economy, education and mass transit.*
- *Troy should be a role model city of how a community can balance commercial and residential needs so each compliments each other. The City should lead in being flexible to accommodate future needs of the residents.*

What is the future of traditional industrial land uses, such as manufacturing or fabrication, in the City of Troy?

- *We need to be creative as these traditional uses become obsolete. Our PUDs are a positive start for the future of these areas.*
- *Manufacturing is not coming back. Those buildings need to be used for other things. Allow residential use.*
- *Allow some to be developed as described in the Maple Road study. Especially, the work/home development for entrepreneurs. It is important that these work/home developments are visually pleasing.*
- *Information about how industrial parcels could be converted to alternative uses should be made*

What does the Smart Growth Readiness Assessment Tell Us?

Many of the questions asked in the SGRAT have some bearing on the local economy, either directly or indirectly. Those questions which asked about the current trends in the City with regard to redevelopment of existing properties and the ability to develop mixed-use properties relate to the City's strategy for transitioning to the 21st century marketplace. Questions which relate to live-work units and brownfield redevelopment show how the City can improve its ability to accept new development types and encourage manufacturing era properties to redevelop as knowledge-economy facilities.

Are developers actively redeveloping vacant, under-utilized, and/or brownfield properties?

- A. Yes
- B. No

Best Answer: A

Troy's Response: A

Does your Zoning Ordinance and Master Plan provide strategies and incentives for redeveloping existing urban areas?

- A. Yes
- B. No

Best Answer: A

Troy's Response: B

In which of the following zoning districts is mixed-use permitted? (Check all that apply, if any).

- A. Central business district
- B. Neighborhood commercial districts
- C. Special mixed-use overlay district
- D. Planned Unit Development Districts
- E. Other

Best Answer: A, B, C, D, E

Troy's Response: D

Has your local government adopted zoning codes that give as much opportunity for a mixed-use development as for a typical single-use project (e.g., a medium density housing subdivision, strip mall or office park)?

- A. Yes
- B. No

Best Answer: A

Troy's Response: B

The City in Motion: Local and Regional Mobility

Mobility is changing as rapidly as the economy. Companies are more mobile than ever, telecommuting is rising as a popular way to work, and e-commerce is taking a share of the conventional retail market, all of which have a dramatic effect on transportation needs. Fuel prices have changed the way consumers choose their homes or even plan their daily errands. Non-motorized transportation is becoming a viable option in many communities, especially when integrated with other forms of transportation to create a true multi-modal system. In that spirit, this Chapter will analyze the existing transportation network within the City of Troy and explore new ways the City can think about transportation.

During the Troy Vision 2020 planning process, the Troy Futures members dedicated a separate task force exclusively to mobility. The Vision 2020 Task Force established a series of five preferred futures in the City. These five visions address the need for safer transportation, more transportation options for all age groups, and the desire for a regionally prominent non-motorized transportation network. Vision 2020 also acknowledged the emergence of virtual pathways and their importance as communication supplants transportation in many applications. The final vision of the Mobility Task Force is that Troy will become a “green” city where a series of actions contribute to make Troy an environmentally sustainable place within which to travel.

The results of the SGRAT and the findings of the Master Plan survey also reveal that strong support exists for many of the concepts envisioned by Troy Futures, and specifically

for the enhancement of non-motorized transportation options in the form of pathways or bike lanes.

Troy’s Existing Transportation Infrastructure

This Section will detail the existing conditions of the transportation infrastructure in Troy and also describe City programs and entities charged with maintaining and developing that infrastructure.

Existing Conditions: Roadways

The primary method of transportation as it stands today in Troy is the private automobile. The City has a comprehensive roadway network, described in the following subsection.

Streets and Roads

The surface street network in the City of Troy is developed and maintained jointly by the City of Troy and the Road Commission for Oakland County (RCOC). Table 5.1, on the following page, demonstrates the major roadway jurisdictions in Troy, from north to south, then west to east.

There are over 319 miles of roads maintained by the City, which equates to over 1700 lane miles. **These roads are used by approximately 400,000 vehicles a day.** The complete road network consists of 364 miles of roads, when all local and County roads are included. The City also maintains over 500 miles of sidewalks in Troy.¹

¹ www.troymi.gov

Functional Classification

The National Functional Classification (NFC) System is a planning and identification tool used by most transportation agencies. The classifications are used to group streets and highways into classes according to the character of traffic service they are designed for.

Principal Arterials

These roadways are at the top of the classification hierarchy. The primary function of such roadways is to carry relatively long distance, through-travel movements. Examples include interstates and other freeways as well as state routes between larger cities.

Minor Arterials

Minor arterials include roads connecting intra-urban land uses. These roads tend to accommodate slightly shorter trips than principal arterials.

Major Collectors

Major collectors provide access and mobility within residential, commercial, or industrial use and connect local roads to arterials. Major collectors generally carry more traffic than minor collectors.

Minor Collectors

Minor collectors also provide access amongst varying land uses, but generally have less traffic than Major Collectors.

Local Roads

Local Roads provide access to individual properties and typically have moderate to low speeds. The improvement of local roads typically rates the lowest priority. Most residential streets in Troy are classified as local roads, and are often located in subdivisions.

TABLE 5.1: ROADWAY JURISDICTION
Source: City of Troy Traffic Engineering

Roadway	Jurisdiction
Interstate 75	State of Michigan
South Blvd.	Road Commission for Oakland County.
Square Lake Rd.	City of Troy
Long Lake Rd.	Road Commission for Oakland County
Wattles Rd.	City of Troy
Big Beaver Rd.	Road Commission for Oakland County
Maple Rd.	City of Troy and RCOC
14 Mile Rd.	Road Commission for Oakland County
Adams Rd.	Road Commission for Oakland County
Coolidge Highway	City of Troy
Crooks Rd.	Road Commission for Oakland County
Livernois Rd.	City of Troy and RCOC
Rochester Rd.	City of Troy
Stephenson Highway	City of Troy
John R Rd.	Road Commission for Oakland County
Dequindre Rd.	Road Commission for Oakland County

Roadway Improvement Program

The City has a sophisticated Roadway Improvement Program which forecasts maintenance and enhancement needs for the City's streets. This program identifies timetables, projected costs and scheduling, and assists the City in obtaining transportation dollars and grant funding for road projects.²

FAST-TRAC

The City of Troy is a participant in the Road Commission for Oakland County FAST-TRAC (Faster And Safer Travel Through Routing and Advanced Controls) program. The system is a computerized real-time traffic signal timing program employing hardware and software to **monitor and adjust traffic signalization in order to constantly optimize signals based on current traffic demands** at times when traffic demand exceeds roadway capacity. The City of Troy has participated in the program since 1992, and has grown its reach within the

2. City of Troy Traffic Engineering Department

City from 28 signals to over 300 signals.³

Traffic Committee

The City of Troy has a Traffic Committee which consists of seven members appointed to three-year terms. The Committee includes the Police Chief, Fire Chief and Traffic Engineer as ex-officio members. The Traffic Committee advises the City Manager and City Council with regard to traffic regulations and safety considerations.

Neighborhood Traffic Harmonization Program

The City of Troy Neighborhood Traffic Harmonization Program is a program of cooperation between the City and residents to reduce the impacts of traffic on neighborhoods. **The three-phase program is designed to give residents an active role in identifying issues with the local streets in their neighborhood and developing a consensus on how to solve the problem or mitigate its negative impact.**

The first phase identifies the problem, provides for a complete explanation of the Program, gains the support of a Core Group of residents, and collects data in the form of speed studies and field review. The second phase involves the planning of educational, enforcement and engineering measures to solve the issue. If ultimately determined necessary, the third and final phase is the installation of any planned physical control devices designed to enhance traffic management and neighborhood safety. The cost to install such devices must be generated from the neighborhood, utilizing a Special Assessment District.⁴

Existing Conditions: Highway Access

The City of Troy is bisected by Interstate 75. The Interstate has access to the City at 14 Mile Road, Rochester Road, Big Beaver Road, Crooks

³. Road Commission for Oakland County

³. City of Troy Traffic Engineering Department



Road, and Adams Road. Interstate 75 is over 1775 miles long and extends from southern Florida to Northern Michigan, and provides regional access to the City of Detroit, Canada, Northern Oakland County and beyond.

Existing Conditions: Air Travel

Within the City of Troy, private, corporate and charter air travelers are able to use the Oakland/Troy Airport, owned and managed by Oakland County. The Oakland/Troy Airport is located at 2672 Industrial Row and is also used for limited air freight service. Aircraft maintenance and fuel are also available.

The Oakland County International Airport is located in Waterford and is the nation's 6th busiest general aviation airport. Originally known as Pontiac Municipal Airport, it provides corporate and general aviation service to Oakland County and Metro Detroit, and also provides a more advanced ground support network including major repair and full contract maintenance, fueling, catering and charter services.

The majority of commercial air passengers in Troy utilize the Detroit Wayne County Metropolitan Airport in Romulus, Michigan. The Airport is owned and operated by Wayne County,

SMART

(Suburban Mobility Authority for Regional Transportation).

SMART is Southeast Michigan's bus system. SMART provides fixed route service over 54 routes and also provides a variety of curb-to-curb service including Dial-A-Ride and flexible routes, to access otherwise inaccessible locations.

SMART employs nearly 1,000 people and serves approximately 225,000 riders per week. SMART estimates that nearly 60 percent of its ridership uses the system to access their places of employment. SMART serves nearly all of Wayne and Oakland Counties, and also serves all of Macomb County.

www.smartbus.org

and is managed by The Wayne County Airport Authority. Detroit Wayne County Metropolitan Airport has undergone significant enhancement in recent years, including the construction of a new terminal and runway.

Existing Conditions: Transit

The City of Troy is served by the SMART (Suburban Mobility Authority for Regional Transportation) System. SMART is Southeast Michigan's bus system, which provides fixed route service over 54 routes and also provides a variety of curb-to-curb services including Dial-A-Ride and flexible routes, to access otherwise inaccessible locations.

SMART's primary routes within the City of Troy provide access to Big Beaver Road between Coolidge Road and Livernois Road, all across the City's south boundary, and north to Auburn Hills via Coolidge Road, Long Lake Road, and

Interstate 75.

The SMART system extends throughout Oakland, Wayne, and Macomb Counties, and provides regional service to and from major employment centers in Southeast Michigan, including the City of Detroit. SMART also provides a wide variety of special, charter, private, and remote access services.

The Future of Mobility in Troy

Mobility needs are continuing to evolve. As mentioned in the opening paragraph of this Chapter, many significant factors are changing the way Americans address transportation. This section will introduce new measures intended to ensure that all people in Troy, regardless of age, remain mobile, that the attributes of the City and region are accessible, and that the transportation infrastructure of Troy contributes to a positive quality of life in the City.

Thoroughfare Plan

The City of Troy Thoroughfare Plan (see map, next page) is incorporated as a part of this Master Plan. The Thoroughfare Plan enables the City to better direct resources for roadway improvement by basing its decisions on the planned right-of-way and other enhancements provided on the Plan. The Thoroughfare Plan also enables the coordination of efforts between various levels of City government responsible for the building and improving of roads.

Access Management

Access management is the development of a program intended to ensure that the major arterials, intersections and freeway systems serving a community or region will operate safely and efficiently while adequately meeting the



Legend

- - - 204 ft. R.O.W.
- - - 150 ft. R.O.W.
- - - 120 ft. R.O.W.
- * Transit Center
- * Transit Service
- ✈ Airport

THOROUGHFARE PLAN

CITY of TROY Oakland County, Michigan

Date: May 27, 2008

Provided By: Carlisle/Wortman Assoc., Inc.
Community Planners & Landscape Architects

Access Management

Basic design principles:

- 1. Provide a specialized road system; design roadways according to the function they are intended to provide.*
- 2. Limit direct access to major roadways; preserve the traffic function of higher volume roads serving regional thru traffic.*
- 3. Promote intersection hierarchy; transition from one classification of roadway to another.*
- 4. Locate signals to favor through movements; proper placement of signals allows for better coordination of signals, continuous movement of traffic at the desired speed and reduces delays.*
- 5. Preserve the functional areas of intersections and interchanges; the area where motorists respond to the intersection or interchange, decelerate, accelerate, or complete turns.*
- 6. Limit the number of conflict points; collisions and mistakes occur when the driving environment is complex.*
- 7. Separate conflict areas; traffic conflicts can also be reduced by separating conflict areas.*
- 8. Remove turning vehicles from through traffic lanes; when turning vehicles are removed from through traffic lanes, better traffic flow and is maintained, capacity is preserved and safety is improved.*
- 9. Use non-traversable medians to manage left-turn movements; the majority of access-related crashes involve left turns.*
- 10. Provide a supporting street system and circulation system; interconnected street and circulation systems better support alternative forms of transportation.*

TRB Access Management Manual, 2003

access needs of the abutting land uses along the roadway. Implementing access management techniques can help increase roadway capacity, manage congestion and reduce crashes. In the case of businesses, there are also less obvious benefits such as a reduction in maintenance and other costs by utilizing shared driveways or eliminating entrance and exit points. Increased road frontage and improved aesthetics are also a result of eliminating driveways.⁵

The Big Beaver Corridor Study includes an analysis of access management concerns within the Big Beaver Corridor. **The Study concludes that while there are many positive attributes with regard to access management in this critical area, there is room for improvement in the future.** Specifically, poor spacing between driveways, frequency of driveways, and driveways too close to certain intersections are areas where access issues have a significant effect on traffic management in the Corridor.

Successful access management practices in the Big Beaver Corridor that were noted by the Study include the area surrounding Somerset Collection, where limited, protected driveway “throats” provide access to consolidated areas. This design results in fewer overall driveways and reduces potential conflict between internal circulation and the entering traffic from Big Beaver Road. The Study also identifies several areas throughout the Corridor where consolidated driveways to Big Beaver Road or to other major north-south roads are used to provide access to multiple sites via collector streets or internal shared driveways.

Non-Motorized Transportation Plans

The City of Troy has initiated a significant City-lead effort to construct and improve trails and pathways in the City. As evidenced by the overwhelming support for trails received during

5. Federal Highway Administration

the Parks and Recreation Master Plan process, the Master Plan Survey, and within Troy Vision 2020, the community has expressed a great deal of interest in alternative transportation.

With that in mind, the City of Troy created the Troy Trails and Pathways Committee, a group charged with developing a world-class trails system in Troy. The Committee was allocated funding for assistance in developing strategies for trails and pathways. The City intends to fund the Parks and Recreation Department for Committee activities in each budget year for the foreseeable future.

The Trails and Pathways Committee determined that there are three main purposes for the development of trails in Troy:

- **Interconnectivity between retail, restaurants, public facilities, and other trails**
- **Recreation**
- **Improved walkability and an opportunity for non-motorized transportation**

In the summer of 2007, the Trails and Pathways Committee developed a series of long term and short term goals. Some of the predominant themes in the long term goals are:

- Provision of scenic trails throughout the City
- Overall safety, security, and sustained funding
- The inclusion of bike lanes, trails and pathways into road construction projects
- The development of bicycle and pedestrian friendly destinations throughout Troy
- The incorporation of trails and pathway systems into private developments
- The development of community education programs about trails and alternative transportation

In the short term, the Trails and Pathways Committee intends to:

- Define the potential users of trails
- Develop an awareness campaign of their efforts
- Address access management in Troy
- Establish timing, funding, and impact of potential projects
- Demonstrate tangible progress
- Create buzz by pursuing media attention
- Re-route existing bike routes as needed
- Investigate the development of a non-motorized transportation plan
- Develop a web page and other marketing

As noted in Chapter 3, the responses collected from the Parks and Recreation Plan Survey and the input of the SGRAT suggest that people consider trails and pathways to be more than simple recreational amenities, and genuinely consider them valid transportation options that drive property values up and can be seen as an amenity for real estate development.

The Transit Center and Transit-Oriented Development

The concept of “Villaging” introduced by Troy Futures in Vision 2020 is one that lends itself to the incorporation of mass transit and the provision of alternative modes of transportation. Vision 2020 calls for the establishment of activity nodes with a connected sense of place, centered on a range of different concepts or themes. These areas would be compact, walkable, and would provide a mix of uses to contribute to an atmosphere of vitality and diversity. The “Villages” throughout the City would each have a unique character and would allow visitors or residents to have access to services, entertainment, and even employment within walking distance, with access to the other nodes, the rest of the City, and areas around the region available by transit.

Transit-oriented development (TOD)

TOD is compact, walkable development centered around transit stations, generally including a mix of uses, such as housing, shopping, employment, and recreational facilities. TOD is designed with transit and pedestrians as high priorities, making it possible for visitors and residents to move around without complete dependence on a car.

Components of TOD include:

- *Walkable design with pedestrian as the highest priority*
- *Train station as prominent feature of town center*
- *A regional node containing a mixture of uses in close proximity including office, residential, retail, and civic uses*
- *High density, high-quality development within 10-minute walk circle surrounding train station*
- *Collector support transit systems including trolleys, streetcars, light rail, and buses, etc*
- *Designed to include the easy use of bicycles, scooters, and rollerblades as daily support transportation systems*
- *Reduced and managed parking inside 10-minute walk circle around town center / train station*

Massachusetts Bay Transportation Authority, http://www.mbta.com/projects_underway/tod.asp

and

<http://www.transitorienteddevelopment.org/index.html>

The “Villaging” concept can be achieved by following the principles of Transit Oriented Development, or TOD. The TOD principles are centered on the basic idea that mixed-use, walkable, compact development surrounding transit stations contributes to the health of the community and helps support the transit itself. The non-profit group Reconnecting America, an organization dedicated to encouraging TOD development, states that a TOD is more than development near transit, it is also development that achieves the following:

- It increases “location efficiency” so people can walk, bike, and take transit
- It boosts overall transit ridership and minimizes the impacts of traffic
- It provides a rich mix of housing, jobs, shopping, and recreation
- It provides a value to the public and private sectors, and for both new and existing residents
- It creates a sense of community and sense of place⁶

In order for TOD to work, there are a number of coordinated efforts that must succeed. **First, the City must demonstrate commitment to the provision of transit.** The City of Troy has already expressed its support of transit, and the regional SMART system shows that the region is interested in expanding and enhancing its transit capabilities. The ongoing Troy-Birmingham Transit Center project constitutes a strong local commitment to the provision of efficient, equitable, and world-class transit options for Troy residents.

A successful TOD strategy must also have the support and leadership of elected officials and investors. This is ultimately expressed by the adoption of policies that coordinate development with transit corridors and facilities. Strategies can be incentive-based or

6. Reconnecting America, “Why Transit Oriented Development and Why Now?”

regulatory and could include the development of station area plans, the adoption of higher density, mixed use zoning, the development of design guidelines for station areas, strong public investment policies, and incentives like the sharing of infrastructure development costs, providing for brownfield remediation, or streamlining the development process for TOD projects.⁷

Virtual Pathways

New advances in telecommunications could have dramatic impacts on transportation in the future, but the actual effects are still uncertain. In particular, **the advent of telecommuting will allow a great number of people to work remotely**, usually out of their homes or satellite offices. This kind of arrangement was not possible before high speed internet and other technological breakthroughs.

According to the U.S. Census, telecommuting has been increasing and will likely continue to increase. **In fact, in 2005 about 3.4 percent of workers were telecommuters in the United States and projections indicate that as many as 20 percent could ultimately become home-based.** This projection is based on the federal workforce, where promotion of telecommuting is mandated by law.

On its face, telecommuting would appear to relieve traffic congestion by taking more drivers off the streets and reducing the number of trips per day. However, in the long term, telecommuting could have the same effect that the emergence of knowledge based businesses has had in that workers will no longer be required to locate near their employers. While many employers locate strategically to secure a solid workforce, there are also firms which exist virtually online. That is, employees work all over the country and contribute via the internet.

7. http://www.mass.gov/envir/smart_growth_toolkit/pages/mod-tod.html

Walkable Urbanism Strategic and Implementation Plan: The Troy Birmingham Transit Center

In May of 2007, the Troy Chamber of Commerce and the City of Troy initiated the development of the Walkable Urbanism Strategic and Implementation Plan. The Plan will focus on the area surrounding the planned Troy/Birmingham Transit Center. The study team includes a group of graduate students from the University of Michigan Real Estate Program focused on four areas of analysis:

- *Transportation options*
- *Fiscal impacts*
- *Market potential*
- *Land use patterns*

The final Comprehensive Report, due to be completed in 2008, will provide both a "contextual analysis" and a "strategic and implementation" plan. The Report will identify opportunities and projects which will enhance the area and complement the planned Transit Center.

The study will examine the area at three geographic levels. The first will be the site itself, the second will be the site and it's immediate surroundings, and the third will be the greater context and neighboring "activity nodes." In this manner the study will address how the Center will interact with the neighborhood and with communities beyond Troy and Birmingham.

Given this phenomenon, communities like Troy may have to rely even more heavily on the quality of life elements of the City to retain residents even if industry and professional offices succeed in the community. **In fact, on a regional scale, telecommuting could result in a greater demand for more remote development and could ultimately contribute to urban sprawl. Without the requirement of proximity to an employer, employees can live wherever they wish.**

Impacts of Telecommuting

The Research and Innovative Technology Administration of the Bureau of Transportation Statistics, a department within the United States Department of Transportation, identified a number of key issues with regard to the impact of telecommuting on transportation demand. They include, but are not limited to, the following:

- The actual amount and impact of telecommuting in any particular region will depend strongly on the local transportation environment and travel demand measures.
- The congestion and air quality improvements potentially attainable through telecommuting could be substantially diminished if telecommuters removed from the highways are replaced by the emergence of latent travel demand.
- Telecommuting could stimulate urban sprawl and have other adverse impacts on land use and public transportation.
- Factors which will impact the rate of growth of telecommuting include uncertainty of benefits for employers and the considerable time and effort inherently required to bring about major changes in work styles and ways of doing business.

The City must continue to consider the potential needs of telecommuters in order to combat the potential flight of knowledge economy workers in the City.⁸

8. *Transportation Implications of Telecommuting, Bureau of Transportation Statistics*

Survey Responses

A primary source from which many of the ideas in this Plan have been derived is the supplemental survey given to SGRAT Workshop participants, City department heads, and the Planning Commission. The following are a selection of questions and responses which helped inform this Chapter.

What can the City of Troy do to continue to attract world-class businesses?

- Strategic parking plans to make businesses easy to find and convenient and safe for customers and employees to use.*
- Improve our roads and pedestrian pathways, maintain high standards in architecture, rigorously enforce zoning violations, retain residential character of our neighborhoods in spite of the majority of City Council pushing to commercialize them with large commercial vehicles and large group child care homes, start the customer solutions department, and more.*
- Provide good roads that are well maintained and well operated.*

What steps would you take to make Troy a more vibrant and engaging place to live and work?

- Mass transit options to access entertainment in metro Detroit.*
- Add paths and trail system in City; increase property maintenance standards; increase art in public places; create synergy.*

Should Troy play a role in the development of improved regional transportation?

- Yes, we should work on developing the proposed Transit Center and expand from there.*
- Absolutely, we need a creative connector (trolley to Big Beaver Corridor from Maple/Eton Station. More Bike, walking paths from subs to parks. Destination emphasis planning.*
- Yes, Troy should play an important role in improving regional transportation. Mass regional transportation will enable people to move from "here to work" economically and efficiently. We can't build wide enough roads to move traffic; we need to economically and efficiently move people during the course of the day.*
- It would help make the City more family friendly. We would be sharing transportation options. It would also help attract world – class business. It is a good selling point.*
- Yes. If we are to be the hub of business and fun activities (family, night life, etc) we must make it easy for people in nearby communities to visit Troy without getting into a traffic jam.*
- Yes. We need a method for our residents to get to their place of employment without using single occupant vehicles. We need a method of transportation for youth and seniors. Lastly, we need a method to bring employees to the businesses located in Troy. Continue to develop walkability.*

(continued)

What is the most important improvement that Troy can make to ensure that all residents have access to safe and efficient transportation?

- *Affordable regional mass public transportation.*
- *Create a comprehensive pedestrian pathway system (walking, biking, rollerblading, etc.) that system would help to reduce short trip car drives that add to roadway congestion.*
- *Provide a means within the City to get the residents to the collection points for the regions/ transportation system.*
- *Create regional public transportation that is efficient, safe and inexpensive.*
- *Make it affordable and convenient not just within the City.*
- *Keep the roads nice for all modes of transportation.*
- *Promote the transit center and the transit services to be housed in it. Then make sure adequate walking and bike paths are connected throughout the whole City.*

How can the City better accommodate non-motorized transportation?

- *Emphasize bike paths. Include in all developments specific requirements for safe walk & bike access.*
- *Follow ADA guidelines. Create refuge islands on highways, increase the “walk” time on traffic lights, make bike paths to get bikers off pedestrian sidewalks, and provide adequate lighting.*
- *Better cross town connected bike routes that also have destinations, i.e. mall or civic center. Have a dedicated 4 foot lane for bicycles.*
- *Complete the trailways initiative with a completed infrastructure as recommended by Vision 2020.*
- *The development of pathways and trails is a start. We need an alternate mode of transportation that is cost affective and reliable.*
- *Promote mixed-use development.*
- *Plan the City in small village components that can service the daily needs of nearby residents by sufficient shopping areas central to each village.*

What does the Smart Growth Readiness Assessment Tell Us?

The SGRAT included a section dedicated to the provision of transportation options. Tenet 8 of the Smart Growth Tenets, “Provide a variety of transportation options” was covered by 15 questions ranging from topics like mass transit to air travel. The assessment granted 33 percent of the available points to Troy for Tenet 8. The City received many points for its strong capital improvements planning, access management standards, well-developed subdivision regulations, provision of transportation options for the mobility impaired (either by income restrictions or physical limitations), and the mitigation of the negative impacts of parking on surrounding areas.

The assessment demonstrated that the City can improve its transportation score in a variety of areas, especially by providing stronger access to public transit, rail service, or a multi-modal method of access to a regional airport. Troy could also gain points by encouraging better infrastructure for cycling as a viable option, and the provision of park-and-ride areas for bus service. Further, the City does not make extensive use of traffic calming devices, which can restrict automobile traffic, but encourage safer non-motorized transportation in certain circumstances. Specific questions from this section included:

Does your community have a Transportation Plan (or a transportation element within your Master Plan) that does any of the following? (Check all that apply, if any).

- A. Establishes consistent policies that reflect and support the Master Plan, Zoning Ordinance, capital improvement program, access management plan and new development on a regional basis?*
- B. Coordinates and supports multi-jurisdictional land use and transportation planning along regional transportation corridors?*
- C. Provides goals, objectives and strategies to enhance an interconnected pedestrian network which serves the entire community?*
- D. Provides goals, objectives and strategies to implement infrastructure and initiatives to promote bicycling and other non-motorized transportation options?*
- E. Provides goals, objectives and strategies to implement public transit systems that are appropriate to the size, scale and need of your community?*
- F. Provides goals, policies and objectives that prioritize improvements and maintenance of existing roads rather than the construction of new roads?*
- G. Identifies where and when public funding will be necessary to implement context sensitive solutions to transportation issues?*

Best Answer: A, B, C, D, E, F, G

Troy's Response: A, B, D, E

(continued)

Does your transportation plan support and your Zoning Ordinance allow different street widths, depending on the functional classification of the roadway, character of the area, the projected volume of traffic, and/or the desired speed of traffic?

A. Yes

B. No

Best Answer: A

Troy's Response: A

Does your community provide infrastructure to promote bicycling as a viable, healthy transportation option by any of the following? (Check all that apply, if any).

A. Providing well-maintained bike lanes, five feet in width along or between local transportation corridors.

B. Providing non-motorized paths that connect recreation facilities and other community destinations.

C. Implementing access management strategies that improve safety and efficiency of both bicycle and vehicular travel.

D. Providing appropriate signage and bike racks in common community destinations such as schools, public buildings, work places and shopping centers.

Best Answer: A, B, C, D

Troy's Response: None

Does your community have transportation policies or programs that increase mobility options for residents who face financial or physical impediments to driving an automobile?

A. Yes

B. No

Best Answer: A

Troy's Response: A

Does your region provide an airport that is supported by efficient multi-modal access to your community, regional distribution centers, public transit, highways and emergency response?

A. Yes

B. No

Best Answer: A

Troy's Response: B

Infrastructure: The Assets and Care of the City

A critical component to Troy's quality of life is the quality of its municipal services. **Excellent water, efficient storm and sanitary sewer facilities, and well-maintained roads are elements that have provided the foundation for Troy's success.** For a community of Troy's population and considerable size, providing these services is a vast undertaking.

Infrastructure, such as water and sewer lines, plays a significant role in what can be developed where, and must be planned in concert with land use to ensure that the City's capacity matches the City's vision for itself. In other words, planning for highly intensive uses is fruitless if the municipal services in the area are unable to support those uses. The converse is also true; planning for low-density uses in an area where desirable land has ready access to excellent sewer and water service is not practical. **Fortunately for Troy, the City has a comprehensive system that allows a great deal of flexibility.**

*"A civilization's rise and fall is linked to its ability to feed and shelter its people and defend itself. **These capabilities depend on infrastructure - the underlying, often hidden foundation of a society's wealth and quality of life.** A society that neglects its infrastructure loses the ability to transport people and food, provide clean air and water, control disease, and conduct commerce."*

United States National Science Foundation, 1995

With this in mind, this Chapter will describe significant opportunities and issues related to physical infrastructure and discuss the City's efforts to maintain them. Integral to the discussion of infrastructure is adherence to three key principles: **investment, coordination, and innovation.** The investment portion of this Chapter will provide an overview of the scope of the City's services and briefly describe how services are currently provided. Coordination



will emphasize the importance of planning for infrastructure improvements and address the relationship between land use development and infrastructure. The coordination section will also describe how the City can play a role in regional smart growth based on the strength of its infrastructure. The innovation section will identify and reference concepts to improve current practices with sustainability in mind, and will describe regional initiatives to improve water quality and stormwater management. This Chapter will focus only on the physical assets of the City, and will not discuss the City's public services, such as fire and police protection.

Investment

The City of Troy prides itself on providing the highest quality municipal services. In partnership with the Detroit Water and Sewerage Department (DWSD), the Michigan Department of Environmental Quality (MDEQ), and the Oakland County Drain Commission, residents and businesses in Troy enjoy reliable, affordable, municipal services.

Water and sanitary sewer service in the City are managed by the City's Water and Sewer Division within the Department of Public Works. The Division is responsible for ensuring that the quality of the City's water supply exceeds expectations and that water is always available and sufficient to fight fires.

Troy is one of 126 customer communities who work with DWSD for regional water service. In Troy, there are **500 miles of water main, more than 5,300 fire hydrants, and over 26,000 water meters**. Troy residents and businesses use more than 5 billion gallons of water annually.¹

The Water and Sewer Division is also responsible for monitoring the discharge of wastewater to the Detroit Water and Sewerage Department (DWSD) waste treatment facility.

Stormwater in the City of Troy is managed in partnership with the Oakland County Drain Commission. The City's Streets and Storm Drains Division investigates residential storm water issues and maintains the City's storm water drainage as regulated by Oakland County Storm Water Permit and the MDEQ. In addition to the hundreds of miles of water mains in the City, there are also many hundreds of miles of storm drains, which empty into **134 detention basins and the City's 6 lakes**.²

1. 2006 Troy Annual Water Quality Report
2. 2007/8 Streets and Drains Budget

The City of Troy falls within two watersheds. The northwest quarter of the City lies within the **Rouge River Watershed**, specifically, it is entirely within the Main 1-2 Subwatershed of the Rouge River. The remainder of the City is located within the Red Run Subwatershed of the **Clinton River Watershed**. The City is served by a complex and extensive network of County Drains, and many are enclosed. Major open drains in the City include Sprague Ditch, Sturgis Ditch, Big Beaver Creek, and Gibson Drain.

The Streets and Storm Drains Division is responsible for a network of 364 miles of roads and 500 miles of sidewalks, as well as traffic control devices and signs. Troy is a community that is very tightly integrated with its surrounding communities, and as such, is home to many major regional roads and highways. **Many of the City's major thoroughfares are under the jurisdiction of other agencies, as was demonstrated in Chapter 5.**

Coordination

Management of infrastructure assets must include coordination between jurisdictions. Just as with its natural systems, Troy's infrastructure is largely part of a regional joint effort. Coordination also refers to that between departments and between boards and commissions within the City's administration itself.

Troy is a leader in many areas within the region. **The City is a center of commerce, and is second only to the City of Detroit in the State of Michigan in terms of total property valuation.** Consequently, relative to other communities in the area, the City has a low millage rate and excellent property values. This results in a financially stable City prepared to maintain its infrastructure at a very high level.³

3. <http://www.troychamber.com/gli/whytroy.htm>

Regional Smart Growth Development Patterns and Infrastructure Improvements

Given the high quality of Troy's sanitary sewer, water, and storm sewer infrastructure, Troy is able to continue to absorb new development in selected areas. This situation makes Troy unique to other regional communities that suffer from aging infrastructure, facilities already at their maximum capacity, and insufficient finances to update the systems without relying on outside assistance. Therefore, Troy can serve a larger smart growth purpose that extends beyond its own borders in that it can accept a larger regional share of new development than outlying areas in the region.

A national study conducted by the United States Department of Commerce Economic Development Administration (USEDA) showed conclusively that **money spent updating or building new urban water and sewer facilities yielded much greater economic benefits than money spent on new systems in largely rural areas.** Although construction costs for infrastructure projects in urban locations was slightly higher (1.3 times higher) than those in rural areas, the study concluded that the improvements in urban areas allowed new businesses to create 1.9 times as many new, permanent jobs than those in rural areas. Furthermore, the **urban improvements were linked to 2.8 times as much private investment as rural areas realized, and added 2.9 times as much to the tax base as similar improvements in rural areas.**^{4,5}

With this in mind, it is plain to see that investment in infrastructure improvements in already established communities results in significant economic and smart growth benefits to the region as a whole. Tenet 9 of the Ten

4. United States Department of Commerce Economic Development Administration, "Public Works Program: Performance Evaluation,"
5. Bagli, Fagir, "Economic Impact of Water/Sewer Facilities on Rural and Urban Communities," Rural America Vol. 17, Issue 4

Tenets of Smart Growth challenges communities to "Strengthen and direct development towards existing communities." **In order for this to occur, established communities like Troy must be willing to accept that new development in order to serve as a growth "zone" for the region.** It is especially critical in Troy, as it is more able to accommodate that new development than many of its neighbors.

This philosophy towards Troy's position in the regional growth pattern **complements findings of the Big Beaver Corridor Study and Troy Vision 2020** to be both strategic and selective regarding growth.

Visions presented by Troy Vision 2020 involve economic growth, new development, and redevelopment in the City. The Image and Feel Task Force, for example, seeks to make Troy a community of "village" developments to create a connected sense of place and community with a variety of activity nodes. This vision encourages smart growth in targeted areas. The Big Beaver Corridor Study speaks extensively about infill development throughout the corridor, and taking advantage of the excess space and capacity this area possesses.

In other words, by accepting a degree of new development and redevelopment, Troy can use its strong position in terms of infrastructure capacity to accommodate a significant portion of the region's growth. Consequently, Troy can help alleviate pressure on outlying areas.

Coordination Between Land Use Planning & Capital Improvements

Troy's capital improvement planning is largely done as part of the City's budgeting process. While the City does not have a separate and distinct Capital Improvements Plan, it does forecast needs and plan projects 5 years in

advance. Capital improvement planning done as part of budgeting includes planning for roadway, drain, sewer, sidewalk, and water main maintenance and improvements.

TABLE 6.1: CAPITAL IMPROVEMENT PLANNING
Source: City of Troy Budget

Areas of Investment	Estimated Overall Planned Expenditure, 2007-2012
Major Roads	\$39,574,000
Local Roads	\$12,500,000
Drains	\$6,740,000
Sidewalks	\$3,000,000
Water Services	\$28,480,000
Sanitary Sewer Services	\$13,300,000
Total	\$103,594,000

Table 6.1 indicates that in the next 5 years, the City anticipates investing more than 100 million dollars into the continued improvement of its infrastructure.

As noted previously, it is critical that areas planned for additional development be coordinated with capital improvement planning to ensure that City facilities can accommodate the vision for that specific area. Conversely, the City should be aware that spending on infrastructure improvements in some areas may not be a priority, given the recommendations of this Master Plan.

The City should develop a capital improvement planning schedule designed to be conducted alongside the regular review and update of this Master Plan. Chapter 11, Implementation, will describe methods the City should consider for the regular updating and monitoring of this Master Plan, and should incorporate a regular function ensuring that capital improvements are scheduled alongside projected development in the most critical areas of the City.

Innovation

The City has an opportunity to encourage and practice innovative infrastructure design and management, as well as encourage practices that help protect water supplies and reduce the stress on stormwater management, sanitary sewer, and water services. **The primary area where the City of Troy can have an immediate impact with regard to environmental sustainability as it relates to infrastructure is stormwater management.**

Low Impact Development

Later in this Master Plan, Chapter 7 will include Low Impact Development (LID) in its discussion of environmental sustainability, however, LID represents a new approach to stormwater management and must be introduced in this Chapter. It is a series of design techniques that manage rainfall at the source using uniformly distributed, decentralized techniques that infiltrate, filter, store, evaporate, and detain runoff close to the source.

The primary concept behind LID is that stormwater runoff must be treated as a resource, rather than a waste product to be eliminated as efficiently as possible. Irrigation is perhaps the most obvious use for collected stormwater, but LID includes far more potential techniques for maximizing the potential of runoff. LID techniques generally stress infiltration rather than detention, and reduce the dependency on central stormwater systems. By allowing rainwater to infiltrate on site, there are many environmental benefits and often cost savings which result in a reduced need for underground systems. Innovation in stormwater management must be encouraged in both commercial and residential development.



Specific LID techniques include, but are not limited to, the following:

- Use permeable pavers for emergency stopping areas, crosswalks, sidewalks, road shoulders, on-street parking areas, vehicle crossovers and low-traffic roads.
- Disconnect the downspouts from roofs and direct the flow to permeable pavement or other vegetated infiltration and filtration practices.
- Use multi-functional open drainage systems in lieu of more conventional curb-and-gutter systems.
- Use green roofs for runoff reduction, energy savings, improved air quality, and enhanced aesthetics.
- Landscape with a rain garden to provide on-lot detention, filtering of rainwater, groundwater recharge, and to reduce runoff volume
- Redirect the flow from gutters and downspouts to a rain garden or retain rooftop runoff in a rain barrel for later on-lot use in lawn and garden irrigation.
- Combine rain gardens with grassed swales to replace a curb-and-gutter system.
- When parking demands do not dictate, build narrower residential streets or restrict parking and sidewalk areas to one side of the road rather than both. Replace the space gained with pervious areas, bioretention (planted areas designed to retain and filter runoff), or vegetated channels.
- Use a linear bioretention cell in the highway median to treat runoff.⁶

6. *Low Impact Development Center, www.lid-stormwater.net*

Water Quality

The limitation of contaminants which ultimately enter the water system is the best way to ensure that water supplies will remain clean and viable. This is an area where SEMCOG has invested a great deal of energy locally, and which the City of Troy can play a large role. SEMCOG's **"Seven simple steps to clean water"** is an **example of a successful approach to limiting water supply contamination at its source.** This program is designed to educate individuals about basic techniques that they can adopt in order to help limit pollution. They include:

1. Help keep pollution out of storm drains: Sweep, rather than hose off your driveway, and keep storm drains clean.
2. Fertilize sparingly and carefully: Use fertilizer with low or no phosphorus, allow your lawn to remain taller, and prevent fertilizer from getting on the driveway or other impermeable surfaces, where it is likely to be swept up in runoff.
3. Carefully store and dispose of household cleaners, chemicals, and oil: Practice responsible disposal of potential pollutants.
4. Clean up after your pet: Practice appropriate pet waste disposal by using refuse containers or by flushing material down the toilet.
5. Practice good car care: Wash your car on the grass or go to a car wash facility, where dirty water is treated before it is allowed to leave the site.
6. Choose earth friendly landscaping: Choose native plants, use mulch around the base of trees to retain water, and be conservative with watering and irrigation.
7. Save water: Collect rainwater for irrigation or use less water generally for lawns and other plants.⁷

7. www.semCog.org/OursToProtect

Survey Responses

A primary source from which many of the ideas in this Plan have been derived is the supplemental survey given to SGRAT Workshop participants, City department heads, and the Planning Commission. The following are a selection of questions and responses which helped inform this Chapter.

What kind of image do you want people to think of when they are asked about Troy? (i.e., an office building? A shopping center? A fine restaurant or an evening at a show? A residential neighborhood? Something else?)?

- *Efficient, low cost government (low cost – not cheap). I want Troy to continue to be known as the one place you can drive after (or during) a snow storm; a good place to shop, work and live, a place with helpful people in City hall.*
- *A well maintained City with excellent schools, neighborhoods, corporate residents and good city services.*

Do you feel it is important for the City of Troy to promote the advancement of or mandate the practice of sustainable development, such as, but not limited to, the construction of certified “green buildings” and Low Impact Development techniques for stormwater management?

- *I believe promotion is desired for construction of certified “green buildings”. Low impact Development techniques for stormwater management are a practice that should be mandated. Economics will determine the practical nature of these areas of development.*
- *The City should promote such efforts thru various incentives and demonstration but should not mandate.*
- *Yes – storm water will only become a bigger problem as the years progress. We need to promote sustainable development at the very least and perhaps it should be required or mandated. However, we should be prepared to address the arguments that these activities are cost prohibitive.*

What can the City of Troy do to continue to attract world-class businesses?

- *Clean and well-maintained infrastructure.*
- *Offer reasonable incentives. Maintain quality infrastructure. Continue to offer quality City services & A++ rated schools. Make it attractive for the business community to also want to live here in Troy.*
- *Provide good services, good infrastructure, low tax rate, good debt ratings, and a solid residential community.*

What does the Smart Growth Readiness Assessment Tell Us?

The provision of excellent municipal services is clearly a critical element to the future growth and development (or redevelopment) of the City. However, the Ten Tenets of Smart Growth do not specifically speak to infrastructure in and of itself. Consequently, none of the Sections of the SGRAT are directed exclusively towards infrastructure. There were individual questions, though, designed to bring attention to the issue of utilities and City services. The following questions, taken from Section 9, "Strengthen and direct development towards existing communities," address infrastructure issues:

Does your community know the capacity of its infrastructure and natural environment to accept new development, by location, type and amount of new development?

- A. Yes
- B. No

Best Answer: A

Troy's Response: A

If your community provides public sewer and/or water (or is included in a public sewer/water district), does the public sewer and water service area include:

- A. *Only developed areas with streets or areas immediately adjacent to the developed areas planned for urban growth?*
- B. *Undeveloped areas outside the urban service area not immediately adjacent to the developed area and not planned for urban growth?*

Best Answer: A

Troy's Response: A

Has your community adopted a "fix-it-first" policy as part of the Capital Improvement Program process that sets priorities for upgrading existing facilities and infrastructure before new facilities or infrastructure are built?

- A. Yes
- B. No
- C. *No, the community is all built out with no opportunity for new facilities in new locations*

Best Answer: A, C

Troy's Response: A

Green City: Responsibility to Natural & Energy Resources

Every level of government bears responsibility for the protection of the natural environment. The United States Government sets policy and protects national resources, like the national parks and other important wildlife refuges. The State of Michigan regulates wetlands and sets uniform statewide policies for the protection of critical Michigan resources. The State also empowers local units of government to establish laws to protect those resources in their own front yards. **Local units of government are the front line of environmental protection and natural resource conservation.** This Chapter will establish the philosophy of environmental sustainability in Troy, framed around a series of policies designed to make the most of the tools available to the City.

Troy Vision 2020 envisions Troy as a vibrant and engaging place to live and work, where environmental and ecological resources play a role in creating a community that will draw the best workforce in the region. Troy can be an environmental leader, demonstrating to others how to grow while embracing its natural resources, and making wise use of energy



Stormwater Basin in Troy; Photograph by Jennifer Lawson

resources. As discussed in Chapter 2, sustainable cities integrate the concepts of sustainability into policies covering social, economic and environmental topics. Troy and its citizens can use the community's environmental resources responsibly, without compromising the ability of tomorrow's residents to meet their needs.

Preservation and Enhancement of Existing Natural Features

Economic growth and environmental preservation are elements that are commonly perceived as two forces that must be at odds. However, **environmental considerations have the ability to enhance economic development.** Efficiency reduces the cost of products and services, and preservation of natural features increases the value of developed properties.

The City of Troy is nearly built out. However, the City currently owns approximately 360 acres of developed parks, with more new parks planned. Some of the existing park land is used for active recreation areas, and some is maintained as natural areas for passive recreation and general open space. The City's current Parks and Recreation Master Plan identifies these City-owned properties, and provides a brief description of each.

It is critical that Troy inventory existing natural resources and understand their relative quality. **The City needs to know what it has before it can decide what to do with it.** Such an evaluation can be collected in a

Property Values and Open Space

In Washington County, Minnesota, a study commissioned by an organization known as Embrace Open Space revealed to the Metropolitan Council (a regional planning agency for the Twin Cities) that home prices are definitely higher in areas adjoining open space, with all other variables being equal. The study looked at home purchase prices between 2002 and 2005, and was adjusted to account for all other variables (floor area, lot size, number of bedrooms, etc.). The study concluded that buyers paid up to \$15,000 more for a home "within 100 feet of a natural area." Given the average \$15,000 in additional value per home, when extrapolated to homes next to natural areas throughout the entire county, the study "concluded the total property value increase countywide amounted to \$162 million."

<http://www.metrocouncil.org/Directions/development/dev2006/OpenSpaceStudyNov06.htm>

Natural Areas Plan and will form the basis for preservation policies, future acquisition efforts, and the setting of priorities for future activities. Therefore, a comprehensive evaluation of the City's natural areas should be conducted to determine:

- The ecological condition of these areas
- A ranking order for the properties (highest to lowest environmental quality);
- Appropriate management activities to either enhance each natural area through restoration, or preserve them more effectively;

- Priorities for management activities, acquisition possibilities, public education of residents whose properties include or abut important natural areas, and potential partnerships with property owners for the few remaining undeveloped parcels; and,
- Resources, such as the Rouge River and Clinton River, where partnerships with adjacent communities would be required for preservation.

The City has initiated this process by contracting with Carlisle/Wortman Associates in 2007 to inventory the City's potential wetlands.

Development and Natural Feature Preservation

The value of home sites adjacent to open space, parks, wetlands, greenbelts and other green amenities is greater, all things being equal, to similar sites not adjacent to such amenities. A report published by the Metropolitan Council, a regional planning agency for the Twin Cities of Minneapolis and St. Paul and surrounding seven-county metropolitan area, showed a conclusive positive impact of open space on residential property values.¹

In addition, **preservation of the existing natural systems can reduce infrastructure costs.** For example, the preservation of woodlands and open space reduces the amount of stormwater infrastructure necessary to accommodate the site's runoff. Clustering of home sites is another preservation technique that reduces costs in that the developer does not need to unnecessarily extend underground infrastructure to accommodate a more sprawling site layout. The reduction of infrastructure costs results in a greater return on investment.

Encouraging natural feature preservation can

1. <http://www.metrocouncil.org/Directions/development/dev2006/OpenSpaceStudyNov06.htm>

be accomplished through ordinance regulations or guidelines that ensure the least amount of impact on a site so that it continues to function at its pre-development level. This can be done by limiting disturbance, imitating natural systems with built replacements, and mitigating the reduction in vegetation and infiltration when the land is covered with impervious surfaces. These design techniques are called Low Impact Development (LID) techniques. While these techniques generally concentrate on stormwater management, they also help preserve existing natural features, like woodlands, that contribute more to the community than just absorbing stormwater runoff. Troy does not have wetland or woodland protection ordinances in place.

The City of Troy must engage its neighbors to preserve features that cross more than one jurisdiction, such as a wetland system or watershed. **Natural features provide significantly more benefits if they are maintained in larger units**, such as a complex system of woodlands, wetlands, and rivers or streams. These larger, connected systems are more successful at maintaining their ecological integrity. The less fragmented natural features are, the higher quality they remain.

Urban Redevelopment

Troy Futures suggested several development methods that will influence natural feature preservation within the City. Villaging, for instance, will act to cluster commercial and cultural services in higher density locations within the community. This, in turn, will allow the few remaining greenfields, or undeveloped areas, to be less densely developed, enhancing the possibility of natural feature preservation on these sites.

For the remaining undeveloped parcels, emphasis should be placed on preserving any existing natural features to the greatest extent

Low Impact Development

Low Impact Development (LID) represents a different way of thinking about stormwater. It is a series of design techniques that manage rainfall at the source using uniformly distributed, decentralized techniques that infiltrate, filter, store, evaporate, and detain runoff close to the source.

Under LID, stormwater runoff is not a waste product, but a resource. For instance, LID techniques such as cisterns and rain barrels use collected rain water for irrigation, or as gray water for toilet flushing. LID also advances the idea that almost all elements of a site plan (open space and built features) can be used for stormwater control. For instance, the parking lot can be made out of porous pavement. When stormwater drains through the pavement, it recharges the groundwater. Similarly, rooftops can be used as planting areas, soaking up rainwater and reducing runoff.

LID techniques often cost less to construct than traditional closed designs. Case studies conducted by the Low Impact Development Center show a 25-30 percent reduction in site development costs over traditional techniques. One reason for the lower costs is that LID techniques keep stormwater on top of the ground, rather than building the infrastructure underground to handle stormwater. Another reason is that small infiltration areas are generally less expensive to construct than one large detention area, particularly if the site is designed to limit the amount of stormwater generated by impervious surfaces.

Low Impact Development Center, www.lowimpactdevelopment.org

possible, clustering in already cleared areas of each site, and ensuring that open spaces are contiguous with adjoining open spaces.

Redevelopment of obsolete or underutilized properties provides opportunities to restore or recreate vegetated communities that enhance the sites ecological value. While not completely natural systems, tree plantings mimic woodlands or native wildflowers plantings that simulate a meadow can be aesthetically pleasing and provide environmental benefits. For instance, one LID technique is to plant deep rooted plants, such as tall grasses typically found in a prairie. The root systems of these grasses grow up to 8 feet deep, and as they grow and die, they provide tiny waterways through the soil that improves infiltration of stormwater runoff. While these techniques would provide benefits in any situation, they could be especially effective in the case of a redevelopment property.

Brownfield Redevelopment Authority

The City Council established the Brownfield Redevelopment Authority in 1999, expressing Troy's interest in redeveloping brownfield and other idle or underutilized sites in the city. The Brownfield Redevelopment Authority can offer financial incentives for cleanup and redevelopment or for demolition of functionally obsolete buildings in the form of Tax Increment Financing (TIF) reimbursements.

TIF Reimbursement: The Brownfield Authority may capture the incremental real and personal property tax revenues generated by a developer's project to pay for eligible environmental clean up and contamination prevention incurred on the property.

Single Business Tax Credit: A tax credit of 10 percent up to ten million dollars is available for an owner or operator of a facility for capital and equipment expenditures for redevelopment.

Benefits of Brownfield Redevelopment

There are obvious environmental benefits to cleaning up brownfield sites in a community. These actions create a cleaner and safer environment, reducing risks to public health, safety and welfare, and other benefits:

- *Redeveloping a brownfield site transforms property that is most likely not generating substantial tax revenues to a property that contributes to the local tax base, eliminating an opportunity cost. Also, by not redeveloping brownfields, they could potentially have a depressing effect on property values, leading to further tax revenue loss.*
- *Idle properties that were once viable businesses do not contribute to the job base. Turning them over for new, productive uses creates new job opportunities.*
- *It is likely that brownfield sites have the infrastructure in place to serve a new land use. This can represent a substantial savings by a community or developer compared to building on a green field site.*
- *Re-using property in urban areas decreases development pressure in green fields, which in turn, increases the opportunity to preserve open space and combat urban sprawl.*

Brownfield Redevelopment Guide; Consumers Renaissance Development Corporation; 1998.

The Troy Brownfield Redevelopment Authority has assisted in the redevelopment of sites throughout the community. Its first project was the redevelopment of the former Ford New Holland Tractor Plant at the southwest corner of Maple Road and Coolidge Highway. The site, which sat underutilized for nearly a decade because of liability and other issues concerning contamination, is now known as Midtown Square,

a \$200 million mixed use development boasting 600,000 square feet of retail space and 285 residential units.

Redevelopment Incentives

Ordinance regulations are the first line of environmental stewardship in many communities. However, there are other ways of encouraging sustainable development.

The following incentive-based techniques encourage sustainable development:

- Fee adjustments for infill housing: Riverside, California waives certain fees, such as grading permit fees and water distribution fees, if the property being redeveloped meets the definition of residential infill.²
- Smart Growth Zone: Developments in Smart Growth Zones in the City of Austin Texas are charged reduced fees for zoning, subdivision, and site plan applications, and for water and wastewater capital recovery fees.³
- Primary employer incentives: Incentives such as application fee waivers, utility and transportation improvements, streetscape improvements, and expedited processing of development applications are offered by the City of Austin, Texas to guide large employers to the Desired Development Zone. These types of employers generate significant levels of growth, both within their specific project and in the surrounding area.⁴
- Built Green Program: In partnership with local counties and builders, the City of Seattle promotes best known practices in energy, air quality, stormwater management and water efficiency to give homeowners added value and home builders a competitive advantage. To stimulate growth in Built

2. www.riversideca.gov/planning/infill.htm

3. www.ci.austin.tx.us/smartgrowth/sgincentives.htm

4. www.ci.austin.tx.us/smartgrowth/sgincentives.htm

Green-certified homes, the City launched a design competition, and highlighted winners on their website.⁵

- Green Review Track: King County, Washington, offers a dedicated “Green Track” for green buildings and projects that incorporate Low Impact Development techniques. Proposals on this track are assigned to a green team, composed of County staff with expertise in green development practices. Staff provides assistance to customers on sustainable development techniques including green roofs, alternative energy systems (solar, wind, geothermal), rain water collection, resource efficient framing, recycled materials, and Low Impact Development site design. Green developments follow a customized review schedule with a single point of contact.⁶

Transportation

Methods to reduce the dependence on the automobile were introduced in Chapter 5. **Improving opportunities for non-motorized transportation, transit-oriented development, mixed-use, and technological pathways will contribute to the changing mobility needs of Troy.** Another transportation-based technique to contribute to overall community sustainability is the introduction of flex-fuel stations, facilities offering alternative fuels.

The two fuel alternatives currently available to motorists are E85 and Biodiesel. E85 is a mixture of 85 percent ethanol and 15 percent gasoline and is the most commonly used fuel mixture for flex fuel vehicles (FFV). Most FFVs produce lower carbon monoxide and dioxide emissions. Since E85 is domestically produced, it helps reduce

5. www.seattle.gov/dpd/GreenBuilding/OurProgram/Design-ToolsStrategies/BuiltGreen/default.asp

6. <http://www.metrokc.gov/dhrp/swd/greenbuilding/>

U.S. dependence on foreign oil, and because it's made from crops like corn and grain, it is a renewable resource. However, some scientists believe it takes more energy to create a gallon of ethanol than the fuel actually produces, resulting in a net negative environmental impact.

There is a great deal of research currently underway on developing other types of bio-materials like switchgrass into ethanol which could impact the fuel's long term environmental impact and availability. (www.autoclubgroup.com) While 53 stations sell E85 in Michigan, none are located in Troy.

Biodiesel is another alternative fuel produced from renewable resources, such as soybeans. Biodiesel contains no petroleum, but it can be blended at any level with petroleum diesel to create a biodiesel blend. It can be used in diesel engines with little or no modifications. Biodiesel has lower emissions compared to petroleum diesel, and since it is made in the US from renewable resources, it also decreases our dependence on foreign oil and contributes to our economy. There are 51 locations where a Michigan resident can purchase biodiesel, none of which are located in Troy.

Natural gas is a third alternative in limited use around the country for passenger vehicles. Compressed natural gas is popular for power generation, but has not been widely adopted in the United States for automobiles, although it enjoys wider use in several countries, including Argentina, Brazil, Pakistan, Italy, India and Bangladesh.⁷ In the future, natural gas home refueling stations could allow automobile owners to fuel their vehicles at their home using their existing natural gas supply.

7. <http://www.iangv.org/statistics.html>

Green Building

There is an emerging, global trend to encourage the development of environmentally sustainable buildings and neighborhoods. Commonly referred to as "green building," this trend has been fueled by numerous organizations who have worked to develop standards around which architects and builders can design their projects. The most

What is LEED?

The Leadership in Energy and Environmental Design (LEED) Green Building Rating System is the nationally accepted benchmark for the design, construction, and operation of high performance green buildings. LEED gives building owners and operators the tools they need to have an immediate and measurable impact on their buildings' performance. LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health: sustainable site development, water savings, energy efficiency, materials selection, and indoor environmental quality. LEED provides a roadmap for measuring and documenting success for every building type and phase of a building lifecycle.

United States Green Building Council, www.usgbc.org



prominent of these groups is the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) program.

The LEED rating system was originally designed for individual buildings. LEED Certification can be achieved through the use of green techniques applied to new construction or renovations to existing buildings, including historic structures. Over 4,000 buildings have either already been LEED certified, or are registered and going through the certification process in the U.S. Michigan has almost 200 LEED-certified buildings including office buildings, university buildings, churches, nature centers and private residences.

Many green buildings across the country have been completed because the owner was self-motivated, based on the benefits those buildings enjoy. However, **communities can also develop incentives to encourage green buildings** and green site design techniques. Incentives could include property tax credits, tax abatement and tax exemptions, density bonuses, expedited permit review and waiving of permit fees.

In Troy, several notable green buildings have gained regional notoriety. The Kresge Foundation, highlighted on this page, is a model of green development located on Big Beaver Road. **Walsh College** is also adopting a green building philosophy. The College's 15 million dollar expansion at the Troy Campus will seek LEED Certification by choosing recycled or environmentally sensitive material, by incorporating rain water harvesting for irrigation and other uses, and the use of design techniques to capitalize on solar energy for heating.

Troy is also home to the first previously existing building in Michigan to earn LEED Certification. **LaSalle Bank's Midwest Headquarters** in Troy earned gold status due to its use of many environmentally-friendly technologies. The LaSalle Headquarters has the second largest

Kresge Foundation

In 2006, the Kresge Foundation completed renovations to its headquarters in Troy, which included the addition of a new 19,500 square foot structure and a series of environmentally friendly site improvements. The project also restored 19th century farm buildings on the 3 acre site. The use of green roof materials, geothermal wells, and recycled materials help the facility function efficiently. The Kresge Foundation also provides challenge grants to other non-profits that adopt green building principles.

KRESGE FOUNDATION HEADQUARTERS
Source: www.worldarchitecturenews.com



green roof in Michigan, over 53,000 square feet in area. The building also uses heat generated from the computer servers to warm the building, heat water, and melt snow. Other features include the use of underground well to provide water to the decorative fountain, whose wastewater is used to irrigate the landscaping and pull heat from the building during hotter periods.

In addition to LEED, the National Association of Homebuilders have developed their own, voluntary certification program for residential construction, which the Michigan Association

LEED Across Michigan

Michigan is a national leader in the area of green building. As of spring, 2007, there are 192 LEED projects under development in the State, and 36 which have actually received LEED certification. West Michigan is especially successful in its encouragement of green building. In fact, the City of Grand Rapids has been recognized by the U.S. Green Building Council as a national award-winner in green building. Grand Rapids has more square footage per capita of LEED certified buildings than any other city in the United States. The City itself has led the way with the development of its own new LEED certified Water and Environmental Services Facility, which uses 23 percent less gas and 35 percent less water than similar buildings of its use and size.

Private industry in Grand Rapids has also taken the green building initiative seriously. Steelcase and Herman Miller have voluntarily followed environmentally safe procedures for manufacture of furniture and Crystal Flash, a gasoline station chain, has begun offering biodiesel on a more widespread scale.

These and other Michigan companies, including large corporations like Ford, have begun to realize the benefits to green building in more ways than one. Not only do these companies realize actual savings in terms of building maintenance and energy use, but they also contribute to their public image by encouraging environmental stewardship.

Michigan Business Report; Michigan Economic Development Corporation, Volume 5, Issue 2, 2007

of Homebuilders have adopted as part of their program known as GreenBuilt. **GreenBuilt is a program intended to allow Michigan homebuilders to create more sustainable home developments that are energy efficient and more respectful of natural resources.** The GreenBuilt program requires that all members who elect to secure GreenBuilt status attend a 3-hour Green Built training session. GreenBuilt also provides professional assistance to members.⁸

In Troy, the Cedar Pines of Troy project is the only entirely GreenBuilt project in southeast Michigan. This project includes homes that are designed to use 52 percent less electricity, 54 percent less natural gas, and 46 percent less water. The development also features homes with dual flush toilets, rain water harvesting, low flow faucets, renewable flooring materials, no VOC Paints, trim made from sustainable forests and plantations, high efficiency dual stage furnaces, high efficiency water heaters, and photovoltaic solar cells.⁹

Other green development techniques are reflected in projects such as Caswell Town Center, which incorporated innovative stormwater management techniques.

Urban Form and Neighborhood Design

Neighborhoods can be designed to reduce energy consumption by providing opportunities for shorter vehicle trips and the use of alternative forms of transportation. Some techniques include the locating of residential units near neighborhood shops and existing utilities, the provision of bicycle and transit facilities, and proximity to schools and parks.

8. www.greenbuiltmichigan.org

9. Wake-Pratt Construction Company

The U.S. Green Building Council is piloting a program for energy-efficient neighborhoods. The LEED Neighborhood Development Pilot Program includes many site design techniques that preserve natural features, habitat and open space, such as:¹⁰

- Limit parking to encourage people to use alternative methods of transportation, like walking or bicycling.
- Promote local food production to minimize the impacts of transporting food long distances. Farmer's markets allow such goods to be sold locally.
- Use energy saving technology for infrastructure needs such as street lights, water and waste water pumps.
- Capture and use stormwater runoff and use in place of potable water for irrigation and toilet flushing.
- Use recycled concrete and asphalt for roadways and parking lots.

Community Energy Planning

In light of rising energy prices, many communities are looking for ways to reduce their energy consumption and their carbon footprint. **New ideas like community energy planning are emerging to identify ways communities can reduce the amount of energy they use.** Community energy planning also encourages communities to closely analyze transportation and land use planning in light of energy efficiency and consumption.

¹⁰. Pilot Version, LEED for Neighborhood Development Rating System, U.S. Green Building Council

Lawrence Technological University Solar Decathlon House

The Solar Decathlon house, located adjacent the Troy Community Center, is an energy-positive house designed and built by a team of students and faculty from Lawrence Technological University with help of volunteers from the Michigan Regional Council of Carpenters and Millrights in 2007. The house uses a variety of advanced energy conservation features to showcase potential "green" housing options.

The Solar Decathlon, held in Washington, D.C., was an event which included a competition between more than 20 schools that contributed a solar-powered structure to a "solar village," which was set up on the National Mall.

The Troy Chamber of Commerce purchased the home and donated it to the City to maintain as a showcase for environmentally-friendly development.

Troy should consider developing a Comprehensive Energy Plan (CEP), developed as a separate document, focused on energy efficiency and how the City can reach energy goals. Unique features of a CEP include creating an energy profile by identifying where the community's energy comes from, how much it costs, and how it affects the local and global environment. Involvement of local energy and water utilities in the plan development process is also important, since they may be involved in the implementation of the plan. Elements that could be explored in a CEP could include:

- Land Use Planning and Transportation; to develop compact complete land use patterns where a variety of uses are mixed to increase alternatives to automobile travel. Strategies include contiguous development patterns, parking plans, street design and traffic rules, trip reduction measures, and stakeholder participation.

- Site Planning and Building Design; to increase the use of design to improve energy performance. Strategies include building and appliance efficiency, solar orientation of buildings, landscaping, wind shielding and shading, pedestrian facilities and orientation, and transit facilities and orientation.
- Infrastructure Efficiency; to increase the use of energy-efficient infrastructure, and to increase the production of energy from regional or municipal facilities. Areas where the City can analyze energy efficiency are water supply and use, wastewater collection and storm drainage, recycling programs, heat and power recovery, and joint infrastructure planning and delivery.
- Alternative Energy Supply; to increase local and high efficiency energy supply options. Strategies include waste heat utilization, heat pumps, co-generation of heat and power, wood-waste systems, solar technologies, and alternative fuels.¹¹

City Demonstration Projects

Many of the ideas presented in this chapter for environmental preservation and energy efficiency are long-term techniques. However, there are many initiatives the City can accomplish relatively quickly to communicate its commitment to the environment. These “next steps” will engage citizens and inspire community members to think about the environmental issues Troy is facing.

Hands-On Projects

One way to foster a bond between residents and a particular natural feature, such as a wetland or stream, is to get them involved in a hands-on restoration or clean-up project on

11. <http://www.wcel.org/issues/urban/sbg/Part1/integratedplanning/CEP.htm>

City-owned properties. **Once people have been introduced to the plants in the ecosystem, and the function that those plants play, they have a greater understanding and appreciation for that place.** Hands-on projects give residents a chance to learn about the ecosystems in the City. Once the project is complete, interpretive signage should be installed to describe the “why,” “what” and “who” of the project.

The City currently has such a program in **River Day**, a volunteer-driven annual project focused

Waste Wise

WasteWise is a free, voluntary, EPA program through which organizations eliminate costly municipal solid waste and select industrial wastes, benefiting their bottom line and the environment. WasteWise is a flexible program that allows partners to design their own waste reduction programs tailored to their needs.

All organizations within the United States may join the program. Large and small businesses from any industry sector are welcome to participate. Institutions, such as hospitals and universities, non-profits, and other organizations, as well as state, local, and tribal governments, are also eligible to participate in WasteWise.

Waste reduction makes good business sense because it can save your organization money through reduced purchasing and waste disposal costs. WasteWise provides free technical assistance to help you develop, implement, and measure your waste reduction activities. WasteWise offers publicity to organizations that are successful in reducing waste through EPA publications, case studies, and national and regional events. These events also provide networking opportunities for organizations to share waste reduction ideas and success stories.

<http://www.epa.gov/wastewise/about/overview.htm>

on environmental cleanup projects. In 2007, along a tributary to the Clinton River, over 70 volunteers dedicated over 400 total volunteer hours to stabilize 300 feet of streambank by creating new wildflower beds and planting native species.

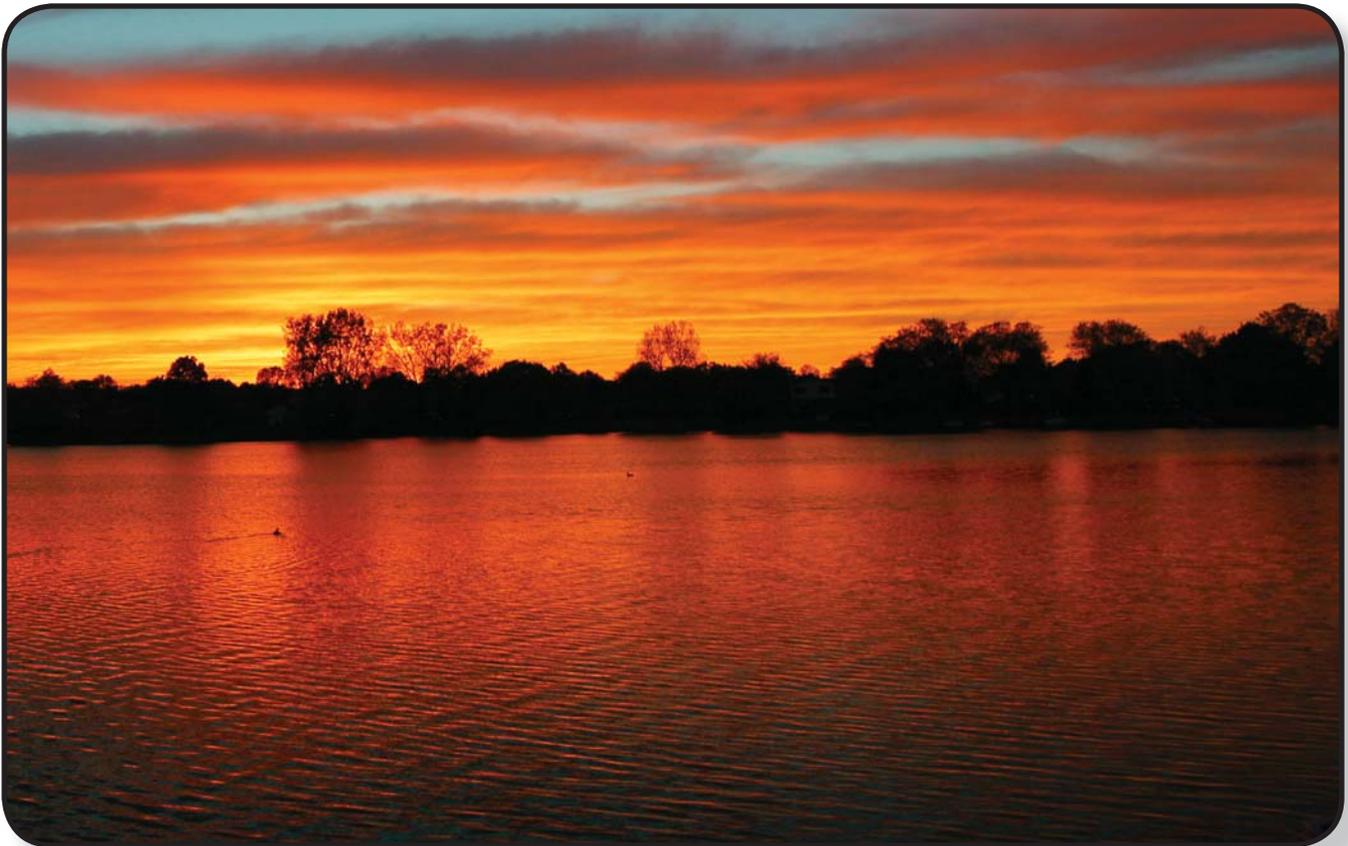
Maintenance of Parks and Recreation Facilities

Another relatively short-term effort is to ensure that the City staff maintain parks and natural areas in an environmentally friendly way. New alternatives for maintaining turf, ball fields, roadways and other elements of City parks are now available. Better practices ensure that facility maintenance does not negatively impact adjacent wetlands or other natural features. A regular evaluation of how City activities are done should be considered in light of natural feature preservation

objectives. If practices do change, interpretive signage can be used to inform the public of changes to a park's visual appearance.

Planting Trees

Climate change and stormwater management are two important environmental topics. One common thread between these two is the impact trees have on each. Trees sequester a large amount of carbon, a greenhouse gas. For example, a 2.5 acre Oak woodland can sequester about 3 tons of carbon in one year. Trees also intercept and absorb a large amount of stormwater. A typical woodland can absorb 20,000 gallons of rain in one hour through holding water on its leaves and trunk, absorption into the tree, and absorption into the deep leaf litter on the woodland floor. The City can lead community planting programs and encourage additional trees with incentive techniques in the Zoning Ordinance.



Planting trees can be an annual community event that is also relatively inexpensive. The City is now working with the Alliance of Rouge Communities (ARC) to conduct a City-wide tree canopy survey using City Green software to quantify and evaluate the City's urban forest.

Waste Reduction

While the City has an extensive recycling program for its residents, the City could also institute a waste reduction program for its own operations. Waste reduction makes good business sense because it saves money through reduced purchasing and waste disposal costs. The US Environmental Protection Agency has a program called "WasteWise" that provides free technical assistance to help develop, implement, and measure waste reduction activities.

Adaptive Reuse

The City should also continue to identify opportunities for adaptive reuse of obsolete properties within its own facilities network. A good example of City-initiated adaptive reuse is the creation of the Sanctuary lakes Golf Course from a former landfill site. This 18-hole golf course is a critically acclaimed asset to the City and makes use of challenging property to create a significant asset for the community.

Survey Responses

A primary source from which many of the ideas in this Plan have been derived is the supplemental survey given to SGRAT Workshop participants, City department heads, and the Planning Commission. The following are a selection of questions and responses which helped inform this Chapter.

What is the role of the City of Troy in the region? What role should the region play in the future of Troy? Are there any other additional thoughts or input with regard to community character or image not reflected in the questions of this Section?

- *A leader and model of an environmentally friendly community.*
- *Preserve as much open and park land as possible.*

Should the City be a model for responsible care of the natural environment?

- *Oh yes! Lead the way! Look at Chicago's efforts! Bring others on board, garden groups, retailers, community organizations.*
- *Yes, we only have a natural environment once. The trees, parks and water resources must be protected. The City of Troy is the steward of the resources in the community.*
- *Yes, but they aren't. They are not "totally" neglected, but many opportunities have arisen over the years where they looked the other way or they have not acted to become more responsible for the natural environment.*
- *Yes. The City needs to promote green growth in new developments and within its own buildings. City owned property does not need to be all developed into parks, it can be just left in its natural state. Encourage and educate about mass transit and walkability.*
- *Yes, we are doing good things but we can always do better. Don't develop every inch because someone can make a profit, do things for the good of the community.*
- *It would be very difficult for a City the size of Troy to be such a model in all its various parts. Responsible stewardship and promotion of sustainable building can be done. Troy needs to keep growing its tax base to maintain its level of services, thus redevelopment is needed and that cannot always be done in an environmentally friendly way.*

Do you feel it is important for the City of Troy to promote the advancement of or mandate the practice of sustainable development, such as, but not limited to, the construction of certified "green buildings" and Low Impact Development techniques for stormwater management?

- *I believe promotion is desired for construction of certified "green buildings." Low Impact Development techniques for stormwater management are a practice that should be mandated. Economics will determine the practical nature of these areas of development.*
- *If it helps our environment and future generations – yes.*
- *Sure, if we can afford it. Who pays?*
- *The City should promote such efforts thru various incentives and demonstration but should not mandate.*

What do you consider to be natural features worth preserving in the City of Troy?

- *Our lakes within neighborhoods, the rivers, park system, Nature Center/Troy Farm, trees and landscaping within our rights-of-way.*
- *The rookery area, wetlands preservation, the parks, and lakes in the City. The streams need to be safe guarded.*

What does the Smart Growth Readiness Assessment Tell Us?

The implementation of Smart Growth principles over time can have a positive and meaningful impact on the preservation of natural features. Compact development, leading to fewer, shorter vehicle trips and a reduction in impervious surface complemented by other benefits of Smart Growth techniques help preserve areas that could have otherwise been threatened by conventional development. Tenet 7, in fact, is directly related to the preservation of natural features, open space, and farmland. A selection of SGRAT questions which relate to natural features preservation directly or indirectly are included here.

Does your community Master Plan establish goals, policies and strategies to preserve forest lands (e.g. exclusive forestry district, purchase of development rights program, quarter-quarter zoning, TDR, etc.).

- A. Yes
- B. No

Best Answer: A

Troy's Response: B

Does your community have provisions within the Site Plan Review standards of the Zoning Ordinance to identify and protect renewable resource lands such as farmland and forest land?

- A. Yes
- B. No

Best Answer: A

Troy's Response: B

Are developers implementing projects which contain public open spaces (such as parks or natural areas) that connect to adjacent open spaces and/or preserve sensitive natural features?

- A. Yes
- B. No

Best Answer: A

Troy's Response: B

In public and private meetings, do community leaders and elected officials:

- A. *Promote cluster housing development as an approach to preserve open space in the community?*
- B. *Oppose the development of cluster housing development?*

Best Answer: A

Troy's Response: A

People: The Changing Face of Housing Demand

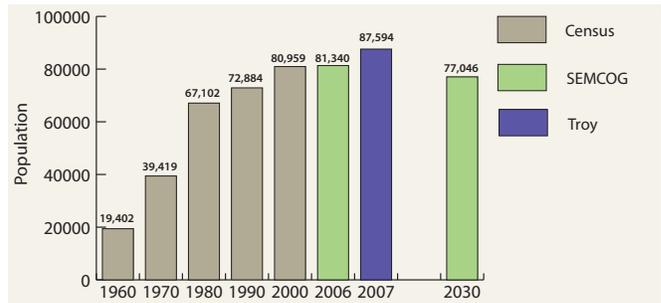
A mix of housing types allows communities to retain existing residents while attracting new residents. The supply of entry level housing and housing which allows aging residents to “age in place” must be proportional to the population of those potential buyers. In the case of Troy, a community seeking to position itself as a leader in the knowledge economy, the most desirable housing to attract the best workforce must exist at a variety of housing values in order to capitalize on other quality of life factors in the City. In other words, **the City must strive to have the right housing for the right workforce at the right time**, all without jeopardizing the previous generation’s ability to continue their life in Troy.

This Chapter, therefore, will analyze the changing nature of Troy’s population and compare certain local demographic and housing trends to regional and national trends. Household size, the age of the population, and other statistics will be used to make recommendations designed to improve the utility of the City’s housing stock to meet the changing demand for housing types of many varieties.

Population and Households: Who are we and who are we becoming?

The population of the City of Troy has steadily increased since the 1960 U.S. Census. As shown in figure 8.1, the current population, according to SEMCOG’s September 2006 projections, is 81,340 people. This represents a 12 percent increase over the 1990 Census figure of 72,884. The City of Troy’s own projection is 87,594 for 2007.

FIGURE 8.1: CITY OF TROY FUTURE POPULATION
Source: 2000 U.S. Census, SEMCOG, City of Troy



However, SEMCOG predicts that by the year 2030, the City of Troy can expect to have a total population of 77,046, a decrease of 5 percent from the 2000 Census population. As illustrated in figure 8.2, the majority of communities surrounding Troy are also expected to experience population decreases between 2000 and 2030, with the exception of Auburn Hills, Pontiac, Rochester Hills, and Sterling Heights. The communities where growth is expected are located to the north and east of the City of Troy.

FIGURE 8.2: POPULATION TRENDS, TROY & NEARBY COMMUNITIES
Source: 2000 U.S. Census, SEMCOG

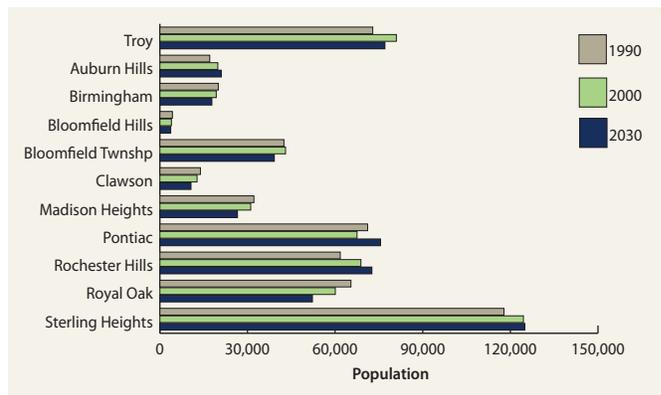
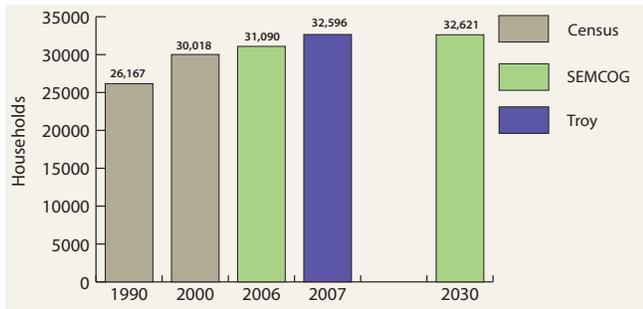


FIGURE 8.3: NUMBER OF HOUSEHOLDS
 Source: 2000 U.S. Census, SEMCOG, City of Troy



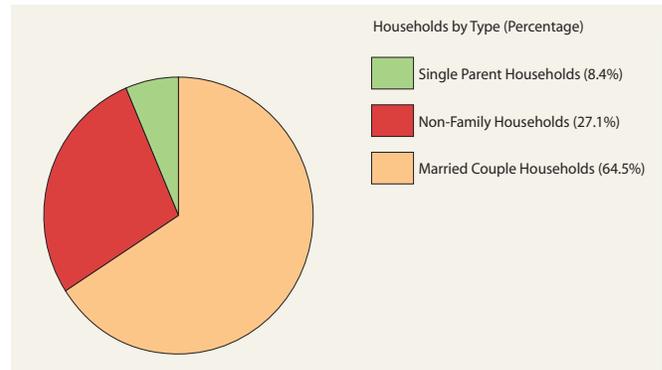
According to 2007 estimates from the City of Troy, the community has 32,596 households. By the year 2030, SEMCOG predicts that the number of households will increase by approximately 9 percent from the 2000 Census (figure 8.3). Current household size in the City of Troy is 2.69 (2000 U.S. Census). But this is changing. A common trend in Southeast Michigan is a higher rate of increase in the number of households than total population growth. Between 1990 and 2000, Troy's total population increased by 11 percent while the number of households rose by 14 percent.

Commensurate with an increased number of households is a decrease in the size of households. By 2030, household size in Troy is projected to be 2.35 persons per household. **Given that fewer people in Troy will be living in each household, the demand for housing may actually increase, even though the population is dropping.** The trend towards an increased number of households with a decline in total population is due to factors such as the increase in single parent households, of empty-nest households, and single seniors living alone.

The following summarized population characteristics, complemented by the population growth projections above, provide critical information to be considered moving forward with regard to housing in the City of Troy:

- **Household Type: Over 72 percent of the City's population live in family households.** The percentage of family households is slightly higher than Oakland County's which is 66.9 percent. The remainder of the population is composed of non-family households (figure 8.4). Non-family households consist of a group of unrelated persons or one person living alone.

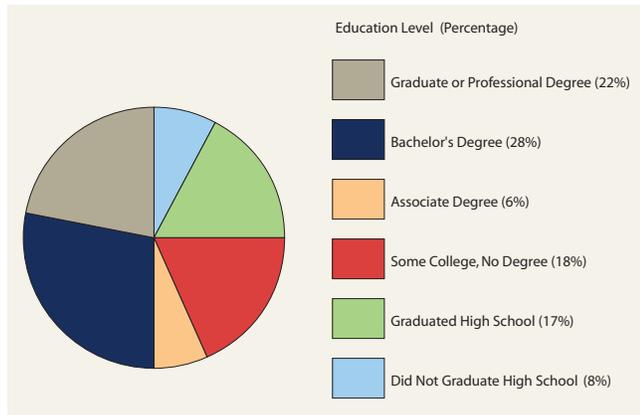
FIGURE 8.4: HOUSEHOLDS by type
 Source: 2000 U.S. Census



- **Income: The City of Troy has experienced an increase in affluence compared to the previous decade.** According to the 2000 Census, the median household income in the City of Troy was \$77,538 (1999 dollars), a 4 percent rise from the 1990 median income of \$74,251 (1999 dollars). More recent analysis from the U.S. Census Bureau, in its 2005 American Community Survey, indicates that Troy's income continues to rise, and that the 2005 median household income in the City of Troy was \$81,111 (in 2005 inflation-adjusted dollars). This well exceeds the most recent Oakland County analysis from the same survey. It indicates that Oakland County's 2005 median income was \$64,022 (in 2005 inflation-adjusted dollars)
- **Education: The City of Troy has a well-educated population.** As indicated in figure 8.5, almost 75 percent of Troy's residents have some college education. Fifty-six percent of residents have an advanced degree, including

a bachelor's, associate's or graduate/professional degree. By comparison, only 44.8 percent of Oakland County residents and 28.8 percent of Statewide residents had achieved an advanced degree. Only 8 percent of Troy residents did not graduate high school, similar to Oakland County as a whole, but about half of the Statewide average.

FIGURE 8.5: EDUCATIONAL ACHIEVEMENT OF RESIDENTS OVER 25 YEARS



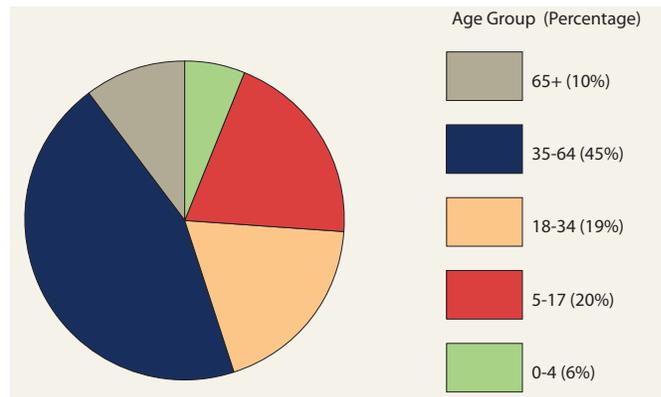
- Racial Composition: The City of Troy's population is diverse with a higher percentage of Asian residents than any other city in Michigan.** According to the 2000 U.S. Census, the racial makeup of the City was 82.30 percent White, 2.09 percent African American, 0.15 percent Native American, 13.25 percent Asian, 0.02 percent Pacific Islander, 0.36 percent from other races, and 1.82 percent from two or more races. 1.46 percent of the population is of Hispanic or Latino origin.
- Age Composition: As it stands now, more than half of the population of the City of Troy is over the age of 35.** As shown in figure 8.6, 45 percent of Troy's residents are between the ages of 35-64. The 5-17 and 18-34 age ranges contain the next highest proportion of residents, with 20 percent and 19 percent respectively. The median age in the City of Troy is 36.7 according to the 2005

American Community Survey produced by the U.S. Census Bureau. All trends remaining the same, a substantial shift is expected in the age distribution by 2030. **As indicated in table 8.1, the age 65 or older age range will increase from 10 percent to 22 percent by the year 2030.**

TABLE 8.1: 2030 AGE FORECAST
Source: 2000 U.S. Census

Age Groups	2000 Census	2030 Forecast
Age 0-4	4,991 (6%)	4,422 (6%)
Age 5-17	16,227 (20%)	13,514 (18%)
Age 18-34	15,225 (19%)	12,639 (16%)
Age 35-64	36,230 (45%)	29,868 (39%)
Age 65+	8,286 (10%)	16,603 (22%)
Total Population	80,959	77,046

FIGURE 8.6: POPULATION DISTRIBUTION BY AGE GROUP (2000)
Source: SEMCOG



Troy Vision 2020 described a future vision of the City as a vibrant, dynamic and prosperous city, which showcases a variety of business and residential areas. One of the suggested actions provided by the Image and Feel Task Force designed to implement that vision was to develop and implement a variety of housing options. Given what we know about the current population, and trends based on historical data, what must the City do to best respond? The next section of this Chapter will explore specific solutions to specific issues facing the City in this regard.

Housing Options in Troy

The most challenging part of long-range planning for housing a changing population involves taking account of the existing housing stock in the City and understanding in what areas it could be augmented to meet the anticipated changes in demand based on population trends and characteristics. **There are several critical themes facing the City with regard to housing.** First, national trends and local projections indicate that the residents of Troy are aging. As people mature, their needs change with regard to housing. Secondly, the City desires to encourage homeownership, and must therefore be concerned with ensuring that high-quality, but affordable housing options are available. Finally, as the City labors to provide modern amenities and foster a globally recognized center for knowledge economy businesses, it must ensure that this workforce finds Troy to be rich with the best housing options in the region.

Housing an Aging Population

The next generation of older adults is one with a new perspective on retirement; one that includes being physically active, staying close to family and friends, moving into a new second career, pursuing education, or accomplishing a lifelong dream. Given the expected shift in the City of Troy's population, this Plan must address how the housing needs of active seniors will be met. It is important to note that population age shifts and the resulting housing demands are largely cyclical, though not necessarily consistent, from cycle to cycle.

The Civic Infrastructure Task Force for Troy Vision 2020 established a vision for Troy where seniors continuously find meaningful ways in which to be involved in and to contribute to the City as they enjoy a great quality of life. A big part of that vision is the provision of adequate housing that meets the needs of an aging population, regardless of their condition or income level.

Where the previous generation of older Americans may have aspired to live in a resort-style destination community, **today's active seniors are staying active longer than ever before.** According to Del Webb, one of America's foremost developers of age-restricted, "active-adult" lifestyle communities, as long as 8 years ago, more than 85 percent of nearly retired respondents to a company study preferred to remain in close proximity to their existing neighborhoods.¹

To this end, the development community must address a number of outstanding concerns with regard to the safety and security of older adults to empower them to age in place. In addition to diversifying the housing stock, **communities must ensure that new housing opportunities for older adults are designed from the ground up to ensure that the homes being built can evolve with the owner's stage in life.** Given the complications, limitations, and expense in retrofitting existing homes to meet the needs of an aging tenant, many homes no longer remain practical as the homeowner ages.

If considered at the conceptual phase, a new home can not only appeal to both the younger and older populations, it can easily be converted to a structure which provides for the safety and security of an elderly tenant, allowing that tenant to remain in place much longer than could have otherwise been possible.

"Visitability" is a first step towards making homes more inclusive, and one which can empower a homeowner to age in place. Coined in the 1980s, the term "visitability" is used to describe a few basic, affordable design options which broaden the equity in housing accessibility without necessarily stressing full accessibility for persons with disabilities, or older adults: These design elements are far more important to the functionality and safety of a home than many

1. Riddle, Lyn (1998), "The Formula for Sun City Moves East and North", *The New York Times*, 4 January

Visitability Standards

The concept of “visitability” emerged in the 1980s and has been a growing trend nationwide. Some of the states and localities that have already incorporated visitability standards include Naperville, Bollingbrook, and Champagne, Illinois, Atlanta, Vermont, Texas, Kansas, and Arizona. The term refers to single-family housing designed to be lived in or visited by people with disabilities.

(<http://www.accessiblesociety.org/topics/housing/visit->

traditional full-accessibility standards, such as lower mirrors and sinks, etc. These features are critical to even permit the entry of a disabled or aging person into the structure. The elements include:

- Each unit must have at least one no-step entrance;
- All doors and hallways wide enough to navigate through with a walker or wheelchair; and,
- There must be a bathroom on the first floor big enough to get into in a wheelchair, and close the door.

In any new development or redevelopment, designers can easily gain a wider market by thinking about access and visitability at the concept phase. The visitability movement argues all new homes should be made visitable, which allows for them to be more easily converted to full-accessibility for an aging resident, and to provide for increased mobility for all persons, and therefore increased social equity. The proponents of visitability argue that if only those homes occupied by disabled or older adults are designed for visitability or full accessibility, that housing suitable for aging in

place of older adults will be effectively cut-off from the mainstream public.

For those residents desiring a more structured housing situation or those that need a higher level of care or assistance, a wide variety of housing products are available. Traditional age-restricted multiple-unit senior housing developments continue to thrive in communities across the United States. Assisted living and nursing home care centers, which can provide different levels of care from basic assistance to full dementia care, are also growing.

A newer concept taking hold in the senior housing industry is the “continuous care” facility. These developments provide a series of different independent living and assisted care options in one large campus or, in some cases, one building. Continuous care facilities market themselves as adaptable, safe environments for seniors as they advance in age and require higher levels of care. Many facilities offer detached, independent condominium style housing, multiple-unit independent housing, assisted living, nursing care, and dementia care on one site.

Housing for the Knowledge Economy

In order to capitalize on the quality of life elements this Plan suggests to create a lively and vibrant community, the City must also have the right housing to attract the knowledge economy workforce it desires. As was discussed in Chapter 5, mobility and proximity between civic elements, quality parks, shopping, dining and other amenities is critical, but what is even more critical is the proximity of those elements to innovative new housing.

There is no single housing solution for Troy that will fit the knowledge economy workforce. Like the companies themselves, workers are no longer necessarily tied to commutes or proximity to specific resources. Both companies and workers can locate wherever they wish, regardless of profession, given new access to the global workplace via the internet. As stated earlier in this Plan, therefore, the City of Troy must concentrate its efforts on the quality of life in the City to ensure that, provided choice, new residents choose Troy over anywhere else.

Over 125,000 people work in Troy every day, but only about 8,000 of those people reside in the City. The City must identify ways to capture more new residents from this critical group. Two factors contributing to this phenomenon could be the cost barrier, which will be discussed in the next subsection, and the availability of innovative housing styles. Based on the 2000 U.S. Census, 75 percent of housing units in the City of Troy are owner-occupied units, 22 percent are renter occupied units and the rest are vacant. **The predominant housing type in the City of Troy (73 percent) is a single-family detached home.** Twenty-percent of units are multi-unit apartments with the remaining 7 percent being one-family attached homes or duplexes and townhomes.

Live-Work Units

As jobs and companies evolve for the 21st century, new housing types centered on living and working in the same place are gaining popularity. The City should explore new possibilities to accommodate and encourage live-work units for all types of professions. Some units, designed for full-time, low impact and low traffic uses may coexist with existing residential areas, and some uses that may have limited external impacts, such as increased traffic, noise, etc., may fit in more mixed-use and transitional areas.



FIGURE 8.7: LIBERTY LOFTS, ANN ARBOR
Source: www.libertyloftsannarbor.com

Lofts and Urban Housing Options

Only recently has the City begun to fully embrace more “urban” housing styles, by encouraging their development as part of mixed-use, planned unit development projects. **The City of Troy must recognize the importance of having a variety of housing styles represented within the community, and describes how having these units will help Troy become a more vibrant place.** While not all knowledge-economy workers and their families are seeking urban lifestyles, this is an area where Troy has room to grow.

An excellent example of a contemporary housing type not widely available in southeast Michigan is the “loft.” Loft projects, like Liberty Lofts in Ann Arbor (figure 8.7), are characterized by large, open floor plan units designed to allow the homeowner room to design and use the space tailored to their individual needs. Originally, loft projects were found almost exclusively in instances where former non-residential structures in urban areas had been retrofitted for residential use. This is not a new idea, but the adaptation of this concept into new development is an emerging trend. The Liberty Lofts project, for instance, offers different floor plans in a unique building near the center of Ann Arbor. It is part of a unique neighborhood and is close to many amenities. Liberty Lofts includes both the renovation of an older building and new construction.

Troy has an opportunity to integrate new, open floor plan housing situated amidst the most vibrant parts of the City. Mixed use projects with an urban housing component should be encouraged, especially in those areas where it will complement the goals of other City initiatives, such as the Big Beaver Corridor Study.

Housing for First Time Homebuyers

While most people characterized as part of knowledge economy workforce benefit from rising incomes and a great deal of investment mobility, not all members of this valuable demographic have the means to buy into new housing. **Many members of this workforce will be first time homebuyers.**

According to the 2004-2005 Community Profiles compiled by the Oakland County Department of Planning and Economic Development, housing costs in the City of Troy have risen in recent years. The average housing cost in 1999 was \$215,062, compared to \$253,889 in 2001 and 270,745 in 2003. The City of Troy Assessor reports that the 2006 average sale price was \$332,076, a significant increase.

The increase in housing costs is attributable to new construction, the increased popularity of the City of Troy as a residential and business setting within the metropolitan Detroit community and general rises in housing costs within southeast Michigan.

With new white-collar business also comes a need for additional service industry businesses, which require a high-quality workforce themselves. **Many members of the service workforce are priced out of communities they work in, and must commute into places like Troy.** In order to meet the challenges established by Troy Vision 2020, the City must continue to encourage sustainable practices, as the provision of high-quality entry level housing contributes to creating a sustainable City. Not only does excellent, affordable housing allow service workers and first time homebuyers to make a long term commitment to the City of Troy, it

contributes to the diversity and vibrancy of the community as a whole, and reduces dependence on transportation for the import and export of workers every day while keeping more of the spending dollars of these potential residents in the Troy economy.

High quality entry level housing does not necessarily mean subsidized or public housing. Housing becomes affordable when supply and demand for different housing types are balanced. For instance, if a majority of housing units in a community are small lot, small square footage, older homes, the few large, new homes with property may be all the more desirable, and vice versa. Conversely, if a community is exclusively single family detached homes and the only attached units are downtown luxury condominiums with 2,000 or more square feet, entry-level housing becomes scarce and the market for it becomes competitive.

In order to combat this in Troy, the City must encourage a variety of housing types to allow for a balanced housing stock. Smaller units for sale in newer developments allow for new homebuyers to invest in the City without a high cost barrier for entry.

Survey Responses

A primary source from which many of the ideas in this Plan have been derived is the supplemental survey given to SGRAT Workshop participants, City department heads, and the Planning Commission. The following are a selection of questions and responses which helped inform this Chapter.

What steps would you take to make Troy a more vibrant and engaging place to live and work?

- *We need to start redeveloping our community to fit into the requirements of a global economy. The ways in which we lived in 1957 is not how we live today or will live in 2020. Areas where we can redevelop should be mixed use of housing, retail and business. They should incorporate the latest technology and be green.*

What new and innovative approaches should be encouraged in the City of Troy to provide a better housing stock for the aging population?

- *Facilitate loans for home repair and improvement to keep aging populations in their older homes and to prevent blight. Keep housing affordable. Canvas the aging population to determine what they are looking for and what they would buy*
- *Allow some more assisted – living facilities/nursing homes. More single story condos.*
- *Mixed use developments with independent and assisted living components, with barrier free walkability.*
- *High end options are needed. Currently there is no where in Troy to appeal to seniors selling their \$400,00+ houses. Multi family units on city golf course? Seniors want activities.*
- *Smaller single family homes on one floor.*
- *Variety of housing stock. Site condo that look like ranch style homes, condos, assisted living, nursing care. Location needs to provide proximity to shopping, health care, transportation, necessary services and recreation.*
- *Keep prices reasonable! Many are so expensive only the really well to do can afford to stay in Troy. Ask all the seniors what they want, you may be surprised.*
- *The City should encourage any type of residential use that will attract economically desirable residents. The current interest in mixed uses should be encouraged as well as all new future types that will attract solid citizens*

Is the available housing stock in Troy sufficient to serve the City's needs?

- *No, fewer children and many older residents wanting to stay without upkeep require creative building ideas and economy and green spaces.*
- *We don't have residential units that also serve as business. Troy's ordinances work against having both a residence and a business in the same building. Changes should be made to allow for that. Some residential areas could serve in that function and zoning (a new zoning class) should be made.*
- *Number of units is sufficient, but more condos should be available for those not choosing to cut grass and shovel snow.*

Do you have any additional thoughts or input with regard to housing?

- *Starter homes. Young families with lower income don't have much opportunity to buy in Troy.*
- *We need a development of mixed use housing for seniors that included individual small residents, assisted living, senior apartments, nursing home so that a person can remain at one development. Incorporate recreation, transportation and other amenities for seniors.*
- *We need more affordable housing for younger population. Not everyone can afford million dollar homes. Get them young and keep them to move up.*

What does the Smart Growth Readiness Assessment Tell Us?

The SGRAT includes a section dedicated to Tenet 1: “Create a range of housing opportunities and choices.” The results of this portion of the analysis in Troy revealed that while Troy has made some steps towards smart growth as it relates to affordability of a wide variety of housing types, it has room for improvement. For instance, while the City has funded training for City staff for housing affordability programs, it has not actively promoted housing affordability. Further, while there are a variety of housing types in the City that may allow for an array of people to become homeowners, the City has not proactively pursued funding assistance or renovation assistance for the lowest ends of the economic spectrum. Specific questions contributing to these results include:

Are homes or apartments readily available in your community that people of all income levels can buy or rent (from service industry workers, to teachers, police and small business owners, to the elderly, young marrieds, professionals and executives)?

- A. Yes
- B. No

Best Answer: A

Troy’s Response: A

Do community leaders and elected officials actively promote a wide range of housing types to meet the full spectrum of household incomes and preferences?

- A. Yes
- B. No

Best Answer: A

Troy’s Response: B

Do many of the people who work in your community live in another community because they cannot afford housing in your community?

- A. Yes, most workers, especially those earning low/moderate incomes, live outside the community.
- B. No, most of the people who work in our community, including low to moderate income workers, live in our community.

Best Answer: B

Troy’s Response: A

Does the Zoning Ordinance provide for areas zoned multi-family residential or for mobile home parks that are close to job centers and transit or other access opportunities? In order to answer yes, areas must be zoned and not fully developed in order to count.

- A. Yes
- B. No

Best Answer: A

Troy’s Response: B

Land Patterns: City Design and Image

Future Land Use Categories

Single Family Residential	91
Neighborhood Nodes	93
High Density Residential	99
Big Beaver Road	101
Rochester Road	103
Maple Road	105
South John R Road	107
Northfield	109
Smart Zone	111
Automall	113
Transit Center	115
21st Century Industry	117
Recreation and Open Space	119
Public and Quasi-Public	119

The term “Future Land Use” brings to mind a prescription for isolated, parcel-by-parcel land use classifications that permit the development of a very limited number of land uses. This model tends to perpetuate the separation of land uses, even when it is not always the best option. This type of traditional land use planning was brought about in an age when zoning was in its infancy and land was readily available. There was less concern about the conservation of natural resources, and economic factors took precedence. While frequently effective, this kind of planning has had unintended consequences.

As cities and regions have grown over the years, traditional land use plans have fostered sprawl in Southeast Michigan and impeded compact communities served by close proximity to jobs, schools, and community services. At risk has been quality of life, an area which is critical to remaining competitive in the 21st Century, as discussed in detail in many Chapters of this Plan.

Today, Troy and many other communities have begun looking for new ways to improve quality of life by creating vibrant, mixed-use areas where jobs, great schools, opportunities for social interaction, excellent services and shopping, and high-quality neighborhoods exist in close proximity. Techniques such as Planned Unit Development (PUD) have been developed for just this reason. PUDs demonstrate that different land uses are compatible and supportive of each another.

As a result, this Future Land Use Plan will expand on the concept of “villaging” established by Troy Vision 2020, and translate that concept into policies that manifest themselves on the Future Land Use Map. It will introduce the concept of the “Social Neighborhood” and describe how it is intended to interact with the “Economic Neighborhood.” It will describe the character and role of places like the Big Beaver Corridor and Oakland Mall, an alternative way to think about Maple and Rochester Roads, and the industrial areas of the City.

There are many traditional land use elements that should be maintained in Troy. Adherence to conventional approaches in all areas of the community will not allow the City to realize its vision.

A shortfall of traditional land use planning is the primary focus on land use, and the lack of attention toward physical form. The Troy Master Plan will incorporate city design and image as primary areas of focus. This Chapter will establish future land use categories on which the Plan is based, and define the urban design characteristics of established categories.

Land Use and City Design

The Troy Future Land Use Map does not allocate specific uses on a parcel-by-parcel basis, but **represents a graphic illustration of the overall policies of this Plan, and describes the intended character of the various areas of the City.** The primary categories will be supported by urban design guidelines and, in certain cases, sub-area plans which provide additional detail with regard to the intended styles and patterns of development.

The Future Land Use Plan of the City of Troy will be implemented through a variety of techniques. The most significant of these tools is the application of Zoning Classifications consistent with the Plan. It is important to note, however, that the Future Land Use Map is a long-range guide, and is not a “Zoning Map” intended to indicate the geographic extent of all land use classifications or to enable all indicated uses to occur immediately. The Future Land Use Map is included on the following page.

Neighborhoods are vital components of the City. **Historically, neighborhoods provide societal, educational, recreational and economic needs within a half-mile walking distance.** The Vision 2020 strategy establishes the idea of fostering “villages” within the City. Residents want to enjoy a personal sense of place which is best found at the neighborhood scale. **For Troy, the ingredients are in place for classic walkable neighborhoods.** Major thoroughfares delineate square mile grid patterns. Elementary and Middle Schools are centrally located within many of the neighborhoods. The corners of most neighborhoods are developed with convenience retail and service businesses.

The Master Plan recognizes that current lifestyles warrant modifying the walkable neighborhood concept. Not every person will walk a half-mile to get to a store or school. Most

Elements of Great Streets and Neighborhoods

Great Streets

- Accommodate many users with various modes of transportation.
- Connect smoothly with the rest of the street network.
- Encourage social interaction.
- Allow for safe and pleasant pedestrian activity.
- Have a unique sense of public space created through physical elements.
- Consider the scale and architecture of surrounding building infrastructure.
- Benefits from community involvement.
- Reflect the culture or history of the community.
- Complement the visual qualities of the community.
- Utilize green and sustainable practices.

Great Neighborhoods

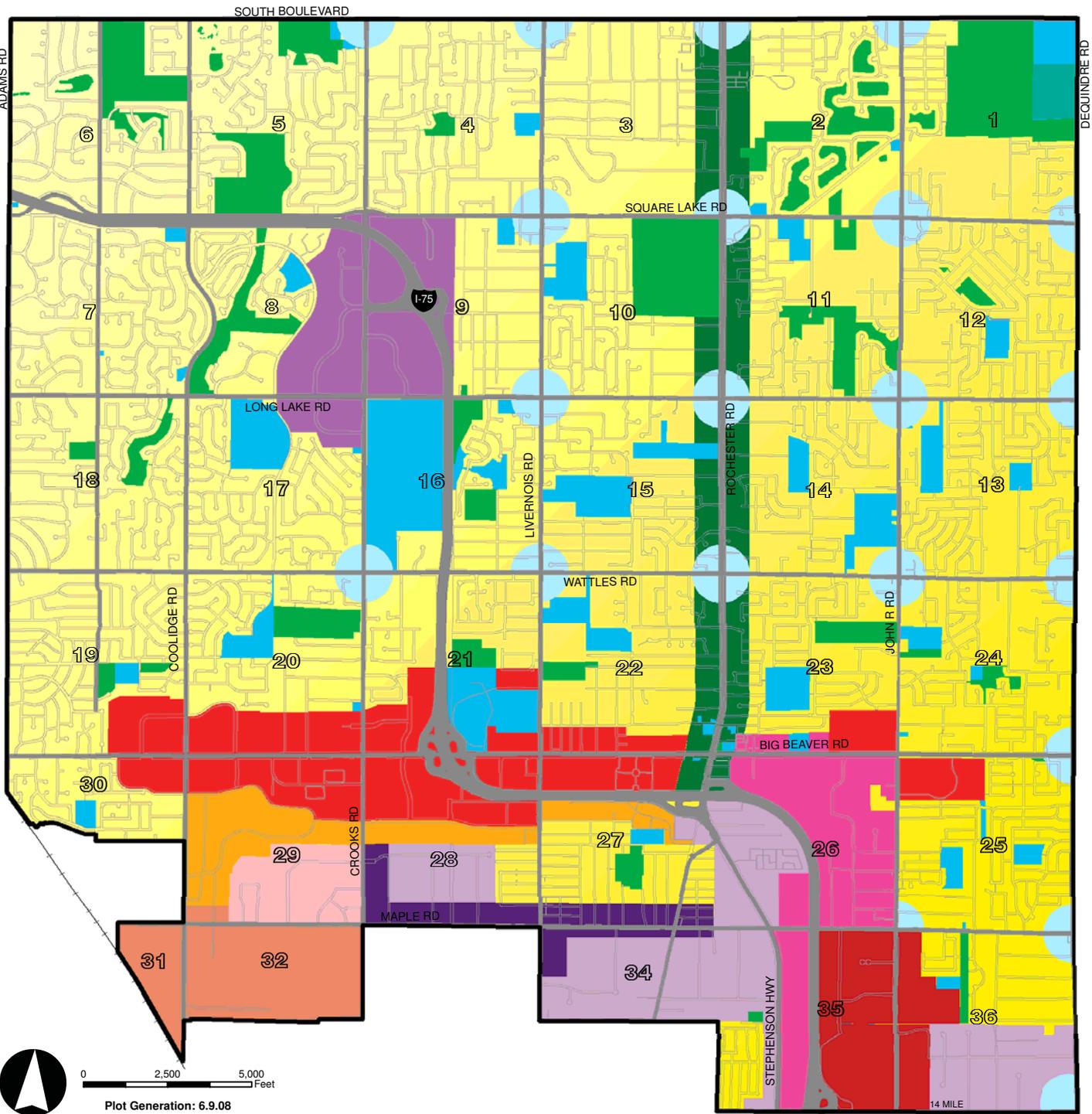
- Consider the scale and architecture of the building infrastructure.
- Foster social interaction.
- Enable multiple modes of transportation safely and efficiently.
- Are safe.
- Are good stewards of the natural environment.
- Reflect the community’s character and have unique characteristics that provide a sense of place.
- Retain the community’s history.
- Promote and protect air quality and stewardship of natural resources.
- Protect or enhance the local environment and biodiversity.

Great Streets and Neighborhoods:

- Implement LEED standards in construction and neighborhood design.
- Have planted street trees.
- Reuse materials when possible.
- Make recycling convenient.
- Facilitate non-motorized and/or public transportation.

Planning and Zoning News, October 2007

people will walk five minutes, or about one quarter of a mile. Typical comparison shopping for clothing, hardware and the like are measured by service radii related to drive times which



Plot Generation: 6.9.08

Basemap Source: Oakland County Planning

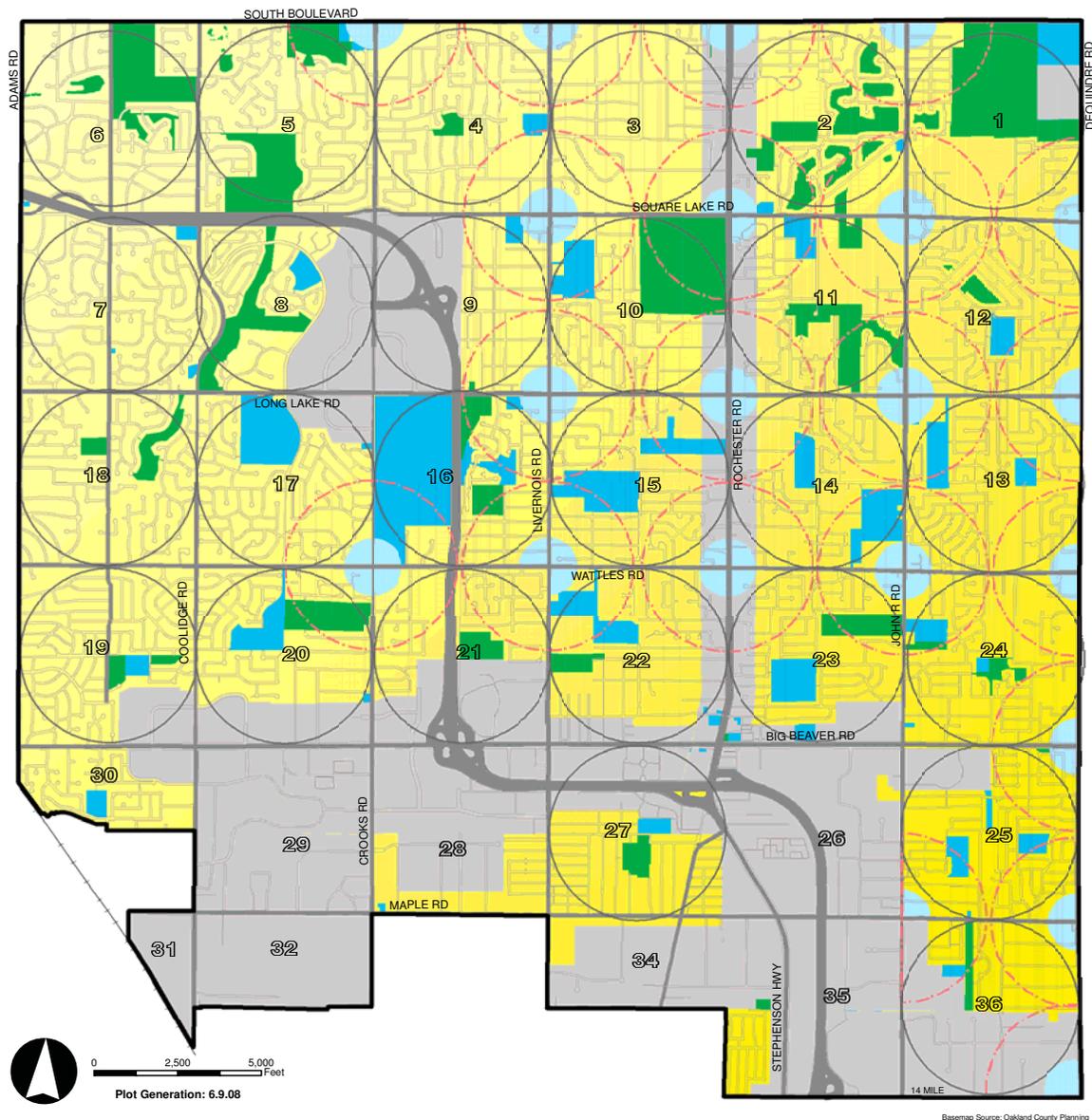
Future Land Use

- | | |
|---------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------|
|  Single Family Residential |  The Smart Zone |
|  High Density Residential |  Automall |
|  Neighborhood Nodes |  The Transit Center |
|  South John R. Road |  21st Century Industrial |
|  Big Beaver Road |  Public and Quasi-Public |
|  Rochester Road |  Recreation and Open Space |
|  Maple Road |  15 Section Number |
|  Northfield | |

are not realistically walkable. Furthermore, Michigan has cold winters that limit year-round walkability. Troy's neighborhoods, now and in the foreseeable future, will serve its residents in two roles: the Social Neighborhood and the Economic Neighborhood.

The Social and Economic Neighborhoods of the City are shown on this Neighborhoods Map. The circles surrounding the Neighborhood Nodes

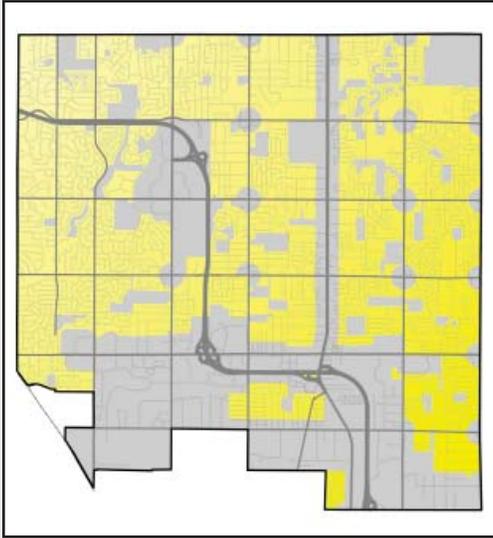
and the circles within the Social Neighborhoods are meant to demonstrate a rough service area for each neighborhood. While not necessarily precise, the circles are meant to demonstrate the basic relationship between the Social Neighborhood and the Economic Neighborhood. The circles are not meant to establish a formal land use category or policy in and of themselves, but rather to validate the planned uses at and around the Economic Nodes.



Neighborhoods

- Social Neighborhood
- Single Family Residential: The Social Neighborhood
- Economic Neighborhood
- Neighborhood Nodes: The Economic Neighborhood
- Recreation and Open Space: Extraordinary Amenities
- Public and Quasi-Public: The Foundation of Troy's Neighborhoods
- All Other Uses
- 15 Section Number

Single-Family Residential: The Social Neighborhood



- *Social units of the City.*
- *Walkable, safe places to live.*
- *Centered on schools or other community facilities.*
- *Linked with nearby services.*

The predominant land use in the City of Troy is single family residential. **This category is intended to preserve the existing quality residential neighborhoods of the City while recognizing the need for other uses that support the main function of residential areas.** The single family areas of the City are arranged around Social Neighborhoods. Social Neighborhoods are unique, self-contained areas bounded by Troy’s main thoroughfares. They are mostly single-family areas centered on community elements like schools or parks. Social Neighborhoods are described in more depth at the end of this Chapter, and are illustrated by the solid circles shown on the Neighborhoods Map.

In the Single Family Residential areas of the City, non-residential uses will be considered only when the use is clearly incidental to and

ancillary to single-family residential, or when the use is a park, school, or other community-oriented public or quasi-public use.

The Social Neighborhoods of the City are bounded by the mile square grid pattern of Troy’s thoroughfares. These defined areas can provide the sense of place that Vision 2020 and this Master Plan are striving for. **In most cases, they have a school as central focus.** Schools continue to be a means of stimulating social interaction on many fronts; children establish their first friendships, parents meet other local parents, schools often host public events. Furthermore, the play areas at school provide readily accessible recreation opportunities. Many Social Neighborhoods in Troy have sidewalks promoting accessibility and exercise, and Troy schools have walking paths that are open to the public.

The ideal Social Neighborhood will exemplify the safer, more enjoyable walking environments envisioned by the “Safe Routes to School” program.

DESIGN CONCEPT

- Neighborhoods are approximately 15 minutes walking from end-to-end.
- A wide variety of residential architecture characterizes the various neighborhoods of the City. Non-residential architecture for schools and places of worship complement the residential setting.

BUILDING LOCATION

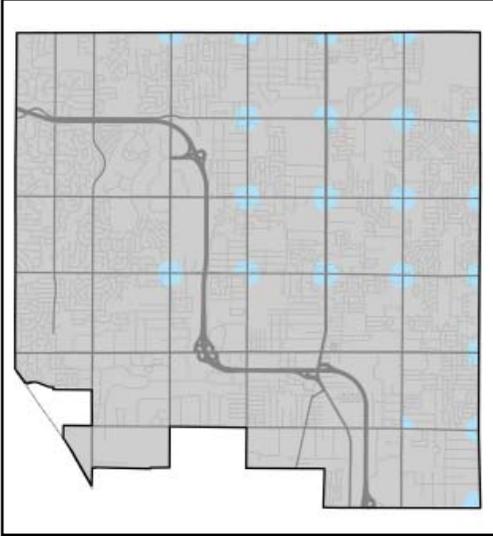
- Homes must be located in relation to the street in a manner that complements surrounding, established homes.

SITE DESIGN ATTRIBUTES

- Walks which link residences to destinations such as schools, libraries, abutting neighborhood commercial service areas, coffee shops, and other neighborhoods are critical.

- The neighborhoods must include improved perimeter walks that are functional and aesthetically pleasing. These exterior walks will directly connect to the activity nodes at major intersections and adjacent neighborhoods. Wide walks will be constructed which will incorporate landscaping and innovative stormwater detention areas. These areas will be artistically developed, but functional landforms that carry visual interest. The perimeter walks have the ability to bring residents of adjacent neighborhoods together.
- Neighborhoods should be connected to one another to increase the area where residents can readily navigate on foot and expand the boundaries of social interaction. Crosswalks near the mid-mile areas of each grid will improve outside linkages.
- Lighting will not encroach on adjacent properties, and will be used carefully to provide safety and security, and for accent illumination.

Neighborhood Nodes: The Economic Neighborhood



- *Located at intersections of the City's main roads.*
- *Work together with Social Neighborhoods to create a more livable community.*
- *Mixed use.*
- *Provide neighborhood gathering places.*
- *Accommodate the daily needs of residents.*

Neighborhood Nodes are the concentrated, commercial and mixed-use centers situated at major intersections of Troy thoroughfares that serve as the center of the City's Economic Neighborhoods. The nodes are specifically identified on pages 95 and 96. Economic Neighborhoods are destinations created as "go to" places that take on a social role, serving both as a place to meet basic needs of the community and as 21st century village centers. The attributes of Economic Neighborhoods are described in more detail in the final section of this Chapter, and the urban design characteristics of Neighborhood Nodes will be described in depth in Chapter 10. The nodes will typically permit a mix of commercial, office, and high-density residential, although the predominant uses in any Neighborhood Node development must be in keeping with the node characteristics described on pages 95 and 96.

Industrial uses and single-family residential will not be permitted in the Neighborhood Nodes.

The Economic Neighborhoods of Troy also center on the square mile grid system. Unlike the social neighborhood, the **Economic Neighborhoods are centered on major road intersections where commercial and office development occurs.** When destinations are created, these nodes become a "go to" place and take on a social role. Each of these nodes serves four quadrants of the overlapping social neighborhoods and has the ability to bring residents of four neighborhoods together.

These Economic Neighborhood nodes are destinations that draw people, visually distinguished from the balance of corridor strips through greater density and scale. Variation in building height will often be used to separate the node from the surrounding area, but will not be so extreme as to visually overpower abutting neighborhoods. The separation of building heights at intersections with the "between" segments of corridors stimulates the visual concept of "pulsing" development and sets up a system of visual anchors.

Moderately dense residential environments may be encouraged within some nodes to provide steady activity for longer periods of the day. In these cases, residences may be mixed with offices on upper floors or be developed immediately adjacent to the commercial areas. Connections between the commercial activity and residences must be directly and seamlessly integrated.

During the course of the planning process, the Planning Commission closely analyzed the need for additional neighborhood nodes throughout the City. The City will continue to consider the demand for additional nodes as part of subsequent plan revisions.

DESIGN CONCEPT

- These nodes are within a fifteen minute walking distance of residential neighborhoods to permit alternative modes of transportation.
- Development will be denser and taller than the surrounding area, encouraging visual prominence to signal a gathering space.
- Nodes should be generally confined to a 1,000 foot radius from a major intersection.
- The nodes provide uses and spaces that attract and welcome neighborhood residents.

SITE DESIGN ATTRIBUTES

- Buildings should be separated from the right-of-way line by a landscaped greenbelt, one lane of off-street parking or a pedestrian walk, or a combination of these.
- Primary parking areas will be located within rear or interior side yards.
- Off-street parking should be screened from the public right-of-way by a knee wall or low decorative fence with a hedge of plantings.
- Walks will connect adjacent developments and the public sidewalks.
- Well-defined crosswalks with timed signalization will permit safe crossings.
- Flexible use of space allowing modest outdoor gathering spaces, such as plazas, will be encouraged.

BUILDING DESIGN ATTRIBUTES

- Buildings should be between two and three stories, although one-story structures accommodating gas stations or other special situations may be permitted.
- One-story buildings should have a minimum exterior height of sixteen feet.
- A ground level story should have a

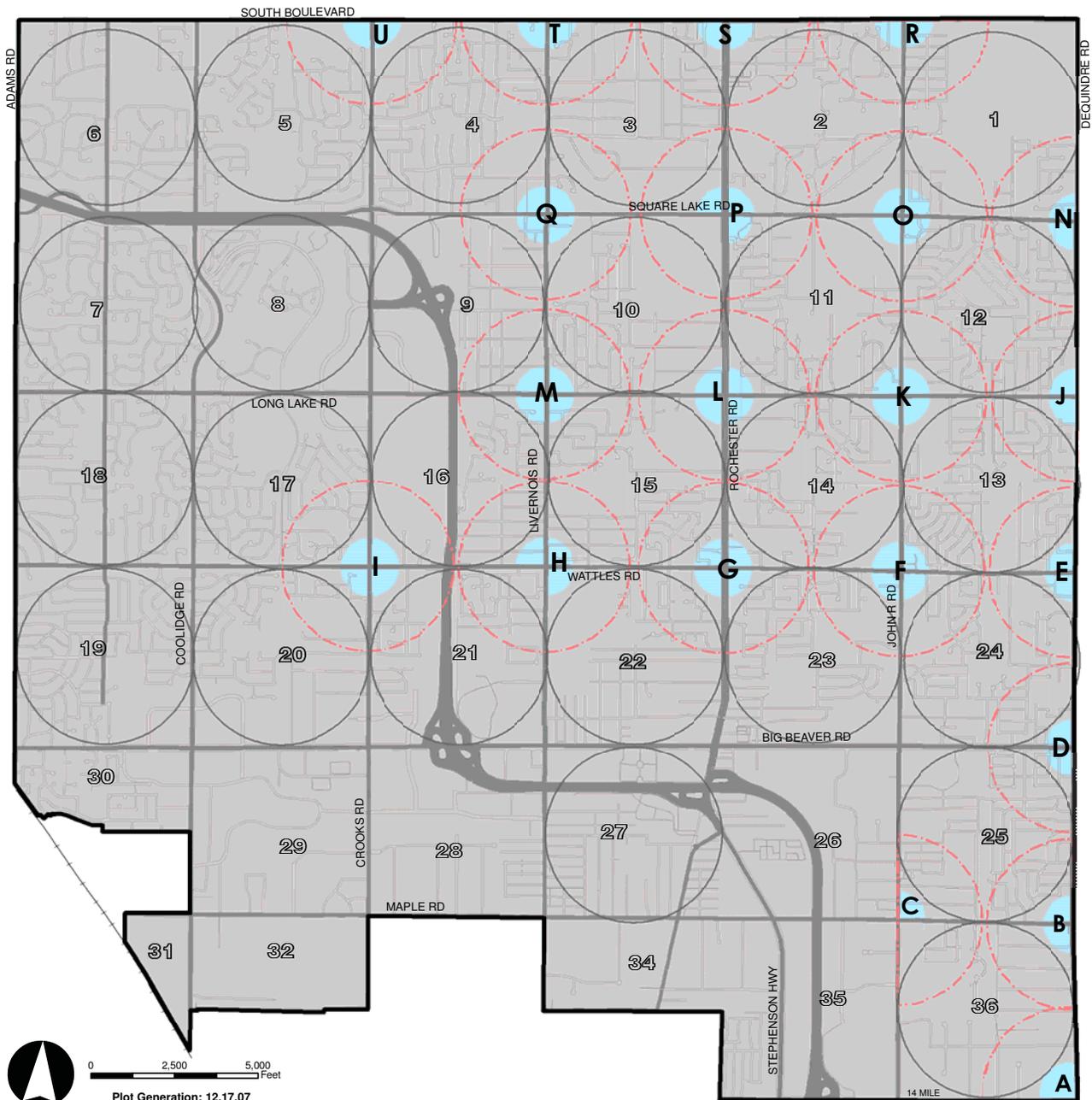
minimum height of twelve feet from finished floor to finished ceiling.

- Facades facing major thoroughfares will be treated as fronts and should have a minimum of half transparent glass and special architectural design treatments.
- Fenestration (the arrangement of windows and doors) should be highlighted through the use of awnings, overhangs or trim detailing.
- Lighting will be carefully managed so as not to encroach on adjacent residential areas.

The following pages contain a table describing the primary intended uses and character of the Neighborhood Nodes designated on the Future Land Use Map. Individual Nodes are numbered and identified on the Economic Nodes Map following the table.

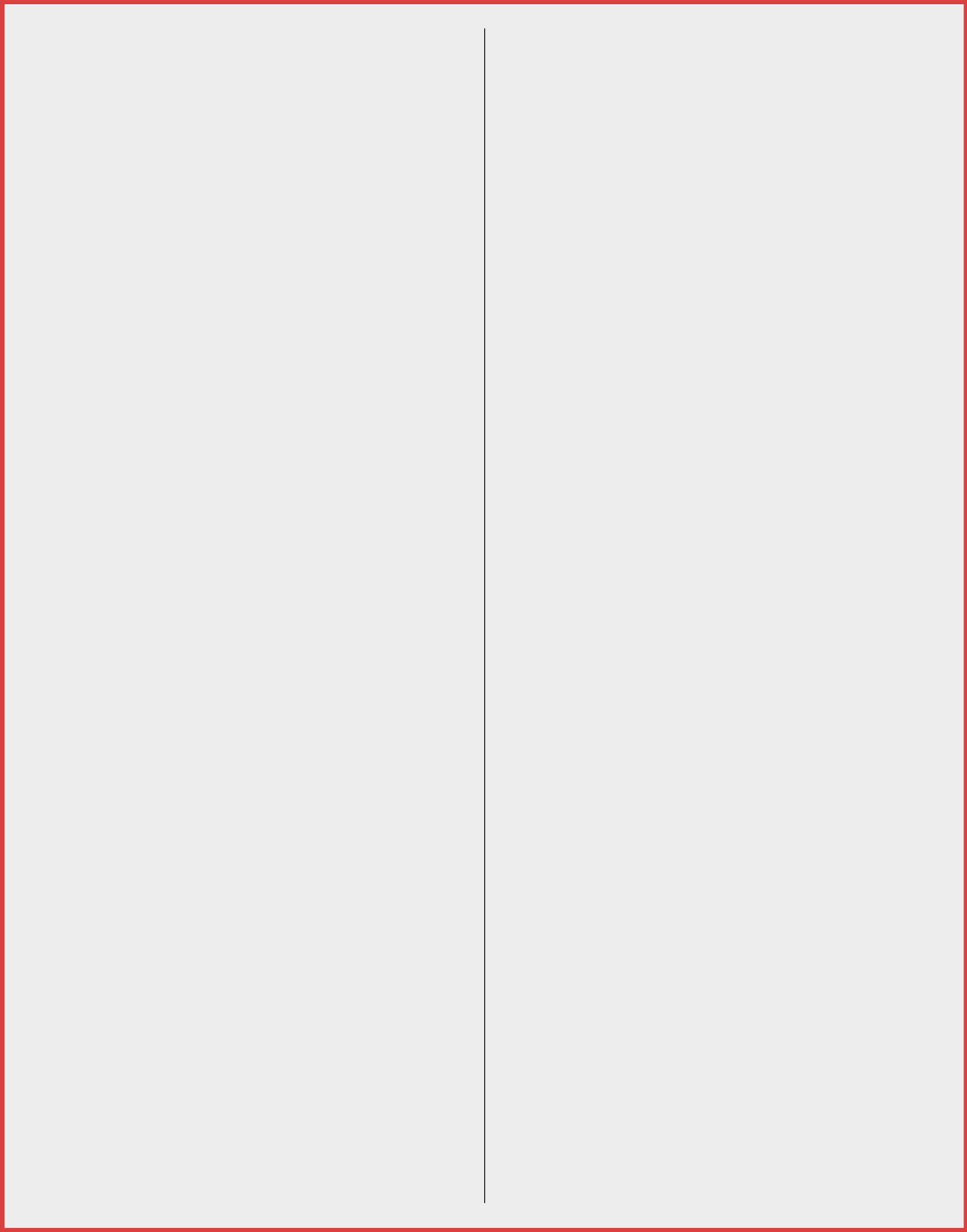
	Node/Intersection	Primary Uses and Character
A	14 Mile and Dequindre Road	Non-residential uses catering to the day-to-day needs of the workforce in the surrounding industrial area. Restaurants and convenience needs integrated with banks and other service uses in compact developments would suit the needs of this area.
B	Maple Road and Dequindre Road	The unique neighborhood node is home to a collection of uses serving the local Polish population. Uses complementary to the cultural center and bank which help this area serve as a gathering place and focus area for the neighborhood could include limited housing, service uses, or specialty retail and dining.
C	John R. Road and Maple Road	The node would best serve the area with a predominantly commercial mix of uses catering to the immediate residential area coming and going from their homes. The node should serve as a transition to the more intense commercial development to the south.
D	Big Beaver Road and Dequindre Road	This area should be a high-intensity, high-density, compact area that serves as a notable entry point to the community. Development may include residential, retail, office, and service-oriented uses, but should be designed to create a very noticeable "gateway" into Troy with it's complex, high-density, mixed-use character.
E	Wattles Road and Dequindre Road	The predominant use in this node should be offices, both medical and professional. Limited commercial service uses designed to complement the main focus of the area as a office node serving this area of the City may also be permissible, if clearly secondary to the primary office character of the area.
F	John R Road and Wattles Road	This node may include all uses from high-density residential in combination with restaurants, limited office, and retail. Development at this intersection should include at least two of these uses in any one development, in order to better complement and strengthen the already mixed-use character of the node.
G	Rochester Road and Wattles Road	A careful blend of commercial uses and office uses, effectively transitioned into the adjoining residential neighborhoods, should be the main uses at this intersection. Recent residential development in the area has taken pedestrian access to the intersection into consideration with effective pathways and sidewalks, and any new development at the intersection must continue this positive trend.
H	Livernois Road and Wattles Road	This lower-intensity area is characterized by single-family residential directly abutting the southwest corner of the intersection, and uses which generate only sporadic activity, such as churches and day care. This node contains the Troy Museum and Historic Village. New development or redevelopment at this node must be especially considerate of the adjoining residential and low-intensity uses and should not include any retail or restaurant uses. Office and other uses similar the existing uses would likely provide the best combination here.
I	Crooks Road and Wattles Road	Development at this location should be low-impact and provide a high benefit to the neighborhood using the least amount of land. Compact, walkable mixed use development with a combination of uses serving the immediate surroundings would be an ideal fit. Integrated compact development which would allow a user to park once and meet several daily needs would be a positive contribution to the node. The City also recognizes that expansion of the White Chapel Cemetery into the northeast corner of this node would be appropriate.
J	Dequindre Road and Long Lake Road	Predominantly commercial, catering to both local needs and regional traffic, new development and redevelopment should be mostly commercial, identifying opportunities for small office mixed-use and variations in floor area to allow for a wide range of commercial types. Pedestrian access to the adjoining area and effective screening should be primary areas of focus during the site design process.

	Node/Intersection	Primary Uses and Character
K	John R Road and Long Lake Road	Like Crooks Road and Wattles Road, compact, walkable mixed use development with a combination of uses serving the immediate surroundings would be an ideal fit. Integrated compact development which would allow a user to park once and meet several daily needs would be a positive contribution to the node.
L	Rochester Road and Long Lake Road	Intersections L, M, and U and should remain, predominantly commercial, catering to local needs and regional traffic, new development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development.
M	Livernois Road and Long Lake Road	Intersections L, M, and U and should remain, predominantly commercial, catering to local needs and regional traffic, new development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development.
N	Dequindre Road and Square Lake Road	Low-intensity commercial uses should remain, but redevelopment should include an integrated compact residential component, live/work units, or small office. Service-oriented use development in combination with new residential development would provide a unique setting here.
O	John R Road and Square Lake Road	Near a known heron rookery, this node must be careful to respect this important natural resource. New development or redevelopment should complement the churches and limited commercial uses in the area, and should incorporate above-average landscaping, natural buffers, and conscientious site design to enhance the known natural features in the area.
P	Rochester Road and Square Lake Road	Major commercial uses dominate and should continue to provide a foundation for this neighborhood node. While uses in the area may cater to regional traffic, service uses, retail, and limited office uses designed to provide service to the immediate residential neighborhood should be incorporated into any new development or redevelopment plans.
Q	Livernois Road and Square Lake Road	Development in this area should be especially considerate of the remaining historic asset of the neighborhood. Adaptive use of existing historic structures must be considered before demolition or relocation of these resources. Low-intensity uses working in conjunction with one another to form a central neighborhood village, walkable and accessible, would create an ideal complement to the predominantly residential surroundings.
R	John R Road and South Boulevard	Small local commercial uses and office uses should be the focus of this node, to complement the large scale office development across the City's boundary to the north, within the City of Rochester Hills.
S	Rochester Road and South Boulevard	This neighborhood node provides a suitable mix of uses to cater to the daily needs of the immediate residential area, while also providing a unique opportunity for specialty retailers, compact walkable residential development, and small-scale office development in an integrated, mixed-use setting.
T	Livernois Road and South Boulevard	Limited local commercial and housing for seniors in a dense development pattern should remain the primary focus of this neighborhood node.
U	Crooks Road and South Boulevard	Intersections L, M, and U and should remain, predominantly commercial, catering to local needs and regional traffic, new development and redevelopment should be mostly commercial and should serve to further enhance this successful commercial area. Opportunities for integrated residential or office development should be considered only when clearly secondary to commercial development.

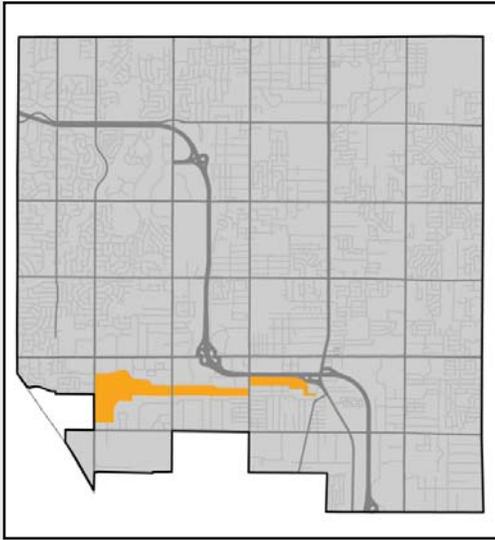


Economic Nodes

- | | | | |
|-------------------------------------------------------------------------------------|-----------------------------------------------|--------------------------------------------------------------------------------------|----------------|
|  | Social Neighborhood | 15 | Section Number |
|  | Economic Neighborhood | A | Economic Node |
|  | Neighborhood Nodes: The Economic Neighborhood |  | All Other Uses |



High Density Residential: Housing Choice



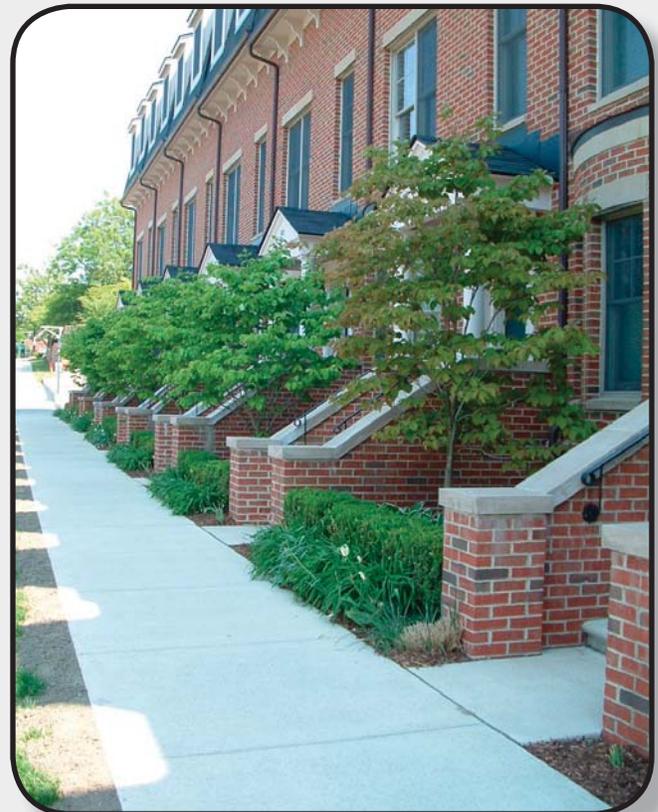
- *In close proximity to the most high-intensity nonresidential areas of the City.*
- *Diversify the City's housing stock.*
- *Excellent regional access and multi-modal access.*
- *Complementary to Big Beaver Road.*

The High Density Residential classification primarily includes multiple-family residential development made up of housing having three or more dwelling units per structure. This classification may have some limited mixed-use elements, especially those non-residential uses primarily geared towards day-to-day service needs of the resident population, although it is intended primarily to serve as the most dense residential development permitted by the City. The primary use in any development within this area must be residential.

The High-Density Residential classification is not the only area in the City in which high-density residential development may be appropriate. This category is, however, specifically identified for areas where high-density residential should be the primary,

or exclusive land use. Other areas of the community, where mixed-use development is called for, may also integrate high-density residential as part of a mixed-use development. **High-density residential development may also be appropriate along Maple Road in redevelopment projects or new development projects with a focus on open-floorplan, loft-style housing in new or renovated buildings.**

The High-Density Residential classification may also include some redevelopment areas which may be better used for uses that support high-density residential. On a limited basis, small scale commercial development designed to cater to the day-to-day needs of the residents may be appropriate. **The City should continually monitor the status of this classification to ensure that it remains viable, given the growing trend of integrating high-density residential projects in mixed-use settings.**



Urban townhouses in Ann Arbor, Michigan; Photo by CWA

DESIGN CONCEPT

- The high-density residential district is integrated with surrounding land uses, and not simply considered a transitional use between traditionally intense and less-intense land uses.
- These areas will have a path system for access, exercise and leisurely strolls, designed to link residential communities, provides more land use efficiency with open space and access to neighborhood shopping and other services.
- Buildings frame the street network enclosing outdoor spaces.

SITE DESIGN ATTRIBUTES

- Front greenbelts with large street trees, decorative trees and low landscaping soften the environment between the street and building.
- Creative storm water detention should be designed as a focal point, including the use of appropriate landscaping and sitting areas.
- A path system that connects the building entries, parks, public sidewalk system and adjacent developments should be included in new development.
- Sites will be well-appointed with large trees and landscaping.

ARCHITECTURAL ATTRIBUTES

- Buildings will be between two and four stories.
- Front porches and tenant entries will be clearly defined through the use of canopies, overhangs, façade treatment or landscape.
- Fenestration will be accentuated with architectural trim work or decorative brick or stonework.



Urban townhouses in Ann Arbor, Michigan; Photo by CWA

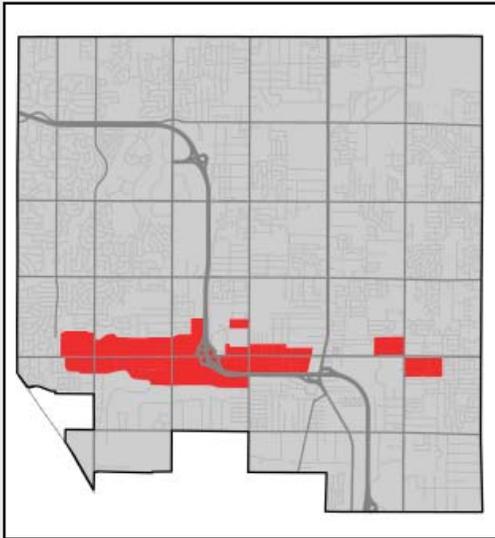


Internal public spaces in a high-density residential development



Innovative facade and architecture in a high-density setting

Big Beaver Road: A World Class Boulevard



- *Home to large, landmark projects and mixed-use regional destinations.*
- *Central gathering area of the community.*
- *A collection of international corporations, local companies, and establishments which complement these high-visibility uses.*

The Big Beaver Road corridor is responsible for the first impression many people have throughout Michigan when they think of the City of Troy. The high-rise buildings, Somerset Collection, and its immediate proximity to I-75 are frequently the main elements visitors remember about the Corridor and the City. **In order to remain competitive and continue to be a leader in economic development in Southeast Michigan, Troy must plan for this Corridor to evolve in light of a changing economy.** In that spirit, the City adopted the key concepts of the Big Beaver Corridor Study in 2006:

- Gateways, Districts and Transitions
- Trees and Landscape as Ceilings and Walls
- Walking Becomes Entertainment - Much to Observe & Engage In
- Mixing the Uses Turns on the Lights - Energetic Dynamic of Mixed Uses with a Focus on Residential

- The Automobile & Parking are No Longer #1.
- Civic Art as the Wise Sage of the Boulevard

The uses and character of this future land use category are driven by the recommendations of the Big Beaver Corridor Study and subsequent efforts of the Planning Commission to create new zoning techniques to implement those recommendations.

This Study provided a comprehensive analysis of the existing and potential characteristics of this important area. The planned future land uses in the Big Beaver Corridor are in large part considered mixed-use, to allow for a wave of new residential development and the redevelopment of individual sites to make a more meaningful contribution to the quality of life of the City. The main difference between the various mixed-use districts planned in the Study is building height. The intended characteristics of the various districts are also very different, and are the topic of in-depth analysis in the Study. Some important recommendations of that Study are listed below.

- Moving toward the creation of distinct physical districts by building from lot line to lot line along the right-of-way rather than continuing to be a collection of isolated towers.
- Becoming flexible with land use relationships. The use of vertically integrated mixed-use commercial, office and residential towers should be promoted. The use of prominent ground floor retail, restaurants and cafes allows visual interest and activity for visitors and residents.
- Contain parking in structures that are shared by surrounding developments. Do not allow off-street parking to be visible from major thoroughfares.
- Landscape Big Beaver and intersecting thoroughfares with rows of mature trees.

DESIGN CONCEPT

- This will be a vibrant high-rise business and residential district.
- Pedestrian use will be promoted through massive landscaping, wide sidewalks, outdoor cafes, and public art.
- The Big Beaver Corridor Study and Big Beaver Development Code provide for a specific land development pattern.
- Architectural design must create an interesting visual experience for both sidewalk users at close range and for those viewing the skyline from a distance.

SITE DESIGN ATTRIBUTES

- Parking should be located in rear yards.
- Development should include intense street tree planting along Big Beaver.
- Cafes, plazas, parks and similar amenities to draw pedestrians will be encouraged.
- Buildings will frame the street network by building to the front and side property lines. Exceptions for cafes, plazas and access roads may be permitted.

BUILDING DESIGN ATTRIBUTES

- Buildings should rise in height toward Crooks Road in the east-west direction.

- Buildings should rise in height toward Big Beaver in the north-south direction.
- Ground level stories should be a minimum of twelve feet in height; with large expanses of transparent glass.
- Fenestration at the ground level should be highlighted through the use of awnings, overhangs or trim detailing, and building caps or roofs should provide a visually interesting skyline.



Big Beaver Corridor Study; Birchler Arroyo Associates, Inc.



Concept Sketch from the Big Beaver Corridor Study; Birchler Arroyo Associates, Inc.

Rochester Road: Green Corridor



- *Regional model for a green corridor*
- *A strong focus on access management*
- *Heightened emphasis on strong stormwater management techniques*
- *Retail catering to regional traffic*
- *Innovative site design techniques applied through PUD use to allow for redevelopment for shallow lots*

Rochester Road carries high volumes of traffic causing backups at intersections. The abutting development pattern from Big Beaver Road north to Long Lake Road is a continuous row of highway-oriented commercial uses. North of Long Lake Road, the land use pattern evolves, becoming a mix of commercial and office near the intersections and older single-family homes and multiple-family complexes in between.

If Rochester Road is to have a defined role and pleasing character in the City, it must undergo a significant transformation over time. Ultimately, the Rochester Road Corridor will become a regional showcase for effective stormwater management and enhancement of the natural environment, while encouraging a combination of high-quality land uses. Effective landscaping focused on

native plantings, and improved land use and access management along Rochester will create a green corridor that provides a high level of service for motorists, and which provides an effective natural buffer between high traffic volumes and people visiting adjacent properties. The creation of this green corridor would occur primarily in the right-of-way along road frontages and in the median of a future boulevard.

While the emphasis on innovative stormwater management is specifically called on for the Rochester Road Corridor, new low-impact techniques are to be encouraged elsewhere throughout the City of Troy. As noted in Chapter 7, innovative stormwater management is a priority for the community. Rochester Road will play an important role in this City-wide initiative by proving a regional showcase for such techniques.

New construction along the corridor may include detention and retention basins that work together from site-to-site with other features to create a continuous, linear landscape feature. By connecting properties, the basins create visual relief from traffic. **Low impact development methods will be used throughout the corridor to filter stormwater runoff.** Rochester Road will also be characterized by effective new signage, high-quality lighting, and effective, complementary site and architectural design.

Uses along Rochester Road will include a variety of mixed uses, established in a “pulsing” pattern where the most intense mixed-use or exclusively non-residential development will occur near the Neighborhood Nodes situated along its main intersections. Lower-impact uses, such as small scale retail or condominiums should be encouraged along the corridor frontage between these nodes.

DESIGN CONCEPT

- Commercial strip development should be limited and gradually replaced with mixed use.
- Commercial development should be encouraged to expand in the form of dense multi-story mixed-use concentrations at major intersections. Concentrations are limited to within 1,000 feet of the intersection.
- The areas between nodes should develop as lower-rise office and multiple-family. The height differences encourage a visual “pulse.”

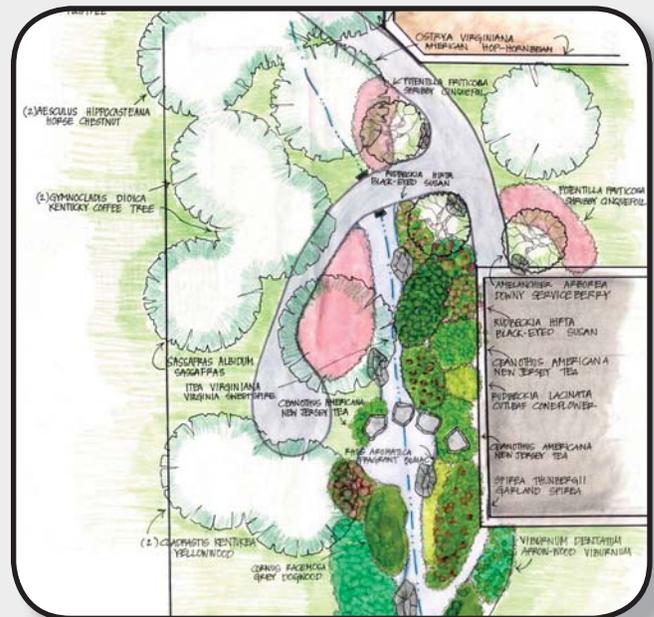
SITE DESIGN ATTRIBUTES

- Parking areas should be within rear yards or interior parts of the site. A single row of parking may be appropriate in front and exterior side yards in limited applications.
- Parking will connect to adjacent sites, eventually linking several developments with a rear access lane. The number of drives connecting to Rochester Road should be minimized.
- Defined internal walks will connect the businesses and buildings together.
- Internal walks will be connected to the public sidewalk system.
- Buildings will be separated from street traffic by a greenbelt or sculptural storm water detention basin.
- Height and size of signage will be reduced to contain visual clutter.

BUILDING DESIGN ATTRIBUTES

- The height at nodes will be multi-story not exceeding four stories.

- The height between nodes should not exceed two stories.
- Ground level stories should be, at a minimum, twelve feet in height; with large expanses of transparent glass at intersection nodes.
- Fenestration for the ground level of buildings in nodes will be accentuated through the use of awnings, overhangs or trim detailing.

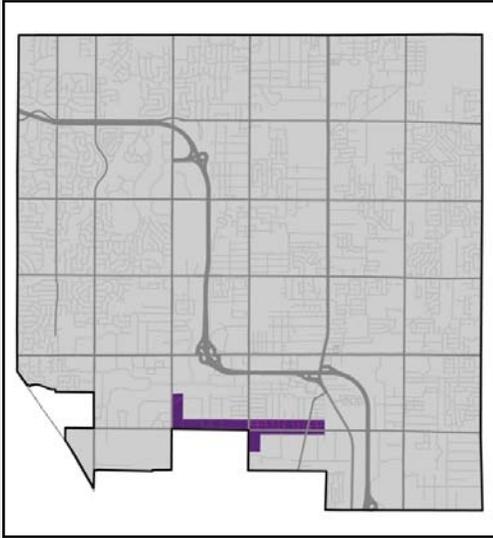


Design for a Rain Garden in Troy; City of Troy



Lovell Pond in Troy; an example of an innovative, urban stormwater basin; Photo by Jennifer Lawson

**Maple Road:
Mixed-Use**



- *Predominantly industrial area, but with limited opportunities for transitional or service-oriented uses that complement the primary adjacent industrial areas*
- *Potential for urban-style open floorplan housing in redeveloping areas*
- *Focus on the quality of access management throughout Maple Road*

The Maple Road Corridor provides an opportunity for new, emerging land use types in the City of Troy. Limited development of industrial-style 3 to 4 story buildings with open-floorplan housing, developed in a transit-oriented setting, for instance, may be appropriate in some places. This type of development would help diversify the City's housing stock and provide a more effective buffer between the Corridor and the industrial uses located in the immediate area.

Uses designed to support the workforce in the area may also be appropriate. Local commercial or small, mixed-use developments having a combination of such uses could greatly improve the character and image of this area. Such amenities would also help smaller, local industrial uses to recruit the best workforce.



New loft style, open floorplan residential development in Nashville

DESIGN CONCEPT

- This area will be a high-quality, eclectic mix of land uses and architectural types.
- Emphasis should be placed less on land use and more on building and site design. Design should not reflect traditional forms of “colonial” architecture.
- Development should be linked together visually and functionally throughout the corridor.

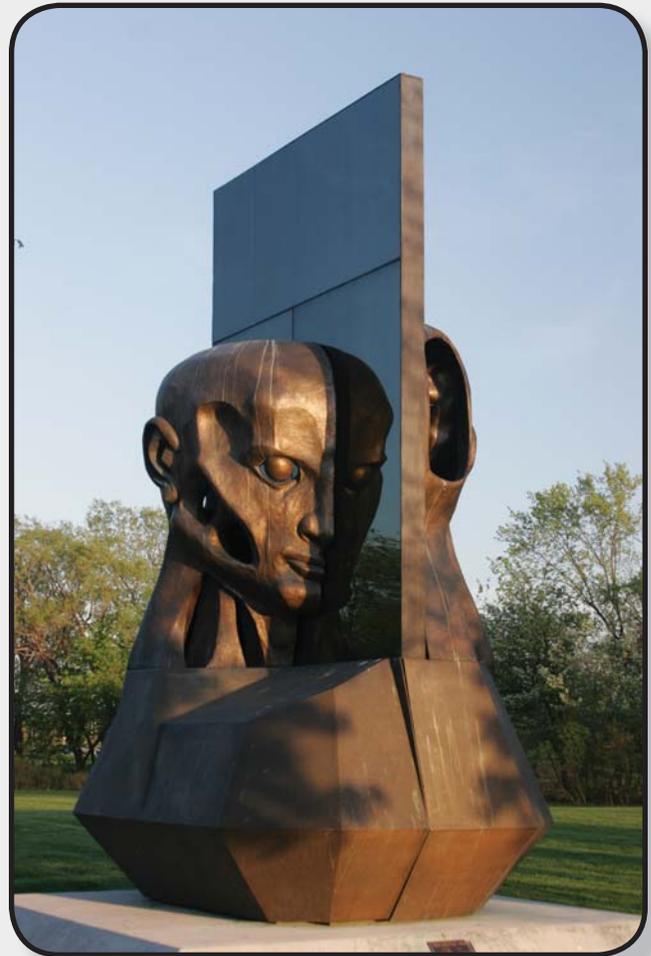
SITE DESIGN ATTRIBUTES

- Uniform “build-to” lines guiding a uniform containment of open space within the right-of-way should be established.
- Primary parking areas should be within rear or interior side yards.
- Landscape design creativity will be encouraged by setting general parameters relating to environmental sustainability such as limiting storm water runoff.
- Larger sites with deep set buildings should redevelop with buildings near the Maple Road right-of-way line.
- Mass transit stops should be accommodated (see page 115)

BUILDING DESIGN ATTRIBUTES

- Maximum height should not exceed four stories and limited to two stories for properties abutting single-family residential neighborhoods.
- Design creativity with regard to materials will be encouraged, although low quality materials or building designs that inhibit activity on the corridor will not be permitted.

- Primary parking areas within rear or interior side yards.
- Landscape design creativity should be encouraged by setting broad general parameters relating to environmental sustainability such as limiting storm water runoff or reusing gray water for irrigation.



Maple Road may provide a unique venue to expand opportunities for public art placement and for area artists to work and live.

South John R Road: Connections



- *Provides a significant entryway into the City*
- *Walkable, mixed-use development and redevelopment*
- *Provides a central focus for the southeast area of the City*
- *Enhanced focus on Transit Oriented Design (page 48)*

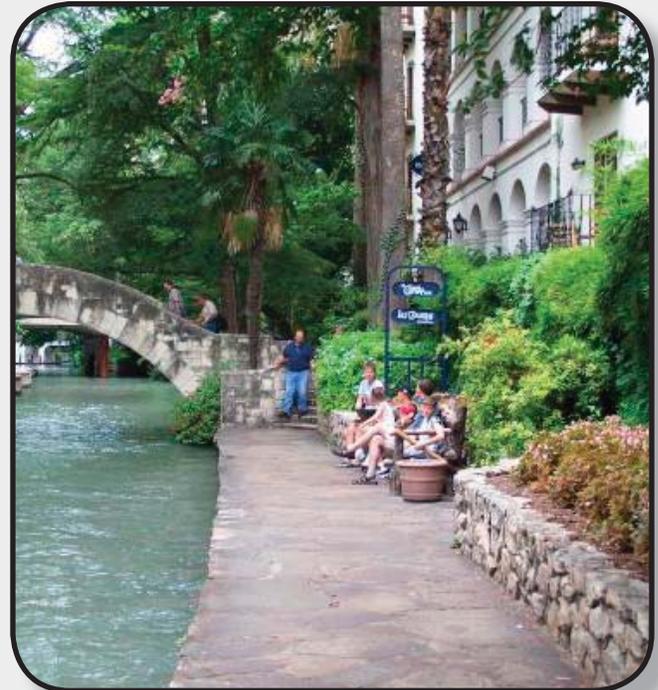
The South John R Road future land use designation is reserved for Oakland Mall and the immediate surrounding area along John R Road. This classification is intended to allow for the continued operation and long term improvement to the area, focused on the provision of “comparison” commercial products. This area serves a large region, beyond the City of Troy, and blends with the area to the south, outside the City’s boundaries.

However, the City recognizes that the nature of traditional retail is changing throughout the United States and that many conventional enclosed shopping centers are being redeveloped into a variety of new uses. Mixed-use developments with office and residential, and walkable outdoor shopping centers are

two examples of uses that have replaced former enclosed shopping centers. The current configuration of Oakland Mall and its surrounding area may no longer be competitive in the near future and may necessitate additional study for this area.

Redevelopment in this area should carefully consider the opportunity for restoration of natural features. Existing underground drains, for instance, should be analyzed for potential to be integrated within redevelopment projects, Native landscaping and innovative stormwater management techniques should be considered in the area. The resurrection of urban waterways may provide an opportunity to introduce a valuable asset and differentiating feature for redevelopment projects in the South John R area.

Arcadia Creek Festival Place in Downtown Kalamazoo, Michigan, offers an excellent case study of the renovation of an historic urban stream to create a new, vibrant urban gathering place.



The San Antonio Riverwalk

DESIGN CONCEPT

- This area will be a mix of retail, office and higher-density uses in multi-story buildings in an urban village.
- Building height will increase toward the center of the site.
- Height should not compete with the Big Beaver area.
- This area of opportunity will transform to a district of linked developments accentuated by significant landscaping and open space to off-set the increased height and density.
- Workforce housing, a part of the City's economic strategy, can be incorporated here.

SITE DESIGN ATTRIBUTES

- Buildings setback from the major road right-of-way should have a minimum distance that permits a greenbelt, single row of parking and wide sidewalk.
- Primary parking areas should be within rear or interior side yards, separated into modest-sized components for better storm water management and landscaping
- Internal walk system connects businesses, adjacent developments and the public sidewalks. Walks designed with trees, landscaping, water features or similar features to enhance the experience.
- Storm water detention should be captured in pedestrian friendly landscaped designs.
- Mass transit stops should be accommodated (see page 115).

BUILDING DESIGN ATTRIBUTES

- A maximum of three stories or equivalent height in feet should be allowed at the perimeter of a site.

- A minimum of three stories and maximum of six stories or equivalent height in feet should be allowed near the center. One-story retail buildings should have a minimum height of twenty four feet.
- Ground level stories should have a minimum height of twelve feet from finished floor to finished ceiling.
- Facades should be over half transparent glass.
- Entries must be well-defined.
- Fenestration should be highlighted through the use of awnings, overhangs or trim detailing.

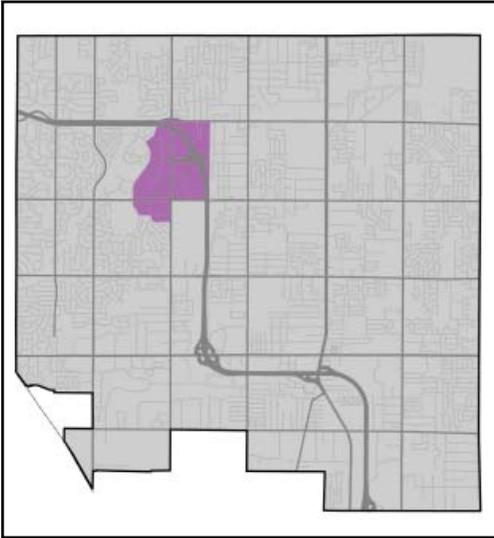


Walkable, mixed-use development with integrated parking



Walkable development; a stand alone restaurant

Northfield: A Focus On Innovation



- *A complement to the Smart Zone, but with an even broader mix of uses*
- *Outlot development to provide services to workers in the area*
- *Consistent site design throughout the District to create a unique identity*

The Master Plan identifies two primary districts for the encouragement of 21st Century, Knowledge Economy business development. The Smart Zone is situated along Big Beaver Road and an area to the south, along Interstate 75. **Northfield, the second office and research area, is similar to the Smart Zone in its makeup, but will reflect its own unique style of development.**

In terms of use, the emphasis in Northfield will be placed on office and planned research-office uses. Other uses primarily relating to the support of workers and activities in Northfield, such as supporting commercial uses, will also be considered on a limited basis. Residential uses, traditional industrial uses, and regional commercial uses will be encouraged within mixed-use developments only when they are

designed to support the primary function of the Northfield area.

Medical, professional, general, service-related office uses, and research –based uses, especially those planned in a campus or park-like setting, will be the primary focus in Northfield. These uses are intended to be enclosed within a building, and in the case of research and development uses, external effects are not to be experienced beyond their property boundaries.

DESIGN CONCEPT

- The contemporary architectural image should be continued.
- Infill construction will provide a physical link between semi-isolated towers.
- Demarcated crosswalks, an internal and external walk system and plazas/pocket parks will support physical linkages.
- Higher-density housing of twenty units per acre will be encouraged at the immediate periphery.
- Streets will be framed and the public right-of-way space will be delineated.

SITE DESIGN ATTRIBUTES

- Primary parking areas will be within rear or interior side yards and separated into modest-sized components by storm water management and landscaping.

- Walks will connect businesses, adjacent developments and public sidewalks.
- Storm water detention should be captured in pedestrian friendly landscape designs.
- Outdoor cafes, plazas, pocket parks and similar pedestrian amenities will be key features.
- Mass transit stops should be accommodated (see page 115).

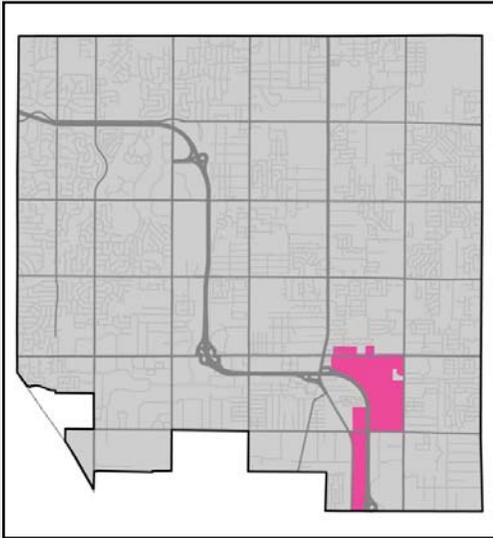
BUILDING DESIGN ATTRIBUTES

- Ground level story should have a minimum height of twelve feet from finished floor to finished ceiling.
- Facades should be half transparent glass.
- Entries should be well-defined.
- Fenestration on the ground level should be highlighted through the use of awnings, overhangs or trim detailing.



Successful infill development providing services to office developments in Northfield; Photo by Brent Savidant

The Smart Zone: Big Beaver and Beyond



- *A special focus on high-technology uses that complement one another*
- *Potential high-density housing in proximity of 21st Century knowledge economy employers*
- *Regionally prominent location for technologically advanced companies*

The Smart Zone was strongly emphasized in the Big Beaver Corridor Study and is the only proposed district within the Study to be called out specifically as a future land use category in the Master Plan. **The Study envisions the Smart Zone as a unique area dominated by high-technology uses which are at the cutting edge of innovation.** The Study calls this location a “paragon of innovation” and prescribes a combination of “signature” light industrial, research and development, and office uses.

The Master Plan uses this category in an area expanded beyond the boundaries shown in the Big Beaver Corridor Study. **The area south of the main Smart Zone area, situated around Interstate 75 provides an opportunity to foster additional Smart Zone uses and development.**

Furthermore, much of this area is occupied by vacant or underutilized office and industrial facilities that could be readily redeveloped into Knowledge Economy uses, or into uses that work in direct support of those uses. This area is highly visible from Interstate 75. Business-to-business functions, such as materials suppliers or office support uses also represent an ideal fit in this southern section of the Smart Zone.



Ford Rouge LEED Rated Assembly Plant and Visitor Center



Automation Alley Technology Park in Troy; Photo by Brent Savidant

DESIGN CONCEPT

- New construction and redeveloping properties should be set in an integrated campus environment.
- Paths, generous landscaping, water features and similar features found in first-class business parks should be infused throughout the site.
- Mass-transit stops should be located along routes to accommodate the workforce.

SITE DESIGN ATTRIBUTES

- Primary parking areas will be within rear or interior side yards and separated into modest-sized components by storm water management and landscaping.
- All parking should be screened from view by landscaping or walls.
- Walks should connect businesses, adjacent developments and the public sidewalks.
- Storm water detention should be captured in pedestrian friendly landscaped designs.
- Mass transit stops should be provided on the exterior and within the interior of the district.

ARCHITECTURAL ATTRIBUTES

- Height should be encouraged in cases where the development makes unique contributions to the area.
- Non-industrial portions of businesses should face the street system.
- Durable metal, glass, masonry and other materials should be used to promote the scientific image of emerging technology.
- Entries should be well-defined.

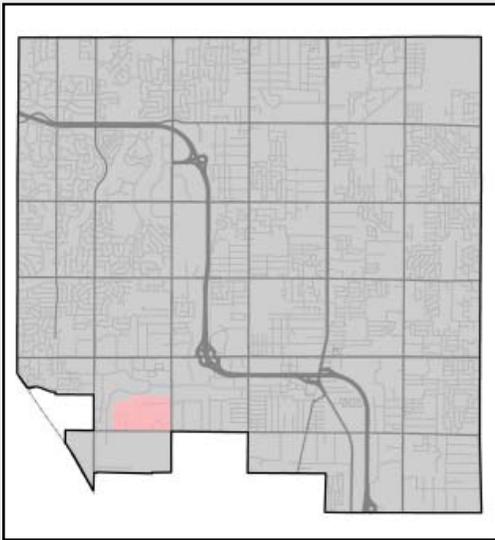


Automation Alley Headquarters in Troy; Photo by Brent Savidant



High-tech industries within the Smart Zone; Photos by Brent Savidant

Automall: A Unique Approach & Competitive Advantage



- *A coordinated collection of automobile sales lots that have a competitive advantage in that they provide a comparison shopping experience in one area*
- *New development should include walkable elements to allow for users to experience more than one dealership without moving their car*
- *Coordinated site design characteristics throughout the area.*

The Automall is a category that is unique to Troy. This area is home to a comprehensive collection of retailers of nearly every automobile make in the Country, and their grouping in one small, planned district provides a distinct advantage over similar automobile retailers around the region. In this location, potential buyers can see a variety of makes and models up close and make more informed buying decisions. The City continues to encourage the development of the Automall for this purpose. While the predominant use in this location is auto dealerships, other ancillary uses directly relating and in support of these dealerships will also be considered.

Auto dealerships in the Automall should be encouraged to develop outstanding automotive displays and engaging facades. The combination of these upscale automobile dealerships in a dense collection, offering unique permanent displays will complement one another to create a showcase for automotive design as well as for automobile sales and service.

The Michigan Design Center, located at the northwest corner of the Automall area on Stutz Drive, provides a unique asset for Troy. This facility offers a unique collection of over 40 showrooms in a 215,000 square foot facility. These showrooms display the latest in home furnishings and interior design elements. Primarily geared toward design professionals, the facility also provides an exceptional resource for design students. Potential future opportunities for open floorplan, artist-loft residential development or other land uses located to capitalize on and strengthen the relationship to the Michigan Design Center should be strongly encouraged in the western section of the Automall area.

DESIGN CONCEPT

- The unique atmosphere of the Automall will be enhanced. Vehicle displays will provide the enhancement.
- Showrooms will provide the setting for the people and products.
- Large expanses of transparent glass, and uniquely designed outdoor lighting will define the experience.

SITE DESIGN ATTRIBUTES

- Install pervious surfaces for walks and low-use parking areas to limit surface storm water runoff.
- Development should conform to a uniform “build-to” line corresponding to the line of currently existing buildings.
- Support businesses for the dealerships shall locate on Maple Road and not infill between dealerships.

BUILDING DESIGN ATTRIBUTES

- Showrooms should have a minimum height of sixteen feet.
- A minimum of 75 percent of a showroom façade should be sheathed in transparent glass.
- Support businesses not conducting individual customer sales will locate the office portion of the business along the public street. Site and building maintenance will be the primary design emphasis.
- Dealerships should visually differentiate themselves from one another; the variety of architectural styles will enhance the diversity of the product offerings.



High quality display area within the Automall; Photo by Brent Savidant

The Transit Center: Air, Train, and Transit in a Unique Setting



- *Uses focused on providing pedestrian access*
- *New infill development designed to be compact and complement the Troy/Birmingham Transit Center and airport*
- *Integration of new transit options as they become available will make this area a true hub for multi-modal transportation and a gateway for the community for those entering by rail, plane, or bus, or for those people seeking a rental car.*

The Transit Center is a mixed use area made up of a complementary combination of residential, commercial, and service-oriented land uses. This mixed-use area is centered between the existing Oakland/Troy Airport and the planned Troy/ Birmingham Transit Center. The combination of air, rail, bus and non-motorized transportation in one compact area, supported by a high-density residential development and regional commercial uses, will work to create a vibrant gateway to the southwest corner of Troy.

The Transit Center provides a unique amenity to the area in that it will ultimately evolve into a fully walkable area where visitors to the City can experience a variety of activities and enjoy access to more than one transportation option to get around Troy, or the Southeast Michigan Region. The continuation of the existing development pattern in this area is encouraged, as are the long-term infill of existing open areas and underutilized parking areas with uses complementary to the vision of a vibrant multi-modal transit hub are encouraged. Cooperation with the City of Birmingham provides a valuable opportunity for establishing a strong working relationship with adjacent communities.

The Troy Oakland Airport is a critical part of the Transit Center. The Airport’s approach plan is provided in Appendix 1.5.

DESIGN CONCEPT

- This will be a high-density mid-rise area in close proximity to the proposed train station and business airport.
- The area will become a lively village for residents and business customers alike.
- The amount of surface parking will be limited.



SITE DESIGN ATTRIBUTES

- New construction will provide parking at the periphery of development sites.
- The internal street network is encouraged to use a grid pattern of access streets to divide the larger area into a network of development “blocks.”
- Storm water detention will be captured in pedestrian friendly landscaped designs.
- Outdoor cafes, plazas, pocket parks and similar pedestrian amenities will be key features.
- Non-motorized transportation will be encouraged and enhanced by pathways and storage for bicycles, rollerblades, skateboards, and new emerging types of personal transportation.

BUILDING DESIGN ATTRIBUTES

- Height should be between two and four stories or equivalent height in feet. Federal Aviation Administration requirements limiting building height take precedence.
- Building massing will frame external and internal streets.
- The ground level story should have a minimum height of twelve feet from finished floor to finished ceiling.
- Facades should be at least half transparent glass to promote connectivity between the interior private space and exterior public space.
- Entries will be well-defined.
- Fenestration should be highlighted through the use of awnings, overhangs or trim detailing.
- Materials that instill a sense of permanence will be encouraged.



CALDOT Transit-Oriented Development in Oakland, CA City Center

21st Century Industry: A New Opportunity for Growth



- *Continued encouragement of a variety of industrial uses*
- *Light industrial uses with no outdoor storage or external nuisances are especially encouraged*
- *The emphasis for site design should be on screening, landscaping, buffering, and effective transitioning to allow this important category to succeed without negative impacts on residential or commercial areas of the City*

The 21st Century Industry classification provides area for conventional manufacturing and assembly uses, but with a broader interpretation of what industrial areas can become. In addition to conventional industrial uses, shops, and warehousing, this category can be home to business-to-business uses that don't require a significant public presence, but which work in tandem with the Knowledge Economy uses encouraged within the Smart Zone and Northfield. Suppliers, fabricators, printers, and many other supporting uses which strengthen the City's appeal as a home to 21st Century businesses are all encouraged in this category.

An alternative use that may be considered on a very limited basis in the 21st Century Industrial area is loft-style residential development in reclaimed industrial buildings. Opportunities for artist lofts and open-floorplan residential development may exist within new, innovative mixed-use projects. Such projects would be an ideal fit within the 21st Century Industrial area. Such housing will only be considered when all potential environmental limitations have been identified, and if necessary, neutralized.

The majority of the 21st Century Industrial lands in Troy surround the Maple Road category (see page 105), although they are intermingled with areas planned for the Automall, the Smart Zone, and the Transit Center. **Existing land uses along Maple Road vary widely, and do not have a clear, identifiable character.** Maple Road is primarily experienced as a series of nodes that center on north-to-south traffic leading into and out of Troy from the Big Beaver Corridor. For this reason, Maple Road is planned as a series of areas designed to support the Big Beaver Corridor and the Smart Zone, such as the business-to-business uses noted above.

DESIGN CONCEPT

- This area will recognize that manufacturing and distribution will continue to provide valuable jobs and a tax base. Emphasis will be on maintaining a strong image by concentrating on site and building maintenance as well as redevelopment, rather than redevelopment alone.
- Code enforcement will be a critical tool to maintain the visual and physical health of the district.
- As land becomes available, green space should double and storm water management should improve.

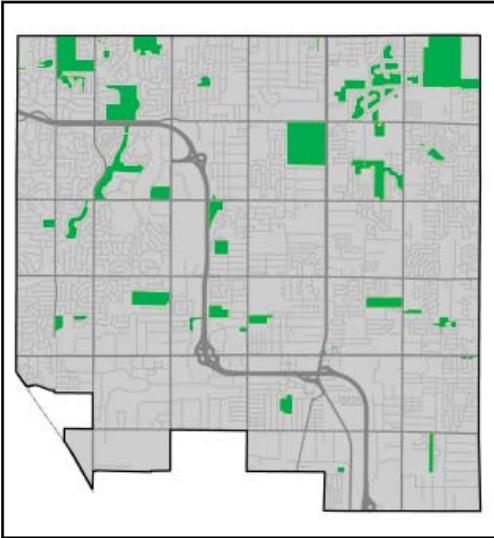
SITE DESIGN ATTRIBUTES

- Primary parking areas are located within rear or interior side yards.
- Front yards will be landscaped and well-maintained to continue an improved image.
- Green space will be placed along property perimeters to assist with controlling surface storm water runoff.

BUILDING DESIGN ATTRIBUTES

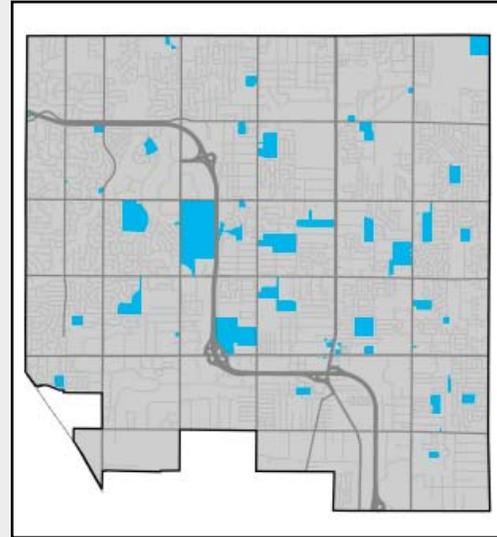
- The office portion of industrial developments will locate nearest the public street.

Recreation and Open Space: Extraordinary Amenities



The designation of Recreation and Open Space provides areas for both active recreation and conservation of natural resources. This land use can be either publicly or privately owned. Maintenance of these areas are essential to the preservation of fish and wildlife habitat, water quality, wetlands, scenic amenities, and outdoor recreation opportunities. Other significant areas are designated throughout the City and include private parks and common open areas associated with other private development.

Public and Quasi-Public: The Foundation of Troy's Neighborhoods



The Future Land Use Plan designates existing areas set aside for institutional uses such as schools, cemeteries, and other public and quasi-public activities. These sites are scattered throughout the City and are often at the center of the social neighborhood. Schools, especially, play a large role in the creation of social neighborhoods and provide a community center function.

This category also includes the Civic Center site, which contains the main operations of the City of Troy. Since the acquisition of the former Troy High School site in 1993 and construction of the Troy Community Center, this location has empowered the City to greatly enhance its operations and plan for future growth. With the addition of the model Solar Decathlon house and the potential future improvements to other facilities, the City has an outstanding opportunity to showcase innovative and responsible development practices in a visible location. It is expected that the current City, Court, and Library functions will continue at the present location.

This future land use category also includes the Beaumont Health Care Campus on Dequindre Road. The City supports the long term development of this site and encourages its growth and success.

Finally, the quality of utilities and service are inextricably tied to the quality of living, working and conducting business in the City. This category includes some areas reserved for meeting the basic needs and expectations of City residents through utility installations. Detention and retention basins are also included in this category.

Implementation

The Master Plan is essentially a statement of policies designed to accommodate future growth and redevelopment. The Plan forms the philosophical basis for technical and specific implementation measures. It must be recognized that development and change will occur either with or without planning, and that the Plan will have little effect upon future development unless adequate implementation programs are established. This Chapter identifies actions and programs available to help the Plan succeed. These are separated into 5 categories:

1. *Regulation*
2. *Spending*
3. *Further Planning and Study*
4. *Updates and Maintenance*
5. *Promotion of the Plan*

REGULATION

Zoning

Zoning is the development control that has been most closely associated with planning. Originally zoning was intended to inhibit or reduce nuisances and protect property values. However, zoning also serves additional purposes which include:

- Promoting orderly growth and redevelopment in a manner consistent with policies within the Master Plan.
- Promoting aesthetic quality in the City's physical environment.
- Accommodating special, complex or unique uses through such mechanisms such as special districts, planned unit developments, overlay districts, or special use permits.
- Mitigating the potential impact of development of conflicting land uses in close proximity (i.e. industrial uses adjacent to residential areas).
- Preserving and protecting conforming land uses until such time as they may change in accordance with the Master Plan.
- Promoting the positive redevelopment of underutilized or economically obsolete areas of the City in a manner designed to contribute to the philosophies contained within the Master Plan.
- Protecting the natural environment.
- Promoting culture and art through the conception of high-quality public spaces and architecture.

In that spirit, the City must evaluate the entire Zoning Ordinance, and should initiate the process of a comprehensive Ordinance revision, rather than a series of individual amendments. The Ordinance revision should be designed to specifically address the policies contained within this Plan.

Zoning Districts

Certain areas of the City are located within land use classifications in the Master Plan which conflict with either existing zoning or existing land uses. These designations were developed in order to guide the desired development of these areas. Certain areas may benefit from a City-initiated rezoning in order to provide more consistency. Other areas may continue

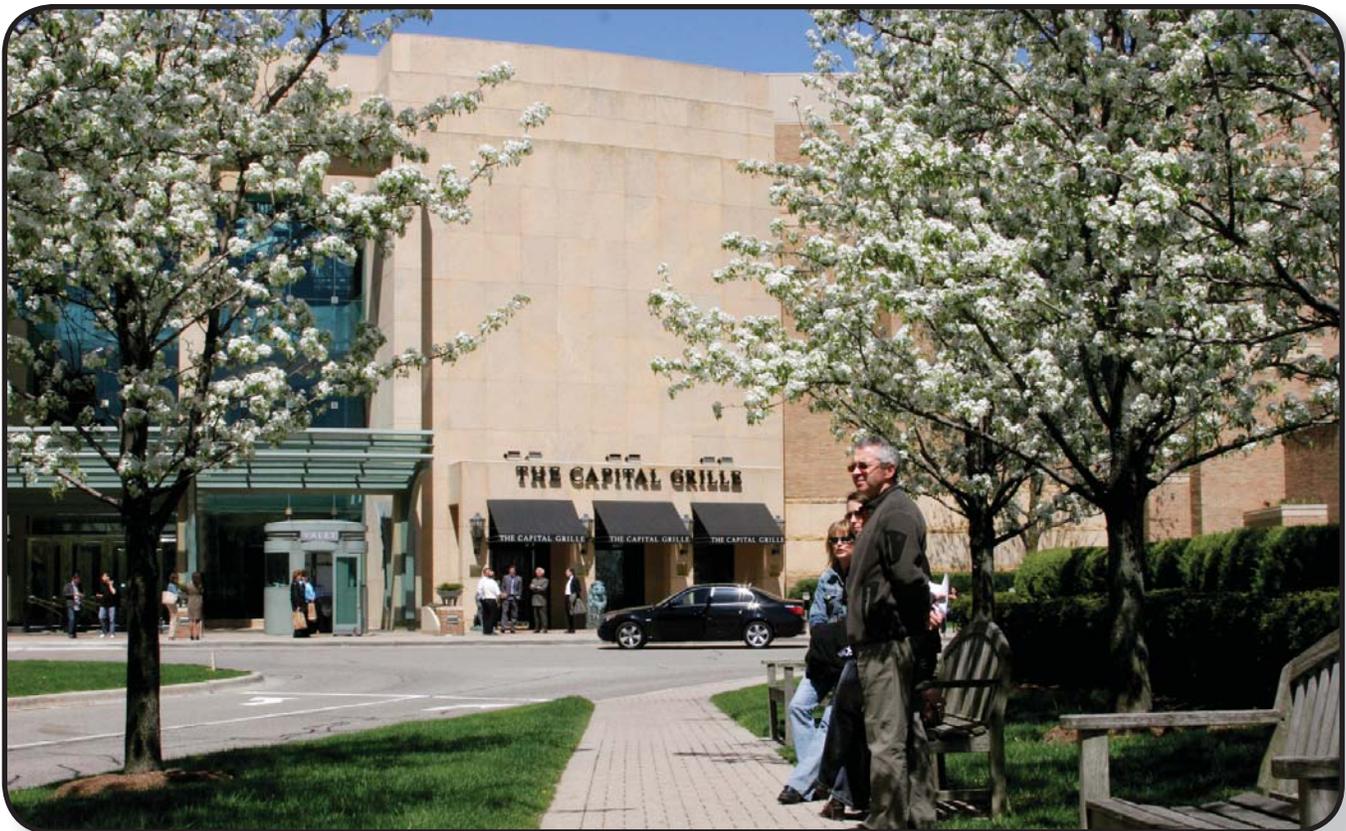
with an existing zoning designation which may currently conflict with the Master Plan, and may be rezoned in the future once the existing use terminates or conditions change. In addition, conditions in these areas may change following amendments to the Zoning Ordinance.

In particular, the City's M-1, Light Industrial district may require significant revision, or full replacement, with a new or series of new zoning categories. While titled "Light" industrial, this District permits a wide range of more conventional manufacturing uses that make the creation of a high-tech environment difficult. The allowing of uses which require regular heavy truck traffic or which may create nuisances complicate the development of a light industrial environment primarily geared toward research and other more technologically advanced 21st Century industrial uses. The District should continue to accommodate wholesale activities, warehouses, and should be specifically geared

toward industrial operations dedicated to the business-to-business market whose external effects are restricted to the immediate area.

Overlay or Special Districts

The City should consider the development of special zoning districts or overlay districts in areas like Rochester Road, the Transit Center, or Maple Road in order to create site-specific regulations for special areas of the City. Big Beaver Road, for example, is the focus of a special development code being drafted in 2008. This code will be designed to implement the specific policies of the Big Beaver Corridor Study. The code will require development in the Big Beaver Corridor to incorporate characteristics of the Study and will offer incentives to developers to go beyond minimum requirements. For instance, a height and area bonus may be granted for appropriate site design and the inclusion of green development standards.



The City is using overlay districts to realize the potential of special areas in the City.

Planned Unit Development:

Planned Unit Development (PUD) is a powerful tool in the City of Troy that will play an important role in the development of land within the City in accordance with this Master Plan. As of the adoption of this Master Plan, the current Zoning Ordinance does not specifically permit mixed-use development; however, this Master Plan encourages mixed use in many areas. While in some instances the development of special district regulations, such as the Big Beaver Development Code, may eventually allow the City to permit mixed-use development by right, PUD will undoubtedly remain a critical tool in the development of mixed-use projects.

Given the extensive areas of the City in which mixed-use development is encouraged by the policies of Chapter 9, the PUD option will be used extensively in the coming years. Developments which include a mixture of land use opportunities, including residential, office, commercial land uses and parks or open space are important for fostering the high quality of life envisioned within this plan, and as noted above, PUD may be the only tool available to allow it to move forward. A PUD also offers the benefits of flexible design and encourages innovative and creative planning. Consequently, PUD should be encouraged within any area of the City planned for mixed-use development.

Conditional Rezoning

Conditional zoning is a technique permitted in Michigan which allows an applicant seeking a rezoning to voluntarily attach conditions to the request which would further restrict the property, should the rezoning be approved. In other words, an applicant may wish to voluntarily submit a rezoning request to an intense commercial category, with an added condition that the property will not be used for a fast-food establishment. The technique can not be

used to loosen regulations of the underlying zoning district. The primary application for conditional zoning may be in cases where a specific intended use an applicant has in mind would require a rezoning to a much more intense category than necessary. In order to protect the community from the other uses that could be permitted by the more intense category, the applicant can voluntarily propose conditions that would prohibit the use of the property for the more intense uses. Conditional zoning must be introduced by the applicant; the City is not permitted to request conditions.

SPENDING*Capital Improvements*

The City Council adopts a budget which includes an in-depth analysis of planned capital expenditures developed within individual departments. This budget is carefully developed with input of the City's department heads. However, the City does not have a comprehensive, coordinated plan for major improvements and purchases, and this budgeting process is not done within the context of planning.

A Capital Improvement Plan (CIP) is a blueprint for planning a community's capital expenditures, typically over a five (5) year timeframe. This Capital Improvement Plan would be a long range plan, designed to be evaluated yearly. It coordinates planning, financial capacity and physical development. The Capital Improvement Plan would be used as a management tool for the City budget and planning processes. The Plan would help to achieve maximum use of taxpayers' dollars, encourage more efficient government administration, aid in grant processes and help maintain sound finances.

A wide range of public facilities and equipment should be considered in capital improvement planning. **Capital improvement planning deals with the purchase or construction of, major repair, reconstruction or replacement of capital items, such as buildings, utility systems, roadways, bridges, parks and heavy equipment which are of high cost and have a longer useful life.** A Capital Improvement Plan has a number of advantages including;

- Facilitates coordination between capital needs and operational budgets.
- Allows for better scheduling of public improvements and coordination of construction.
- Enhances the community's credit rating, control of its tax rate, and avoids sudden changes in its debt service requirements.

Typically, there are two (2) parts to a Capital Improvement Plan. First, the capital budget, which is the year's spending plan for capital items. Second is the capital plan, which is the strategic plan for the five (5) year span of capital improvements.

A critical part of the Capital Improvement Plan process is the relationship to the Master Plan. The Master Plan was developed with broad citizen input and participation throughout the plan process. The Master Plan encourages sound planning principals both with private development and with the services that the City provides to residents. The Plan recognizes that public facilities and services directly impact the quality of life, and that quality of life must be a prime focus of the City in order to compete for a 21st Century workforce. **Therefore, capital improvements should be carefully planned and developed in a manner which minimizes adverse affects on the City's environment, population and economy.**

A proven process for preparing a five (5) year Capital Improvement Plan involves a series of steps relying upon the participation of individual City Department Directors. The process would be as follows:

1. Initial Meetings. The Department Directors would meet as a group and would be asked to identify anticipated capital improvements. Directors would be asked to provide priority rankings, without identifying a specific year for implementation. The results of these meetings would then be compiled. After which possible opportunities for cooperation, as well as potential conflicts, would be identified.
2. Plan Formulation. Following the input of the Department Directors, the plan would be drafted. The draft plan is then presented to the City Council.

City Council Input. In a study session, the City Council would provide feedback to the Department Directors. The City Council should offer policy guidance and input on the priority projects listed in the plan.

A CIP will allow the City to plan for local improvements which specifically support the high quality of life, transit-oriented features, and mixed-use, walkable character for which this Master Plan advocates.

Corridor Improvement Authorities:

A new tool is available to Troy targeting aging commercial corridors. This is new community development tool signed into law in 2005. This tool is available throughout Michigan and is described here for informational purposes only. Any consideration of establishing a Corridor Improvement Authority would be done at the City Council level. **The Act allows communities to create "Corridor Improvement Authorities" (CIA) which function in a manner similar to a**

Downtown Development Authority (DDA), but with special powers, conditions, and criteria unique to commercial corridors. One of the chief features of a CIA is the ability to fund improvements through the use of tax increment financing. A CIA must have an adopted development plan to establish how it intends to utilize its funds.

The Act is intended to combat the deterioration of existing business districts and promote economic development efforts within these districts. Unlike DDAs, communities are permitted to create as many CIA districts as they wish, provided no single parcel is located within more than one CIA district.

Like a DDA, a CIA is granted specific powers and duties to empower it to accomplish its mission. Specific objectives may include:

- Construction and improvement of public facilities and infrastructure
- The acquisition, owning, conveyance, disposal of or leasing all or part of land, real or personal property, or interests in property.
- Accepting of grants and donations of property, labor or other things of value needed to implement projects identified in CIA planning documents.

In order to create a Corridor Improvement Authority, the City is required to pass a resolution of intent to establish such an authority for a specific area. As noted above, the establishment of a CIA and the use of TIF to fund its progress require a development plan. The plan sets forth the objectives for the improvement of the CIA District, provides a schedule of implementation, anticipated revenues, procedures for the spending of revenues and disbursement of excess revenues.

The boundaries of a CIA district are referred to in the Act as the “development area.” The Act provides criteria to determine what may constitute a development area; and states that the proposed area must comply with all of the following:

- The development area must be situated adjacent to an arterial or collector road, as defined by the Federal Highway Administration manual “Highway Functional Classification- Concepts, Criteria, & Procedures.”
- The development area must contain no less than 10 contiguous parcels or at least 5 contiguous acres.
- No less than 50 percent of the existing ground floor area must be commercial within the proposed development area.
- Residential, commercial or industrial uses have been permitted and/or conducted within the development area for the past 30 years.
- The development area must currently be served by municipal water and sewer.
- The development area must be zoned to allow mixed use development, including high-density residential.
- The City must agree to expedite the permitting and inspection process, and to modify the Master Plan to provide for walkable, non-motorized interconnections, such as sidewalks and streetscapes, within the development area.

Downtown Development Authority

The Troy Downtown Development Authority (DDA) is an existing committee appointed by the Mayor and City Council, charged with the planning for the DDA area. The DDA may acquire land, build or renovate buildings, and buy, create, or renovate public facilities within the DDA boundary. The Boundary of the Troy DDA surrounds the most intense parts of the Big Beaver Corridor. The DDA is able to use tax increment financing to build a financial structure to proactively improve parts of the DDA area.

Brownfield Redevelopment Authority

As described in Chapter 7, the City of Troy Brownfield Redevelopment Authority can offer financial incentives for cleanup and redevelopment in the form of Tax Increment Financing (TIF) reimbursements and the Single Business Tax Credit.

Using these resources, the work of the Brownfield Redevelopment Authority has resulted in redevelopment of sites throughout the community that could otherwise have remained vacant or underutilized.

FURTHER PLANNING AND STUDY

Site and Architectural Pattern Books

The City of Troy Master Plan envisions a community of unique neighborhoods, corridors, and public places. The mixture of uses, accessibility, architecture and site design all contribute to the final product. Techniques adopted within the Zoning Ordinance will allow the City of Troy to drive development that includes an appropriate mix of land uses, while meeting established minimums for area, bulk, height, and site layout. **However, the less quantifiable elements of development, such as aesthetic quality, material choices, and architectural elements are harder to regulate.**

In most cases, the City should not specify a homogeneous style, but should provide a framework within which site designers and architects can work so that their project, while an expression of the owners vision, is complementary to the character of the setting in which it is placed.

Given that many of the mixed-use developments that are and will occur within Troy will be developed under the City's Planned Unit Development option, the City will have a certain degree of latitude with regard to site and architectural design. **Consequently, the City should consider developing a pattern book which may also be known as a site and architectural design guide, to inform the planning process, and to empower designers to create projects that are most appropriate in the setting within which they are working.** Ultimately, the pattern book, or a series of pattern books for different areas, will drive development that is consistent with the intended character of areas throughout the City while allowing for variety from project to project.

The pattern book is essentially a master plan for aesthetics. In other words, it establishes a series of philosophies about site and architectural design. The pattern book is intended to provide a foundation upon which City staff, the Planning Commission, and City Council can evaluate design choices in the context of the intended character of an area, especially in cases where PUD regulations are being used.

Pattern books are best applied in small areas, to incubate the look or character of a special neighborhood, corridor, or district. In many cases, communities would benefit from having several pattern books throughout the City, each designed after a public participation process in the area for which it is being developed. A

combination of local analysis, public input, and professional expertise is necessary to draft such a document. Ultimately, the draft will be filtered through the lens of this Master Plan, and finally, it would be adopted by the Planning Commission as a policy. The pattern book is then provided to prospective applicants and local decision makers to help these two parties come together more quickly on development projects.

While an applicant may not be expected to fulfill all the standards within a pattern book, they will often find comfort in that the pattern book is a document created by the Planning Commission in order to better communicate the design ideas they most value. The Planning



Small areas with unique characteristics, such as the historic area, may benefit from a pattern book to address special design needs.

Commission and City Council, when considering a site plan, special land use, or PUD, will have the added benefit of the pattern book's guidance to discuss potential site design characteristics with an applicant.

Areas in the City where the creation of a pattern book may be most appropriate include, but are not limited to, Rochester Road, the area surrounding Oakland Mall, and the Transit Center area.

Green Building Manual

The City should consider the development of a Green Development Manual. This Manual would be applicable throughout the City and would describe the most desirable green practices the City seeks in development and redevelopment projects. The Manual would serve in a capacity similar to a site and architectural pattern book, which sets standards upon which designers could base their work. The Manual could include a wide variety of techniques, many of which may help a project achieve LEED Certification, although the obtaining of LEED Certification itself should not be a specific focus of the Manual. Instead, the Manual would introduce a wide variety of green techniques, explain where they would be most appropriate, describe the potential pros and cons, costs and impacts, and provide alternatives.

Incorporation of elements introduced in the Manual would be used as additional incentives during the approval process for PUDs, site plans, or other projects within the City. The manual would be heavily illustrated, regularly updated, and widely distributed. In the spirit of regional leadership, such a document could be shared throughout the Southeast Michigan area to help other communities create their own green development manuals or standards.

The manual would provide specific direction for designers and could also prioritize those green features that would make the largest impact in a given area of the community. For instance, the green manual could call for specific storm water management techniques along Rochester Road. More than a simple manual for green techniques, it could serve as a policy guide as well.

Development Standards

The City of Troy employs Development Standards to regulate the physical specifications for engineering elements throughout the City. One of the many areas covered by the Development Standards is the design of detention and retention basins. Many LID techniques can be applied to these necessary features to make them more effective, to encourage infiltration, to reduce maintenance, and to help them become more aesthetically pleasing. The City should consider revising the existing Development Standards, especially with regard to stormwater management, to ensure that LID strategies are employed whenever possible.

Subarea Plans

Special zoning districts and overlay districts are powerful regulatory tools, and pattern books are beneficial advisory tools that allow the City to tailor development in specific areas of the community. **In order to develop these tools, however, the City must first engage in a planning process to build a foundation for these regulations or standards.** The creation of target areas, or subarea plans, is an advisable step designed to build consensus and inform the City's administration. Such studies can help the City Council make spending decisions, help the Planning Commission make development decisions, and assist potential developers in selecting the best sites for their intended projects.

The unique characteristics of certain areas within Troy warrant additional study that goes beyond the scope of this Master Plan. The level of detail necessary to more fully understand the physical characteristics of certain neighborhoods would require a degree of analysis that must be included in a stand-alone document. These stand-alone documents can be incorporated by reference into this Master Plan. The Big Beaver Corridor Study, for instance, is incorporated as an adopted part of this Master Plan, although it was developed separately. The creation of a Big Beaver Development Code relies on the special planning process and collected data and recommendations made in the Big Beaver Corridor Study.

While pattern books may be sufficient to assist in the development review process where PUDs and isolated projects are proposed in certain areas, very special areas that have little or no similarity with the rest of Troy may require their own special zoning provisions. The area surrounding the Transit Center, Rochester Road, or Oakland Mall should first be analyzed in a separate subarea study. Additional study will reveal the best course of action in such locations, be it a special district, an overlay district, pattern books, or other methods best suited to realize the intended character of the area being studied.

UPDATES & PLAN MAINTENANCE

The planning process, in order to be effective, must be continuous. The Master Plan must have a character that encourages its regular use in the planning process, as it represents the City's policies for the future. If the Plan is to perform its proper function in a continuous planning process and serve as the official reference for discussions and decisions on many different matters, it must be kept up-to-date. This program for revision of the Master Plan is therefore necessary.

In addition to keeping the Master Plan up to date, a regular monitoring program has several other benefits. First, such a program broadens the area of community agreement on development policies over time. The process invites open reconsideration of alternatives to major decisions and encourages exploration of new issues and secondary questions.

Review of the Plan at regular intervals will broaden and deepen the Planning Commission's and City Council's knowledge of the Plan, and help to identify its shortcomings. Along with the Plan's use in day-to-day decision making, a regular review process will assure that the Plan will be a living document. The Plan's policies, while firm and definite, must not be frozen in time.

Regular review will avoid delays that might otherwise be caused by calls for more study on certain issues before the Plan updates are adopted. A regular review program assures that issues requiring further examination will be studied at proper levels of detail at appropriate times and that policy changes resulting from such studies can be made swiftly.

The Master Plan maintenance program will have two objectives:

1. Determine the extent to which the City is actually implementing the policies of the Master Plan.
2. Determine whether the Plan's policies are still desirable and appropriate in light of changing circumstances.

The program will consist of an annual review by the Planning Commission; the results of which will be transmitted to the City Council in a report. Such review might result in a recommendation to change a portion of the Plan. A more comprehensive review of the Master Plan should

be made at intervals no longer than five years to comply with State of Michigan enabling legislation. This practice will also enable the Planning Commission and City Council to see the implications of accumulated annual revisions in perspective and to make proper adjustments. Annual reviews may indicate the need for a major review in less than five years.

The actual components of an annual review will be determined by the Planning Commission at the start of the review. The following should be among the elements studied by the Commission; others might be added as circumstances suggest.

- Development proposals approved or denied: rezoning petitions, site plans, PUDs, etc.
- Land use regulations: Zoning Ordinance amendments made in the past year or expected to be needed in the future.
- Building permits issued, by land use category; estimate of number of dwelling units, by type, added to the housing stock; estimates of current population of the planning area.
- Sanitary sewer and water capacities and planned improvements.
- State equalized valuation, by assessor's categories.
- Traffic counts in relation to road capacities.
- Programmed road improvements.
- Changes in public transportation service, past year and proposed in the future, that affect the planning area.
- Major zoning and land use changes in the past year and likely in the coming year.

PROMOTION OF THE PLAN

Citizen involvement and support will be necessary as the Plan is implemented. Local officials should constantly strive to develop procedures which make citizens more aware of the planning process and the day to day decision making which affects implementation of the Plan. **A continuous program of discussion, education, and participation will be extremely important as the City moves toward realization of the philosophies contained within the Master Plan.**

The City may wish to consider developing a marketing strategy for the Master Plan involving promotion of the Plan's adoption, distribution of the document digitally over the City's website or a dedicated website designed exclusively for the Plan, and a series of workshops. The City may also consider development of an executive summary poster, pamphlet, or brochure with widespread distribution throughout the City. **A single point person should be trained and available at the City to give a consistent, accessible voice to the Master Plan.**

A comprehensive marketing program for the Master Plan will help the City more fully incorporate the policies and philosophies of the Plan in everyday decision making throughout City departments and at the Council level.

Implementation Summary

Regulation

- Initiate a comprehensive Zoning Ordinance revision.
- Consider creation of new zoning classifications or major revisions to existing categories.
- Create special districts or overlay districts for target areas.
- Use Planned Unit Development in areas prescribed for mixed-use development, especially where underlying zoning complicates execution of projects in keeping with this Master Plan.
- Utilize conditional rezoning to allow for the creation of special zoning considerations for unique sites and in instances where special attention to potential negative impacts must be observed.

Spending

- Develop a separate Capital Improvements Planning process, independent of the City's budget process, to ensure that planned improvements are in keeping with the philosophies and policies of the Master Plan.
- Consider the use of Corridor Improvement Authorities along Rochester Road and Maple Road in order to capture tax increment financing to accomplish policies set forth in the Master Plan.
- Coordinate with the Downtown Development Authority and Brownfield Redevelopment Authority to ensure that these important entities are supporting projects most in keeping with the philosophies and policies of the Master Plan.

Further Planning and Study

- Develop site and architectural pattern books for areas throughout the City where special characteristics differentiate the area from the rest of the community, especially in areas where PUD will be used to accomplish the goals of the Master Plan.
- Create a green development manual for the City to encourage and consider environmentally sustainable development.
- Revise the City's Development Standards to mandate the use of innovative stormwater management techniques throughout the City.
- Develop subarea plans for special areas, such as the Rochester Road Corridor, where unique characteristics of the area require in-depth study to determine the specific courses of action the City should take to achieve the larger goals of the Master Plan.

Updates and Maintenance

- Adopt a regular monitoring program for the Master Plan involving annual Planning Commission review and a comprehensive review every five years or less.

Promotion of the Plan

- Continuously promote the Master Plan in regular business of the Planning Commission and City Council, and within the departments of the City.
- Develop a marketing strategy involving the internet, promotional materials, and public workshops to promote and educate users about the Master Plan.

Index of Key Concepts

This Master Plan includes a great deal of material on a wide variety of topics. However, it focuses on a series of important concepts that were supported by Troy Vision 2020, the SGRAT workshop, the Community Survey, and the feedback of the Planning Commission and City Staff. This Index is intended to help the reader find references to these main ideas more quickly.

Each Key Concept or topic area below is followed by a series of pages on which references to it can be found:

Aging population: 77, 79, 80, 81

Art: 22, 26, 101, 102, 106, 113, 117, 121

Brownfields: 40, 49, 66, 126

Civic Entrepreneurs: 3, 7, 8, 141

Downtown Development Authority: 38, 124, 126

Education and Learning: 17, 18, 19, 23, 24, 27, 28, 38, 39, 88

Energy and Energy Planning: 14, 29, 31, 35, 36, 59, 60, 63, 67, 68, 69, 70, 71, 72

Knowledge Economy: 9, 14, 17, 23, 24, 29, 31, 32, 34, 49, 50, 80, 81, 82, 83, 109, 111

Leadership in Energy and Environmental Design (LEED): 68, 69, 70, 71, 88, 111, 127

Low Impact Development (LID): 5, 15, 58, 59, 61, 65, 67, 75, 103

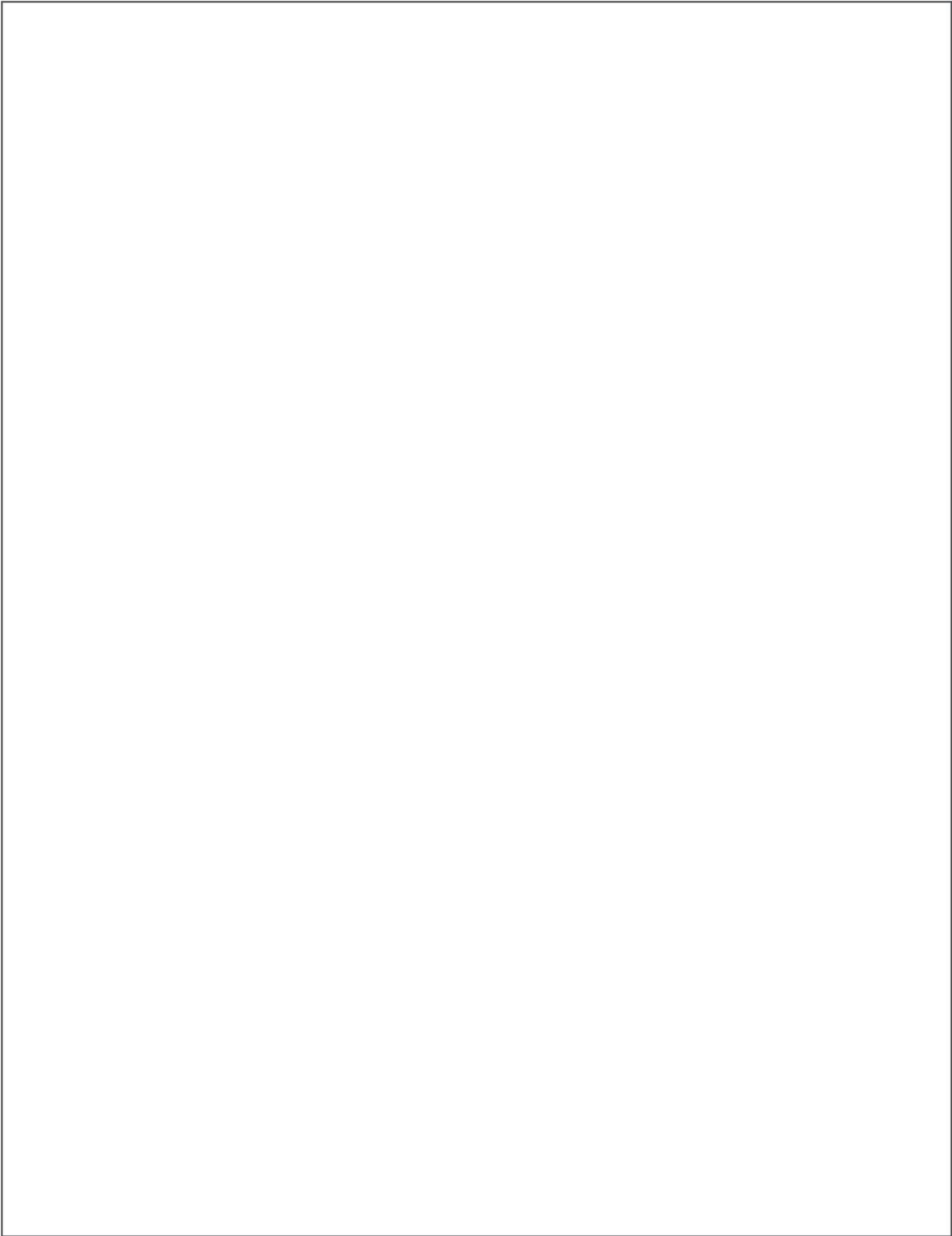
Mixed-use: 5, 20, 21, 22, 24, 26, 27, 31, 32, 33, 37, 38, 40, 48, 49, 52, 67, 71, 85, 87, 93, 99, 01, 103, 104, 105, 107, 109, 115, 117, 123, 124, 126

Non-motorized transportation, pathways and trailways: 4, 22, 23, 27, 41, 46, 47, 52, 53, 67, 88, 95, 125

Sustainability and Sustainable Development: 13, 14, 15, 29, 30, 31, 34, 40, 55, 58, 61, 63, 67, 68, 70, 75, 83, 88, 106

Transit: 12, 13, 15, 39, 40, 44, 47, 48, 49, 51, 53, 52, 54, 67, 70, 72, 75, 86, 105, 106, 107, 108, 110, 112, 115, 116, 117, 122, 124

Villaging: 20, 27, 47, 48, 52, 57, 65, 87, 88, 93, 96, 108, 115



Appendix 1.1

Current Land Use Conditions

An existing land use inventory is a critical planning tool. In the development of long range planning goals, the City must possess a clear understanding of the current conditions in the community.

Table A.1: Existing Land Use Inventory By Percentage

Land Use Category	Acres	SQ Mile	% of Total Land Use
Residential Low Density	10122.1	15.8	47.0
Rights of Way / Private Roadway	3708.1	5.8	17.2
Industrial	1631.8	2.5	7.6
Public / Quasi Public	1463.8	2.3	6.8
Recreation / Open Space / Water	1291.4	2.0	6.0
Office High Intensity	513.6	0.8	2.4
Residential High Density	499.0	0.8	2.3
Office General	460.1	0.7	2.1
Research & Technology	382.4	0.6	1.8
Commercial Local	386.5	0.6	1.8
Residential Medium Density	267.0	0.4	1.2
Utility	205.8	0.3	1.0
Commercial Center	184.8	0.3	0.9
Commercial Regional	175.7	0.3	0.8
PUD	113.7	0.2	0.5
Auto Dealership	100.6	0.2	0.5

Consequently, this Appendix includes a complete Existing Land Use Inventory. The Inventory was prepared using the City's Geographic Information System (GIS) using data provided by the City's Assessing Department, and was current as of March, 2007.

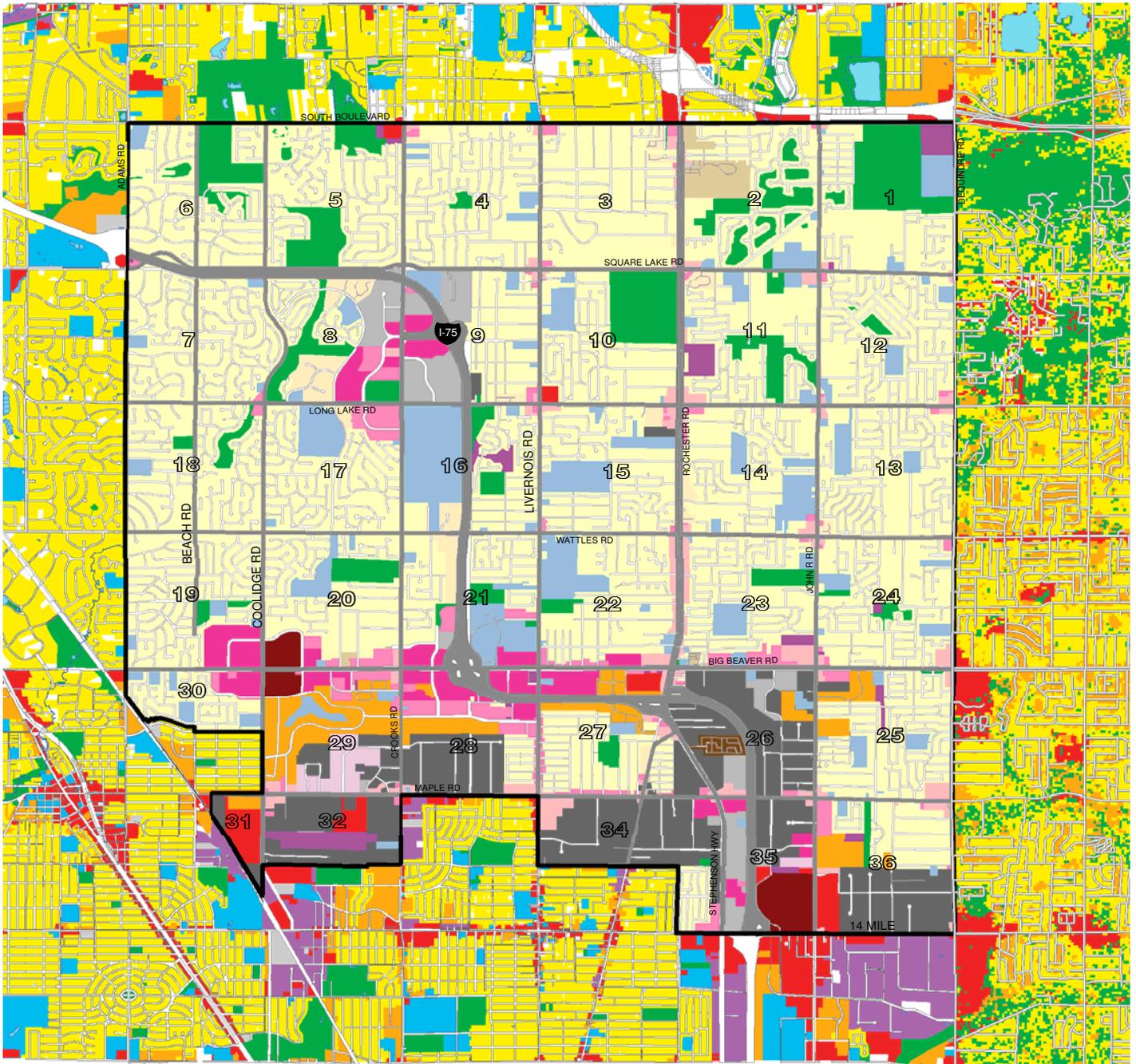
Note that vacant buildings and property are not specifically designated in this inventory. For example, a vacant lot in a residential is shown to be a residential lot. Notable vacant buildings and sites in Troy include the following:

- There is a vacant 24 acre parcel at the northwest corner of Crooks and Long Lake Road, in section 8.
- The office building on the 40-acre Kmart site at the northwest corner of Coolidge and Big Beaver is vacant and is scheduled for demolition. On October 15, 2007, conceptual development plan approval was granted for The Pavilions of Troy PUD, a mixed use development.
- Approximately 15 percent of all industrial buildings in Troy are vacant.

Residential Uses

The pattern of existing land use in Troy is heavily influenced by the rapid post-World War II investment in new development. **The most intense period of residential growth occurred between 1960 and 1980, a period characterized nationwide by a trend of suburbanization. Approximately 51 percent of Troy's existing residential properties were developed during these two decades.** Residential growth continued at a slower pace throughout the 1980's and 1990's, then slowing significantly during the new millennium as the City approached build-out.

Residential land uses in the City have been classified under the following categories within the Existing Land Use Inventory:



Basemap Source: Oakland County Planning
 City Land Use Source: City of Troy
 Surrounding Land Use Source: Oakland County
 and USGS National Land Cover Data



0 2,500 5,000 10,000 Feet

Plot Generation: 1.28.08

City of Troy - Existing Land Use

- | | |
|----------------------------------|-------------------------------|
| Residential Low Density | Commercial Regional |
| Residential Medium Density | Auto Dealership |
| Residential High Density | Research & Technology |
| Residential Manufactured Housing | Industrial |
| Office General | Recreation / Open Space Water |
| Office High Intensity | Public / Quasi Public |
| Commercial Local | PUD |
| Commercial Center | Utility |
| | City Boundary |

Surrounding - Existing Land Use

- | |
|------------------------------------------|
| Vacant |
| Single Family Residential |
| Multiple Family Residential |
| Mobile Home Park |
| Commercial / Office |
| Industrial |
| Public / Institutional |
| Transportation / Utility / Communication |
| Recreation / Conservation |

Table A.2: Residential Properties Built By Year

Year	Number of Properties	% of Total	Total Sq. Ft.	% Sq Ft
Prior to 1910	66	0.26	166,357	0.31
1910 - 1919	53	0.20	77,678	0.14
1920 - 1929	281	1.09	391,747	0.73
1930 - 1939	249	0.96	325,294	0.60
1940 - 1949	642	2.48	905,893	1.68
1950 - 1959	2,344	9.06	3,643,936	6.77
1960 - 1969	3,716	14.37	6,840,259	12.72
1970 - 1979	9,542	36.90	18,454,895	34.31
1980 - 1989	3,263	12.62	8,066,919	15.00
1990 - 1999	3,849	14.88	10,247,788	19.05
2000 - 2007	1,854	7.17	4,667,904	8.68
Totals	25,859	100.00	53,788,670	100.00

Low Density Residential

This category includes areas containing detached single-family dwelling units and accessory structures in subdivisions or site condominiums (0 to 5 units per acre). This is the most predominant land use in the City, comprising almost one-half of the area of the City. Lot sizes are generally largest in the northwest corner of the City and get smaller as you move in a southeasterly direction.

Medium Density Residential

This category includes areas containing attached dwelling units and accessory structures (6 to 10 units per acre). These consist of a variety of housing forms, including duplexes, townhouses, apartments and assisted living facilities. These uses are generally located on major thoroughfares and have historically been thought of as transitional uses between the road and low density residential neighborhoods.

High Density Residential

This category includes areas containing multiple attached dwelling units and

accessory structures (11 or more units per acre). These consist of a variety of housing forms, ranging from three-story buildings to high-rise apartments. These uses are generally located in the southern third of the City.

Manufactured Housing Community

This category includes manufactured housing community and accessory structures, buildings and open spaces. The only manufactured housing community in Troy is the 285-unit Troy Mobile Home Villas, located east of Stephenson Highway in Section 26.

Table A.3: Commercial and Office Properties Built By Year

Year	Number of Properties	% of Total	Total Sq. Ft.	% Sq Ft
Prior to 1910	5	0.31	138,112	0.25
1910 - 1919	3	0.19	9,362	0.02
1920 - 1929	2	0.12	13,022	0.02
1930 - 1939	3	0.19	3,417	0.01
1940 - 1949	14	0.87	62,314	0.11
1950 - 1959	63	3.91	955,189	1.76
1960 - 1969	344	21.33	10,306,018	18.99
1970 - 1979	534	33.11	16,683,112	30.74
1980 - 1989	389	24.12	16,518,995	30.43
1990 - 1999	147	9.11	5,688,012	10.48
2000 - 2007	109	6.76	3,901,245	7.19

Commercial and Office Uses

The rate of commercial and industrial growth accelerated in the 1960's and peaked during the 1970's. Approximately 57 percent of Troy's commercial and industrial properties, about 33,000,000 square feet of space, were constructed during this time. Approximately 5.2 million square feet of office was developed during the 1970's and 9.7 million square feet of office was developed during the 1980's, as Big Beaver evolved into the preeminent office market in Metropolitan Detroit.

General Office

This category includes smaller office buildings that are one, two, or three stories in height. General office uses are mostly located along major thoroughfares in Troy, with some areas along Big Beaver Road, Maple Road, and Kirts Boulevard.

High Intensity Office

This category includes larger office buildings that are four or more stories in height. High intensity office uses are generally located along Big Beaver Road and Stephenson Highway and in the Northfield Hills Corporate Center area. Some high intensity office buildings include attached accessory uses such as restaurants or commercial retail.

Local Commercial

This category includes commercial uses designed to meet the daily convenience, shopping and service needs of persons residing in adjacent residential neighborhoods. These uses are generally located along major thoroughfares.

Center Commercial

This category includes commercial uses designed to meet the needs of a larger consumer population than is served by Local Commercial uses. Commercial centers are comprised of a large commercial anchor with smaller supporting commercial businesses. These uses are generally located at the intersection of major thoroughfares.

Regional Commercial

This category includes commercial uses designed to meet regional shopping needs, characterized by the presence of large-scale comparison shopping establishments. There are two regional commercial areas in the City,

Troy Somerset Collection on the north and south sides of Big Beaver in sections 20 and 29 and Oakland Mall on the north side of 14 Mile in section 36.

Automobile Dealership

This category includes the automobile dealerships located within the planned automobile dealership center located north of Maple Road in section 29. There is also an isolated automobile dealership located on John R, north of 14 Mile in section 35.

Planned Unit Developments

This category includes uses that are designed and approved through the Planned Unit Development (PUD) approval process. These locations encompass a variety of different land use types, and are often home to a mix of land uses on the same site, and may include residential as well as commercial or office development.

Industrial Uses

The City of Troy has a significant industrial area south of Big Beaver Road. While experiencing a high rate of vacancy in recent years, between 15 and 18 percent¹, the availability of prime industrial or former industrial sites in the City provides a unique opportunity to encourage and implement many of the techniques described throughout this plan to attract knowledge economy businesses. The following use categories have been assigned to the industrial areas of the City:

Research and Technology

This category includes industrial-research and office-research uses. These uses are generally located in the Northfield Hills Corporate Center area in sections 8 and 9, south of Big Beaver in

1. City of Troy Assessing Department, July 2007

section 26 and in the Stephenson Highway area in section 35.

Industrial

This category includes uses where materials are processed, fabricated, assembled, manufactured or where equipment, materials or wastes are stored indoors or outside.

Industrial areas are generally located within industrial parks in the southern third of the City. Two industrial parcels are exceptions to this rule, Versa Tube in section 15 on Rochester Road and KAMAX-G.B. Dupont, L.P. at the northeast corner of Long Lake and I-75.

Public Uses

Public/Quasi-Public

This category includes publicly owned facilities such as public schools, parks, government buildings, and cemeteries and quasi-public uses such as public land, churches, clubs, and schools.

- The Troy School District operates twelve elementary, four middle, and two high schools within the City. These schools occupy about 390 acres of land. In addition to the schools, the Troy School District has other properties in the City, including Niles Continuing Education Building, the Administration Building, bus garage, and several vacant properties. The Troy School District encompasses most of the City, but small segments along its perimeter are served by six other school districts. Three of these school districts, Birmingham School District, Anandale School District, and Warren Consolidated Schools, have elementary schools in Troy. In many cases throughout Troy, local schools are located at or near

the center of the individual sections of the City, providing an excellent framework for the social neighborhoods of the City, which will be explored in more detail in the future land use discussion later in this Chapter.

- There are 56 churches distributed throughout Troy, occupying approximately 415 acres in area.
- Troy has four publicly-owned cemeteries. In addition, White Chapel Cemetery is a 205-acre private cemetery located west of I-75 in section 16.
- Government buildings located in Troy include Troy City Hall and Troy Police Department (500 W. Big Beaver), Troy Department of Public Works (4693 Rochester Road) and 52-4 District Court (520 W. Big Beaver).
- There are six fire stations spread throughout the City. The Fire/Police Training Center is located at 4850 John R in section 11. Administrative Offices are located in City Hall, 500 W. Big Beaver.

Recreation / Open Space / Water

This category includes public and private parks, preserved or dedicated open space and open water features.

The Troy Parks and Recreation Department manages more than 850 acres of parkland including 14 existing parks, two golf courses, a nature center, community center and family aquatic center. Parks are generally located near residential neighborhoods. There are presently 12 undeveloped City-owned parcels that are under consideration for development as parks.

The most significant water feature in Troy is the Rouge River, which flows southerly through the northwestern portion of the City. Several creeks and drains provide drainage to other

areas within Troy. There are some small lakes and ponds scattered throughout the City. A concentration of seven lakes in section 2 is surrounded by single-family development.

Utility / Retention Basin / Airport

This category includes public utilities such as the Detroit Sewer & Water facility in section 1, all retention basins and the Oakland/Troy Airport in section 32.

Rights of Way / Private Roadway

This category includes public rights of ways and private roads.

Appendix 1.2

Smart Growth Readiness Assessment

Excerpt from the Introduction

“To engage the civic entrepreneurs of Troy, on June 21, 2007, the City conducted a Master Plan workshop which involved a selected participant list of over 150 invitees. Those invited to participate on the workshop process represented a wide cross section of Troy’s population, and included business owners, City officials, volunteers, and many other participant groups.

In this workshop, the participants were engaged to employ the “Smart Growth Readiness Assessment Tool,” (SGRAT) a new program designed by the Michigan Land Policy Institute at Michigan State University. The tool is designed to help communities learn how to incorporate “Smart Growth” principals into their land use management practices. “Smart Growth” is a term conceived in 1996, when the Environmental Protection Agency lead a group of organizations to form the Smart Growth Network. The Smart Growth Network is a group dedicated to creating new land development practices which “...boost the economy, protect the environment, and enhance community vitality,” as stated by the Smart Growth Network.

A comprehensive document including the results of the June 21, 2007 workshop and an analysis of the findings uncovered by the SGRAT can be found in an appendix to this Plan. The Tool is intended to assess how well a community is prepared to develop according to the Ten Tenets, to allow communities to measure progress over time, and to supply resources for

communities interested in growing smart. The SGRAT is the most comprehensive such tool in the nation.”

The following Appendix section is the Summary report identified in the Introduction.

Introduction

On June 21, 2007, the City of Troy conducted a Master Plan workshop which involved a selected participant list of over 150 invitees. Those invited to participate in the workshop process represented a wide cross section of Troy's population, and included business owners, City officials, volunteers, and many other participant groups.

This workshop was designed to help the City Planning Commission work with a focused group of individuals to complete a program designed by the Michigan Land Policy Institute at Michigan State University called the "Smart Growth Readiness Assessment," or SGRAT. The SGRAT was designed to help communities learn how to incorporate Smart Growth principals into their land use management practices. The Smart Growth framework, and consequently the Smart Growth Readiness Assessment Tool, is organized around a set of Ten Tenets. These Tenets are:

1. Create a range of housing opportunities and choices.
2. Create walkable communities.
3. Encourage community and stakeholder collaboration in development decisions.
4. Foster distinctive, attractive communities with a strong sense of place.
5. Make development decisions predictable, fair, and cost-effective.
6. Mix land uses.
7. Preserve open space, farmland, natural beauty and critical environmental areas.
8. Provide a variety of transportation options.
9. Strengthen and direct development towards existing communities.
10. Take advantage of compact building design.

What is the Smart Growth Readiness Assessment Tool?

- It is a set of online assessments for scoring how well a community is prepared to develop according to the Smart Growth principles.
- It is designed to provide communities with a baseline score, and can be used to measure progress.
- It provides extensive resources for communities interested in growing smart, including case studies of Michigan communities successfully following Smart Growth principles.

- The assessment is based on the ready/set/go model. Scoring will help a community determine if it is:
 - Ready for smart growth. It will measure if the community has the necessary plans in place.
 - Set to act. It will measure if the community has the necessary regulations adopted or capital improvement resources secured.
 - Go. It will measure whether the community has already initiated action such as implemented a regulation or capital improvement that supports smart growth.
- The purpose of the facilitated Smart Growth Readiness Assessment is to help guide communities through an evaluation of growth in their community, an evaluation of the plans and implementation tools they currently use to guide growth, and an identification of tools that may better help communities produce a smart pattern of growth in the future.

Why did Troy decide to use the Smart Growth Readiness Assessment Tool?

The SGRAT is the most comprehensive such tool in the nation- especially with the comprehensive set of online resources and local case studies provided at the conclusion of the assessment.

By measuring Troy's Smart Growth Readiness, the City will be able to:

- Point to successes as a source of community pride and marketing.
- Understand and use successful best practices.
- Spot the gaps in your community's Master Plan, Zoning Ordinance and similar documents that limit the capacity to grow smart.
- Use it as an educational opportunity for a wide range of community stakeholders on what it takes for a community to grow smart.
- Organize dialogue with neighboring jurisdictions regarding growth issues that cross boundaries.
- Realize cost efficiencies.

Executive Summary

The following is an executive summary, by Tenet, of the results of the Smart Growth Readiness Assessment Tool in Troy.

Tenet 1: Create a range of housing opportunities and choices.

Points Awarded	150
Points Missed	610
Percentage	20%

The SGRAT indicates that while Troy has made some steps towards smart growth as it relates to affordability of a wide variety of housing types, it has room for improvement. For instance, while the assessment highlights the fact that the City has funded training for City staff for housing affordability programs, it does not actively promote housing affordability or formally encourage diversity of housing types in its existing planning documents. Further, while there are a variety of housing types in the City that may allow for an array of people to become homeowners, the City has not proactively pursued funding assistance or renovation assistance for the lowest ends of the economic spectrum.

Tenet 2: Create walkable communities.

Points Awarded	272
Points Missed	284
Percentage	49%

Troy scored well in the area of walkability, having earned nearly half of the available points for this Tenet. For the most part, Troy scored well on the basis of existing conditions rather than on formal requirements for pedestrian facilities. In other words, the City has done a great job encouraging developers to incorporate pedestrian amenities, and has provided them on its own, without the backing of strong formal planning and zoning requirements.

The assessment indicates that existing sidewalks and paths are largely contiguous, with very few breaks; however, those pedestrian systems may not always provide pedestrian access to the most desirable places. That is, while subdivisions or other areas may be well provided with continuous sidewalks, they may not ultimately provide access to shopping or civic uses, specifically schools. Children and seniors are more likely to walk or ride bicycles when

compared with younger adults, who most frequently have access to private automobiles, however, the assessment seems to indicate that access to schools or other civic buildings, used most frequently by seniors and children, are not provided strong access via sidewalks or pathways.

In short, the assessment identified a weakness with regard to formal walkability requirements or planning, strength in maintenance of existing networks, and a need for access to specific facilities most used by populations most in need of pedestrian access. Therefore, the City may consider devoting new resources to more aggressive sidewalk and pathway planning and requirements, especially where mixed-use areas and civic uses are concerned.

Tenet 3: Encourage community and stakeholder collaboration in development decisions.

Points Awarded	222
Points Missed	330
Percentage	40%

Troy was awarded approximately 40 percent of the available points for Tenet 3, which promotes collaboration between the community and its stakeholders. While the participants perceived the City of Troy to be very good about collaboration in formal settings, such as the development of new Zoning Ordinance amendments or Master Plan revisions, the perception of collaboration outside of those programs was poor. In other words, respondents felt that the City has room to improve when it comes to general encouragement of an open, collaborative environment with special interest groups, adjoining communities, and the general public, especially as it relates to smart growth principles.

The assessment did identify that the city has funded Staff education, and that officials have developed new programs or positions on various topics as result of new information provided by Staff as a result.

Another area where the City could improve its score in this area is to develop stronger community outreach programs with regard to planning and growth issues. While collaboration with schools scored well, education and collaboration with the general public, especially when initiated by the City itself, was not perceived well.

Tenet 4: Foster distinctive, attractive communities with a strong sense of place.

Points Awarded	197
Points Missed	422
Percentage	32%

The assessment awarded Troy just over 30 percent of the available points with regard to the fostering of attractive communities with a sense of place. The most points were awarded to the City for its strength in the area of promoting good site design for neighborhood commercial and highway commercial development. The City missed points in the areas of historic preservation, light regulation, and streetscape design. Perhaps most notably, the City has not actively promoted historic preservation programs, although the extent of resources which could be preserved is not factored in.

While site design practices for commercial development scored well, the same was not true for residential developments or for streetscapes in general. In particular, areas for increased scores could be found for streetscape landscaping, natural features preservation, or the development of more residential units in mixed-use developments.

Tenet 5: Make development decisions predictable, fair, and cost-effective.

Points Awarded	400
Points Missed	140
Percentage	74%

The City scored very well within the Tenet 5 section, which dealt with land use development decision-making. The City received nearly 75 percent of the available points in this area, thanks to a strong perception that the City diligently maintains its Zoning Ordinance, Master Plan, and other community planning documents, its consistency between its zoning and planning, and perception of fairness to the development community. Respondents felt that developers are given a fair chance to innovate in Troy, and that most new development makes a strong contribution to the City as a whole.

The City could score even higher in this area were it to permit additional density for developers who propose more smart-growth oriented developments. Also, participants felt that more attention to long-range planning could be paid, although there was a positive recognition that current practices for ongoing development were strong and fair.

The City received extra points for supporting participation in elected and appointed official training programs, such as the Michigan State University Extension Citizen Planner Program, and continuing education in the area of planning

Tenet 6: Mix land uses.

Points Awarded	230
Points Missed	531
Percentage	30%

The City received only 30 percent of the available points possible for Tenet 6, which emphasizes the importance of mixed-use development. While the assessment rewarded Troy for having encouraging language regarding the development of mixed-use projects in its planning documents, it lost points with regard to actual regulations permitting or encouraging mixed-uses. For instance, while the City has received vocal input from a variety of groups with regard to mixed-use development, and has taken steps to plan for such development, the Zoning Ordinance still only permits such projects exclusively within planned unit developments, or PUDs.

Consequently, there was a perception among respondents that developers were not pursuing mixed-use as much as they could, as they are more likely to develop projects that are permitted by right in their zoning district. Furthermore, the assessment highlighted the lack of service or commercial uses within walking distance of dense residential areas or high-employment centers, and the limitations on live-work units and home occupations.

Tenet 7: Preserve open space, farmland, natural beauty and critical environmental areas.

Points Awarded	380
Points Missed	1070
Percentage	26%

Troy received only 26 percent of the available points for Tenet 7, which highlights the preservation of open space, farmland, natural beauty, and critical environmental areas. It must be noted that, in our opinion, as a nearly built-out community many of the questions within this section disproportionately penalize a community of Troy’s maturity.

Troy received the most points within this area from its efforts in preparing inventories for natural features and open space, its strong parks and recreation planning, permitting and promotion of cluster housing developments, and water quality preservation techniques. The City was penalized for a number of responses that are typical and in many cases, acceptable for a more built-out community, given that the SGRAT does not take into consideration the fact that a community may not have any farmland, open space, or critical natural features that require regulation or formal protection efforts. These areas where Troy did not score well include formal forest land or agricultural preservation requirements, site plan or subdivision review standards which help identify or protect critical farmland or large open space areas, the presence of eco-tourism or agri-tourism in the community, or the presence of non-profit groups dedicated to natural features, open space or farmland preservation.

Troy could gain points in this area mainly with regard to better management of stormwater, more active watershed planning, or the active preservation of areas of natural beauty or of critical environmental concern.

Tenet 8: Provide a variety of transportation options.

Points Awarded	268
Points Missed	548
Percentage	33%

The assessment granted 33 percent of the available points to Troy for Tenet 8, which is concerned with transportation options. The City received many points for its strong capital improvements planning, access management standards, well-developed subdivision regulations, provision of transportation options for the mobility impaired (either by income restrictions or physical limitations), and the mitigation of the negative impacts of parking on surrounding areas.

The assessment demonstrated that the City can improve its transportation score in a variety of areas, especially by providing stronger access to public transit, rail service, or a multi-modal method of access to a regional airport (which are all common shortfalls for many of Southeast Michigan’s communities and are not necessarily unique to Troy). Troy could also gain points by encouraging better infrastructure for cycling as a viable option, and the provision of park-and-ride areas for bus service. Further, the City does not make extensive use of traffic calming devices, which can restrict automobile traffic, but encourage safer non-motorized transportation in certain circumstances.

Tenet 9: Strengthen and direct development towards existing communities.

Points Awarded	286
Points Missed	484
Percentage	37%

Tenet 9 is largely geared towards communities that have, or are part of, an urban “edge,” that is, an area where development is occurring adjacent to undeveloped areas and growth management is very important. Given Troy’s location in the greater Southeast Michigan context, and its nature as a built-out community, Troy was not always able to achieve maximum points in that some of the practices encouraged within this Section would not apply in this situation. With that in mind, Troy was awarded about 37 percent of the available points for Tenet 9.

While Troy does get points for strict observation of its development capacity with regard to infrastructure, it was unable to gain points for the provision of any sort of urban growth boundary, given its nature, as noted above. The City did score well by focusing in the maintenance of existing infrastructure as opposed to the development of new infrastructure, the

utilization of brownfield redevelopment programs, the appropriate location of schools and other civic buildings.

Troy could gain additional points within Tenet 9 by using a wider variety of tools, such as Business Improvement Districts, Principal Shopping Districts, or Business Improvement Zones, as the need for such support arises. The City could also gain points by using more of the federal or state programs available for economic incentives for business recruitment, such as, but not limited to, Community Development Block Grant funds, Cool Cities Grants, or the Main Street Program.

Troy does not currently get maximum points for the encouragement of redevelopment, or promotion of infill development. The City did score well with regard to adaptive reuse, but could gain additional points by focusing new efforts on historic preservation, providing density bonuses for projects which are redeveloping an existing site, or developing new programs to help turn over tax delinquent property in developed areas.

Tenet 10: Take advantage of compact building design.

Points Awarded	200
Points Missed	330
Percentage	38%

Troy scored just under 40 percent for Tenet 10. Tenet 10 encourages communities to take advantage of compact building design. Primarily, Troy lost points for this Tenet based on its lack of a formal city center, with very high density development in a central, limited area. While community leaders have expressed support for a compact city center, the Zoning Ordinance does not expressly concentrate such development in a single, limited central area.

No restrictions have been placed on the design of big-box retailers in Troy to encourage their design to be more compatible with the tighter urban pattern encouraged by this Tenet, nor has the City taken steps to permit or encourage “Traditional Neighborhood Development,” (a type of mixed-use town-style design) which could both gain additional points for Troy’s next assessment. Other areas for additional points could include the integration of parks and residential uses in conventionally commercial-only areas, and the reuse of vacant industrial or warehouse buildings for residential development.

While the City is currently considering adoption of a form-based code along an area of Big Beaver, the lack of any form-based codes on the books at the time of this assessment cost the City additional points in this area.

Appendix 1.3

Glossary

The following document, “Planning and Zoning Concepts for a Sustainable Future” was provided to the City at the beginning of the Master Plan Process and has been available for use and reference by project participants throughout the process.

City of Troy Master Plan

Planning and Zoning Concepts for a Sustainable Future



Access Management Civic Entrepreneur Comprehensive Plan Form-Based Code

Green Building Infill Development LEED Low Impact Development Mixed Use Zoning

New Urbanism Overlay Zone Performance Zoning Sustainability

Traditional Neighborhood Development Transit Oriented Development Wayfinding



The following pages have been prepared by Carlisle/Wortman to define some key planning and zoning concepts that may arise in discussions related to the Big Beaver Corridor Study and Master Plan Update.

January, 2007

Contents

Access Management1
Civic Entrepreneur1
Comprehensive Plan2
Form-Based Code2
Green Building3
Infill Development3
LEED4
Low Impact Development (LID)4
Mixed Use Zoning4
New Urbanism4
Overlay Zone5
Performance Zoning5
Sustainability6
Traditional Neighborhood Development (TND)6
Transit Oriented Development (TOD)7
Wayfinding8

Glossary of Terms

Access Management

Access management is the process or development of a program intended to ensure that the major arterials, intersections and freeway systems serving a community or region will operate safely and efficiently while adequately meeting the access needs of the abutting land uses along the roadway (FHWA, ITE, 2004). Implementing access management techniques can help increase roadway capacity, manage congestion and reduce crashes. Examples of less obvious benefits, in the case of businesses, include: reduction in maintenance and other costs by utilizing shared driveways or eliminating entrance/exit points and increased road frontage and improved aesthetics as a result of eliminating driveways.

There are a number of physical design and policy-related tools and techniques that can be used to achieve access management. Some of the basic design principles are described below:

- 1) Provide a specialized road system—design and manage roadways according to the function they are intended to provide.
- 2) Limit direct access to major roadways—preserve the traffic function of higher volume roads serving regional thru traffic.
- 3) Promote intersection hierarchy—intersection types should reflect roadway hierarchy. For example, two major arterials would form a junction as would a driveway and a local street.
- 4) Locate signals to favor through movements—Allows for better coordination of signals, continuous movement of traffic at the desired speed and reduces delays.
- 5) Preserve the functional areas of intersections and interchanges—The area where motorists respond to the intersection or interchange is the area required for safety and efficiency. Access points too close to



intersections or interchange ramps should be avoided.

- 6) Limit the number of conflict points—Simplifying the driving environment by limiting the number of conflict points among vehicles, pedestrians, bicyclists and transit helps improve safety.
- 7) Separate conflict areas—Traffic conflicts can also be reduced by separating conflict areas. Encourage less cluttered sight distance for the motorist, thus allowing longer reaction time and improving safety.
- 8) Remove turning vehicles from through traffic lanes—When turning vehicles are removed from through traffic lanes, better traffic flow and is maintained, roadway capacity is better preserved and safety is improved.
- 9) Use non-traversable medians to manage left-turn movements—Research shows the majority of access-related crashes involve left turns. Use medians to channel turning movements.
- 10) Provide a supporting street system and circulation system—Well-planned communities with a supporting network of local and collector streets, unified property access and circulation systems are better able to accommodate development.

(Information from TRB Access Management Manual, 2003)

Civic Entrepreneur

“Civic Entrepreneur” is a phrase coined in 1997 in the book *“Grassroots Leaders for a New Economy—How Civic Entrepreneurs are Building Prosperous Communities”* by Collaborative Economics. The basic principle of civic entrepreneurship is that an individual of influence, be it social, economic, political or some combination of these, chooses to volunteer their time and attention for a greater good at a large scale. Often associated with regional initiatives, civic entrepreneurs are known to use their connections and resources to lead opinions and bring visibility to large-scale initiatives.

Collaborative Economics state that civic entrepreneurs “...have the personality traits commonly associated with entrepreneurial business leaders. They are risk

takers. They are not afraid of failure. They possess courage born of strong conviction. They are people of vision. They are passionate and energetic. They bring out the best in people and know how to encourage them along.”

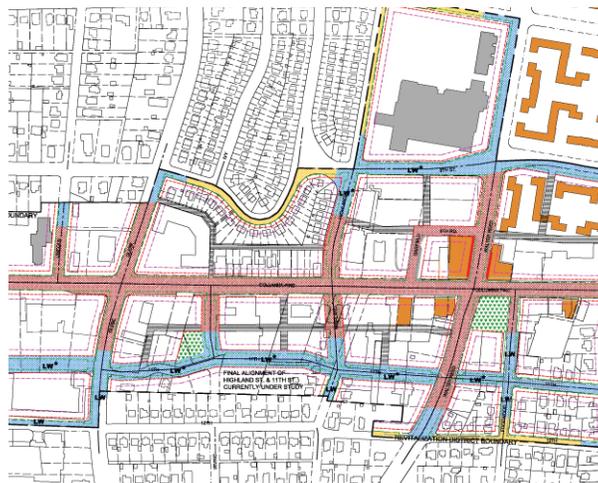
The five common traits of civic entrepreneurs according to the authors of “Grassroots Leaders for a New Economy” are that they:

- See opportunity in the new economy
- Possess an entrepreneurial personality
- Provide collaborative leadership to connect the economy and the community
- Are motivated by broad, enlightened, long term interests
- Work in teams, playing complementary roles

(Information from “Grassroots Leaders for a New Economy— How Civic Entrepreneurs are Building Prosperous Communities” Collaborative Economics, 1997 and “The civic entrepreneur — a new leadership model is taking root, but not here” Charleston Regional Business Journal 07/30/2001, http://www.charlestonbusiness.com/pub/4_16/news/1875-1.html)

Comprehensive Plan

A document or series of documents prepared by a planning commission or department setting forth policies for the future of a community. In Michigan, the MZEA requires that a Zoning Ordinance be based on the plan. It is normally the result of considerable citizen participation, study and analysis of existing physical, economic, and social conditions, and a projection of future conditions. Typical elements include Goals and Policies, a Land Use Plan, Thoroughfare Plan, Greenways/Open Space Plan and Implementation Strategies. It serves as a guide for many public decisions, especially land-use changes and preparation of capital improvements programs, and the enactment of zoning and related growth management legislation.



EXAMPLE OF HOW A FORM-BASED CODE CAN SPECIFY DIFFERENT BUILDING TYPES FOR EACH FACE OF THE BLOCK, ALLOWING MORE FLEXIBILITY THAN CONVENTIONAL ZONING WHICH ASSIGNS A SINGLE USE/DENSITY CATEGORY FOR AN ENTIRE BLOCK OR GROUP OF BLOCKS.

Form-Based Code

An emerging approach to land regulation, influenced by new urbanism that has recently been applied in a number of communities, including: Arlington County, Virginia (<http://www.arlingtonva.us/Departments/CPHD/forums/columbia/current> CPHDForumsColumbia CurrentCurrentStatus.aspx) and Azusa, California (http://www.ci.azusa.ca.us/com_development/PDFs/04-0623%20development%20code.pdf). The approach “places primary emphasis on

the physical form of the built environment with the end goal of producing a specific type of ‘place’. Standing in contrast to conventional land development regulations (which, it is argued, favor regulating use over form), form-based regulations are designed to place the ultimate form of the development in a superior position to the use to which the property is put” (*Form-Based Land Development Regulations*, Robert J. Sitkowski, Brian W. Ohm, *THE URBAN LAWYER* VOL. 38, NO. 1 WINTER 2006).

As explained by the Form-Based Codes Institute:

Form-based codes address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes, presented in both diagrams and words, are keyed to a regulating plan that designates the appropriate form and scale (and therefore, character) of development rather than only distinctions in land-use types. This is in contrast to conventional zoning’s focus on the segregation of land-use types, permissible property uses, and the control of development intensity through simple numerical parameters (e.g., FAR, dwellings per acre, height limits, setbacks, parking ratios). Not to be confused with design guidelines or general statements of policy, form-based codes are regulatory, not advisory.

“ Form-Based Code places primary emphasis on the physical form of the built environment with the end goal of producing a specific type of ‘place!’”

Form-based codes commonly include:

Regulating Plan. A plan or map of the regulated area designating the locations where different building form standards apply, based on clear community intentions regarding the physical character of the area being coded.

Building Form Standards. Regulations controlling the configuration, features, and functions of buildings that define and shape the public realm.

Public Space/Street Standards. Specifications for the elements within the public realm (e.g., sidewalks, travel lanes, street trees, street furniture, etc.).

Administration. A clearly defined application and project review process.

Definitions. A glossary to ensure the precise use of technical terms.

Form-based codes also sometimes include:

Architectural Standards. Regulations controlling external architectural materials and quality.

Annotation. Text and illustrations explaining the intentions of specific code provisions.

(Information from <http://www.formbasedcodes.org/>)

Green Building

“Green Building is a collection of design and construction strategies that significantly reduce or eliminate environmental impacts of a building while providing healthy indoor space for its occupants. Building green requires an integrated design approach that looks at all components of the building project and evaluates the interrelationships among the building, its specific components, its surroundings and its occupants.” Some of the benefits



THE FORD ROUGE FACTORY TOUR VISITOR CENTER IN DEARBORN, MICHIGAN RECEIVED GOLD LEED CERTIFICATION IN 2004
SOURCE: FORD MOTOR COMPANY

of Green Buildings include: more efficient and cost effective use of building resources, energy and operational savings, improved productivity and reduced absenteeism among occupants and reduced air pollution and stormwater impacts. Recent analysis show that the upfront cost of building green ranges from 0-5% of the total construction cost, but is often recouped over the life of the building and often within the first few years, due to reduced operational costs.

(Information from *Building Green Building Smart*, Arlington County, VA, March 2005)

Infill Development

It has become clear in recent years that current patterns of sprawling, low-density development at the urban fringe of many U.S. cities is consuming land (including farmlands, wetlands, and other resource lands) at a much faster rate than population growth. Increased traffic congestion, overburdened public facilities, increased housing and infrastructure costs, loss of open space and loss of other valued community resources are some of the problems associated with such patterns.

An emphasis on infill development is one way to reverse some of the growing problems caused by sprawling development patterns. Infill development focuses on developing vacant or under-utilized parcels within existing urban areas that are already developed. The focus should not be on piecemeal development of individual lots. Rather, infill development should fill in gaps within the neighborhood, fit the neighborhood context, contribute to a healthy mix of uses, support transportation choices and add convenience for residents.

(Information from *Infill Development Strategies for Shaping Livable*

Neighborhoods, June 1997 - Report No. 38 <http://www.mrsc.org/Publications/textfill.aspx>)

LEED CATEGORY	AREAS OF IMPACT
Sustainable Sites	Project location, how building is situated on the property, and how it relates to the surrounding community
Water Efficiency	Water efficiency for landscaping and potable supply
Energy and Atmosphere	Energy efficiency and global warming issues
Materials and Resources	Reuse and recycling of materials, materials selection
Indoor Environmental Quality	Indoor air quality, ventilation, daylight
Innovation and Design	Creative green building applications

LEED

The LEED™ (Leadership in Energy and Environmental Design) Green Building Rating System, developed by the U.S. Green Building Council (USGBC), is the national benchmark for high performance green buildings. The LEED rating system allots points in 6 major categories and using LEED as a guide, a project can attain one of the following LEED award levels:

- Certified (26-32 points)
- Silver (33-38 points)
- Gold (39-51 points)
- Platinum (52-69 points)

As part of the LEED certification process, the project team must document specific credits to be obtained. Once the project is completed, the USGBC reviews the documentation package submitted by the applicant and confirms that the project is “green” and assigns an award level.

LEED is flexible in that the project team decides which points offer the greatest benefit for the project. Also, if there is a specific aspect of the project that enhances environmental aspects, but does not fit within a specific category, there is an option to develop four Innovation Credits.

(Information from Building Green Building Smart, Arlington County, VA, March 2005)

Low Impact Development (LID)

LID principles began with the introduction of bioretention technology in Prince George’s County,



EXAMPLE OF A MIXED-USE DEVELOPMENT AT AN INTERSECTION IN CHERRY HILL VILLAGE, A NEIGHBORHOOD BASED ON THE PRINCIPLES OF NEW URBANISM LOCATED IN CANTON, MICHIGAN

SOURCE: CYBURBIA IMAGE GALLERY

Maryland in the mid-1980’s. It was pioneered to address growing economic and environmental limitations of conventional stormwater management.

LID is an innovative stormwater management approach whose basic principle is modeled after nature: managing rainfall at the source using uniformly distributed decentralized micro-scale controls. The goal is to mimic a site’s predevelopment hydrology by using design techniques that infiltrate, filter, store, evaporate and detain runoff close to its source. LID addresses stormwater through small, cost-effective landscape features located at lot level, rather than conveying and managing/treating stormwater in large, costly end-of-pipe facilities located at the bottom of drainage areas. LID’s landscape features are known as Integrated Management Practices (IMPs) and can include almost all components of the urban environment, such as: open space, rooftops, parking lots, streetscapes, sidewalks and medians. LID’s approach is versatile and can be applied to new development, urban retrofits and redevelopment and revitalization projects.

(Information from <http://www.lid-stormwater.net/intro/background.htm>)

Mixed Use Zoning

Zoning that permits a combination of two or more land uses within a single development project. The term has often been applied to major developments, often with several buildings, that may contain offices, shops, hotels, apartments and related uses. Optimal mixed-use development promotes a variety of uses (residential, work, recreation, retail, etc.) in close proximity to residents. Many zoning districts specify permitted combinations of uses, for example, residential and retail/office.

In the 1990s, mixed use emerged as a key component of Smart Growth, Transit Oriented Development (TOD), Sustainable Development and other movements.

(Information from <http://www.mncppc.org/html/glossary2.htm> and Land Development East, May 2006 http://ncppp.org/resources/papers/surprenant_development.pdf#search=%22optimal%20mixed%20use%20development%22)

New Urbanism

An approach to urban planning that borrows from traditional city planning concepts, particularly those of the years 1900-1920, and applies them to modern society. New urbanism advocates integrating housing, workplaces, shopping, parks and civic

facilities into compact, pedestrian-friendly, mixed-use neighborhoods linked by transit and bikeways. Developments are characterized by buildings placed directly along relatively narrow streets, with parking and driveways located to the rear, complemented by pedestrian-oriented amenities such as front porches and sidewalk cafes. (see Traditional Neighborhood Development)

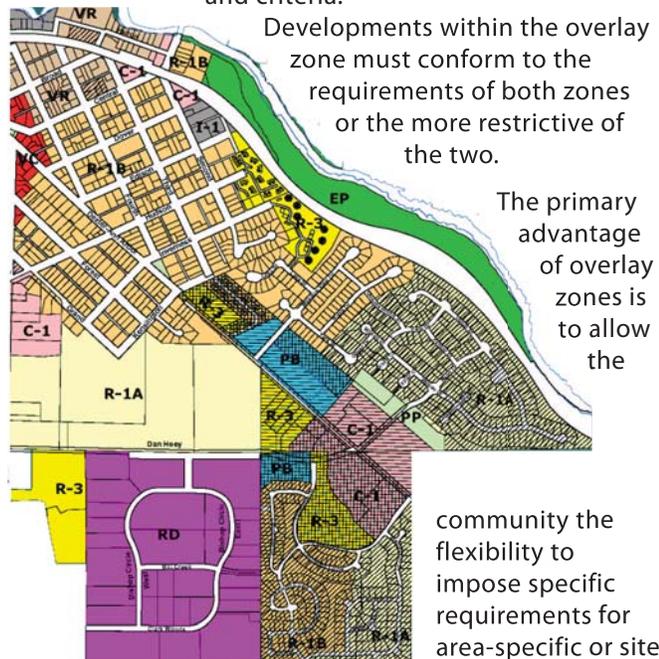
(Information from <http://www.indygov.org/eGov/City/DMD/Planning/Resources/glossary.htm#M> and <http://planning.city.cleveland.oh.us/cwp/glossary/glossary.php>)

Overlay Zone

Within their zoning ordinances, communities may choose to include overlay zones (districts) or “combining zones” to protect particular natural or cultural areas, such as historic districts, steep slopes, waterfronts, scenic views, agricultural areas, aquifer recharge area, wetlands, watersheds, or downtown residential enclaves. Overlay zones may also be instituted for a specific purpose within a neighborhood. For example, an overlay zone could be used to promote a mixed-use development near a community center or could be used to allow affordable housing as a use by right in areas selected by the community, regardless of the current zoning.

As part of the Zoning Ordinance, overlay zones build on the underlying zoning for a given area, by establishing additional or stricter standards and criteria.

“Performance standards are zoning controls that regulate the effects or impacts of a proposed development or activity on the community, instead of separating land uses into various zones.”



specific needs. A disadvantage is that too many zones may result from this approach, and it can be difficult to identify all relevant requirements for a particular site. The overlay zone is a relatively standard zoning tool within the overall Euclidean framework of most cities' zoning ordinances.

(Information from <http://www.co.tompkins.ny.us/planning/vct/tool/overlayzones.html> and http://www.city.palo-alto.ca.us/planning-community/zon-code_frmtsdp.html#Types)

Performance Zoning

Performance standards are zoning controls that regulate the effects or impacts of a proposed development or activity on the community, instead of separating land uses into various zones. It was initially developed to set commercial and industrial standards (e.g., noise, vibration, odor, glare, air pollution, toxics, outdoor storage) in the 1950's, but was expanded in the 1960's and 1970's to include: impervious cover limitations, building coverage, landscape surface ratio, trip generation, and water/sewer impacts. Although performance zoning was intended to minimize discretion in project review, these criteria are more commonly used to supplement “use” provisions and

dimensional standards, rather than to supplant them. For example, with regards to home occupation, a performance standard may read: “The number of square feet used for conducting the home occupation, whether in the residence or other permitted structure, shall not exceed twenty-five percent (25%) of the total area of the home plus attached garage, not to exceed 500 square feet.” In some communities, performance zoning has been used to create point systems to evaluate development, however, still relying on some highly discretionary criteria, such as “neighborhood compatibility,” for approval.

An advantage of performance zoning is to provide flexibility regarding density and floor area requirements, rather than focusing on project impacts. Disadvantages of the performance approach include: a) impacts are frequently site-specific, so that a set of numbers may not be adequate to address all impacts; b) the requirements can be difficult to implement, since they often involve complex calculations not

familiar to those who use the code; and c) performance zoning to replace “use” limitations ignores some of the fundamental reasons to provide for or prohibit uses (such as providing for neighborhood-serving commercial uses or prohibiting liquor stores in a single-family residential area).

Cities have been reluctant to deviate from density and intensity limits and/or a highly discretionary review process to apply a performance zoning approach. Performance zoning in codes today is generally limited to providing special standards for specific uses, such as the nuisance-related criteria for industrial uses, or standards for large-family day care facilities, home occupations, etc., to minimize discretion in the review of some of these uses.

(Information from City of Palo Alto Discussion Paper, Types of Zoning Codes and Formats, http://www.city.palo-alto.ca.us/planning-community/zon-code_frmtsdp.html)

Sustainability

The United States Environmental Protection Agency (U.S. EPA) defines sustainability as “the ability to achieve continuing economic prosperity while protecting the natural systems of the planet and providing a high quality of life for its people”. It further states that “achieving sustainable solutions calls for stewardship, with everyone taking responsibility for solving the problems of today and tomorrow—individuals, communities, businesses and governments are all stewards of the environment”.

Sustainability covers many areas. In terms of the Master Plan, sustainable development may be the most



EXAMPLE OF A MIXED-USE PUD IN HOWELL, MICHIGAN DESIGNED USING TRADITIONAL NEIGHBORHOOD DEVELOPMENT (TND) PRINCIPLES.
SOURCE: [HTTP://WWW.TOWNCOMMONSLLC.COM/OVERVIEW.HTML](http://www.towncommonsllc.com/overview.html)

important concept to be familiar with. A simple, common definition for sustainable development was originally presented in the report “Our Common Future.” It reads:

“Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs.”

Sustainable development essentially means improving quality of life without increasing the use

of natural resources to the point of exhaustion.

(Information from <http://www.epa.gov/sustainability/>, World Commission on Environment and Development (WCED). Our common future. Oxford: Oxford University Press, 1987 p. 43 and <http://www.sdgateway.net/introsd/definitions.htm>)

Traditional Neighborhood Development (TND)

Traditional Neighborhood Development (TND), sometimes called Neotraditional Development, Neoclassical Development or New Urbanism, refers to a pattern of land planning and development that emulates the towns and suburbs built in the early to mid-20th century. TNDs stress a walkable scale, an integration of different housing types and commercial uses, and the building of true town centers with civic uses. The idea of TNDs arose in the 1980s and gained popularity in the 1990s, due to dissatisfaction with the by-products of suburban development patterns over the preceding decades.

TNDs often include a variety of housing types and land uses in a defined area. The variety of uses permits educational facilities, civic buildings and commercial establishments to be located within walking distance of private homes. A TND is often served by a network of paths, streets and lanes suitable for pedestrians as well as vehicles. Public and private spaces have equal importance, creating a balanced community that serves a wide range of home and business owners.

“TNDs stress a walkable scale, an integration of different housing types and commercial uses, and the building of true town centers with civic uses.”

Some TNDs that are substantially built and have gained significant national attention include: Kentlands (Gaithersburg, MD), Seaside (Florida), Harbor Town, (Memphis, TN), Celebration (Florida), and Laguna West (Sacramento County, CA). Many zoning and subdivision ordinances do not permit the development of TNDs because of the codes' requirements for large lots, large setbacks, wide streets, and separation of uses. PUD ordinances have allowed development of TNDs in certain locations and some communities have adopted their own TND ordinances.

(Information from <http://www.tndtownpaper.com/neighborhoods.htm> and NAHB)



RENDERING OF ASSEMBLY SQUARE, A MIXED-USE, TOD DEVELOPMENT IN SOMMERVILLE, MA
SOURCE: MBTA

Transit Oriented Development (TOD)

"Transit-oriented development (TOD) is compact, walkable development centered around transit stations. Generally including a mix of uses—such as housing, shopping, employment, and recreational facilities—TOD is designed with transit and pedestrians as high priorities, making it possible for visitors and residents to move around without complete dependence on a car." (Massachusetts Bay Transportation Authority, http://www.mbta.com/projects_underway/tod.asp)

Components of TOD include:

- Walkable design with pedestrian as the highest priority
- Train station as prominent feature of town center
- A regional node containing a mixture of uses in close proximity including office, residential, retail, and civic uses
- High density, high-quality development within 10-minute walk circle surrounding train station
- Collector support transit systems including trolleys, streetcars, light rail, and buses, etc
- Designed to include the easy use of bicycles, scooters, and rollerblades as daily support

transportation systems

- Reduced and managed parking inside 10-minute walk circle around town center / train station

(Information from <http://www.transitorienteddevelopment.org/index.html>)

Benefits of TOD include:

- *Quality of Life:* "Quality of life" is often used to represent a host of factors that collectively describe a good place to live. It includes concepts such as safe neighborhoods, access to jobs and recreation, a sense of community, ease of getting around, and moderate cost of

living.

- *Increased Mobility Choice:* Because of their pedestrian orientation, mix of uses, and access to transit, TODs increase the number and of proportion of all trips made by transit, walking, and cycling.
- *Reduced Congestion:* To the extent that TOD allows more people to use transit, walk, and bicycle, it reduces road and highway congestion.
- *Conservation of Land and Open Space:* By concentrating development, TOD helps to curtail sprawl, which protects open space.
- *Health Benefits:* By providing more opportunities for walking and bicycling, TODs offer direct health benefits—significant at a time when obesity has become a national epidemic, fueled partly by the sedentary lifestyle associated with sprawl.
- *Enhanced Sense of Community:* Research suggests that residents in suburban sprawl neighborhoods feel no strong "sense of community." TOD, however, provides and emphasizes public space that affords residents spending opportunities for face-to-face contact.
- *Economic & Social Benefits:* TOD can lower cost housing costs and reduce household transportation spending.
- *Jobs-Housing Balance:* A jobs-housing imbalance occurs when jobs are located far from housing. Bringing jobs, housing, and services closer together and linking them with transit helps mitigate this mismatch.

- *Redevelopment Opportunities: TOD can combine public and private investment, so that scarce public funds can be used most efficiently and effectively.*

(Information from Business Transportation and Housing Agency and California Department of Transportation, 2002. Massachusetts Bay Transportation Authority, http://www.mbta.com/projects_underway/tod.asp)

Wayfinding



Properly designed wayfinding enables people to navigate the community and find destinations. “Wayfinding is defined as a succession of clues comprising visual, audible and tactile elements. The components of any visual wayfinding system exceed signs to encompass architecture, lighting, landscape, and landmarks. Good wayfinding helps users experience an environment in a positive way and facilitates getting

from point A to point B. When executed successfully, the system can reassure users and create a welcoming environment, as well as answer questions before users even ask them” *(Definition from Patrick Gallagher, principal of Gallagher and Associates (Washington, D.C.), and president of the Society for Environmental Graphic <http://www.signweb.com/ada/cont/wayfinding.html>).*

Some of the basic design strategies communities can use to improve orientation and wayfinding include:

- 1) Outside spaces should be easily recognized and identifiable with landscaping that supports orientation;
- 2) Use community landmarks to help to provide memorable locations and orientation clues. Visibility and memorability are important features of landmarks that can assist in wayfinding;
- 3) Provide signs and maps, use color coding, institute landmarks, form points along paths, achieve spatial hierarchies, and give sensory clues for orientation and wayfinding;
- 4) Paths should be well-structured and not meandering or confusing;
- 5) Use sight lines to give an indication of what is ahead;
- 6) Observe legibility standards. Typeface, font, size and spacing between letters and words are important

elements in wayfinding. For example, a combination of uppercase and lowercase letters is easier to read than only uppercase. Color contrast is also important to improve readability of signs. There also must be attention to the speed, visual environment and distance from which the information is viewed on a sign to avoid too much or too little information. (<http://www.signweb.com/ada/cont/wayfinding.html>); and,

- 7) Do not provide too many choices to the user.

Appendix 1.4

Demographics

An important prerequisite to community planning is to develop a common understanding of the current state of the City as well as anticipated trends. Information gathered through this process is critical to the accurate projection of future needs and development patterns and the formulation of policies.

The following report provides the basic demographic background information collected as part of the planning process. Some of the text, graphics, and figures may appear in summary or in their entirety within the main Chapters of the Master Plan.

Existing and Projected Population

The population of the City of Troy has steadily increased since the 1960 U.S. Census. As shown in the figure below, the current population, according to SEMCOG's September 2006 projections is 81,340 people, which represents a 12% increase over the 1990 Census figure of 72,884.

SEMCOG predicts that by the year 2030, the City of Troy can expect to have a total population of 77,046, a decrease of 5% from the 2000 Census population. As illustrated in Figure ?, the majority of communities surrounding Troy are expected to experience population decreases between 2000 and 2030, with the exception of Auburn Hills, Pontiac, Rochester Hills, and Sterling Heights. The communities where growth is expected are located to the north and east of the City of Troy.

Existing and Projected Household Number and Size

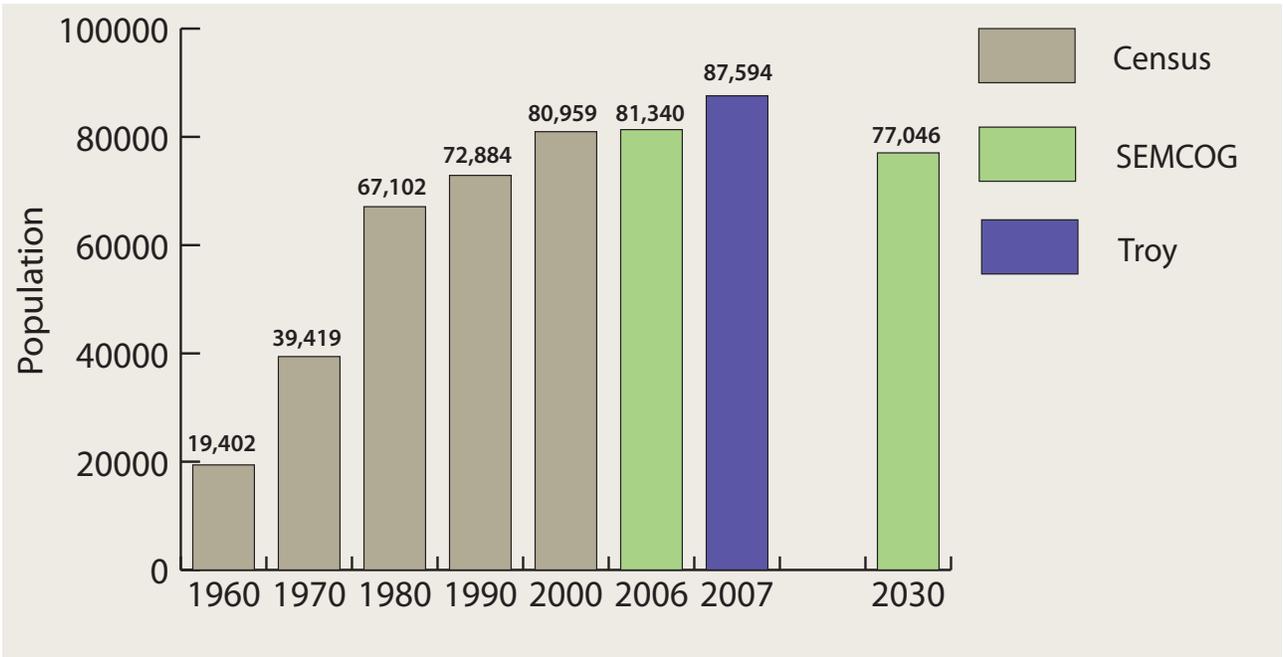
According to the 2000 U.S. Census, the City of Troy has 30,018 households. By the year 2030, SEMCOG predicts that the number of households will increase by approximately 9%. The figure below reflects the number of existing and projected households in Troy. Current household size in the City of Troy is 2.69 (2000 U.S. Census) and 38% of households have children.

A common trend in Southeast Michigan is a higher rate of increase in the number of households than total population growth. In the City of Troy, between 1990 and 2000, total population increased by 11% while the number of households rose by 14%. Commensurate with an increased number of households is a decrease in the size of households. By 2030, household size in Troy is projected to be 2.35 persons per household. The trend towards increased households with a decline in total population is due to several factors, including: a decrease in the number of children being born to women, couples having children later in life and an increasing number of aging baby boomers or "empty nesters".

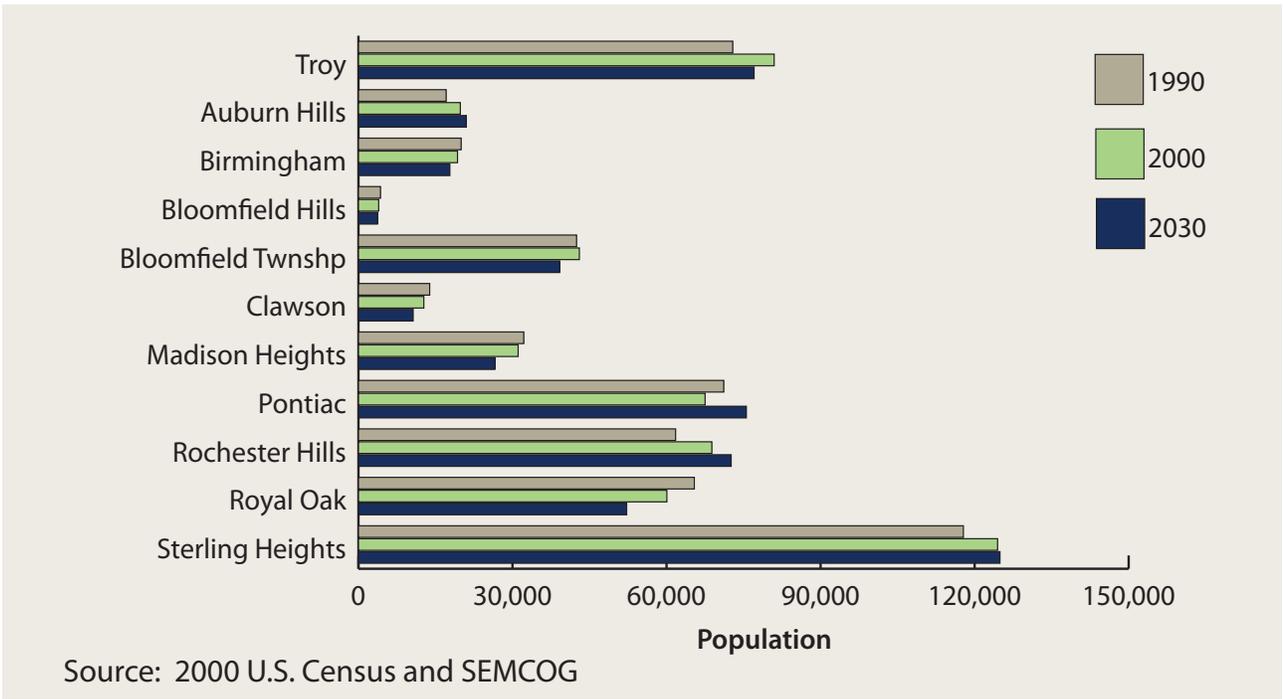
Population Characteristics

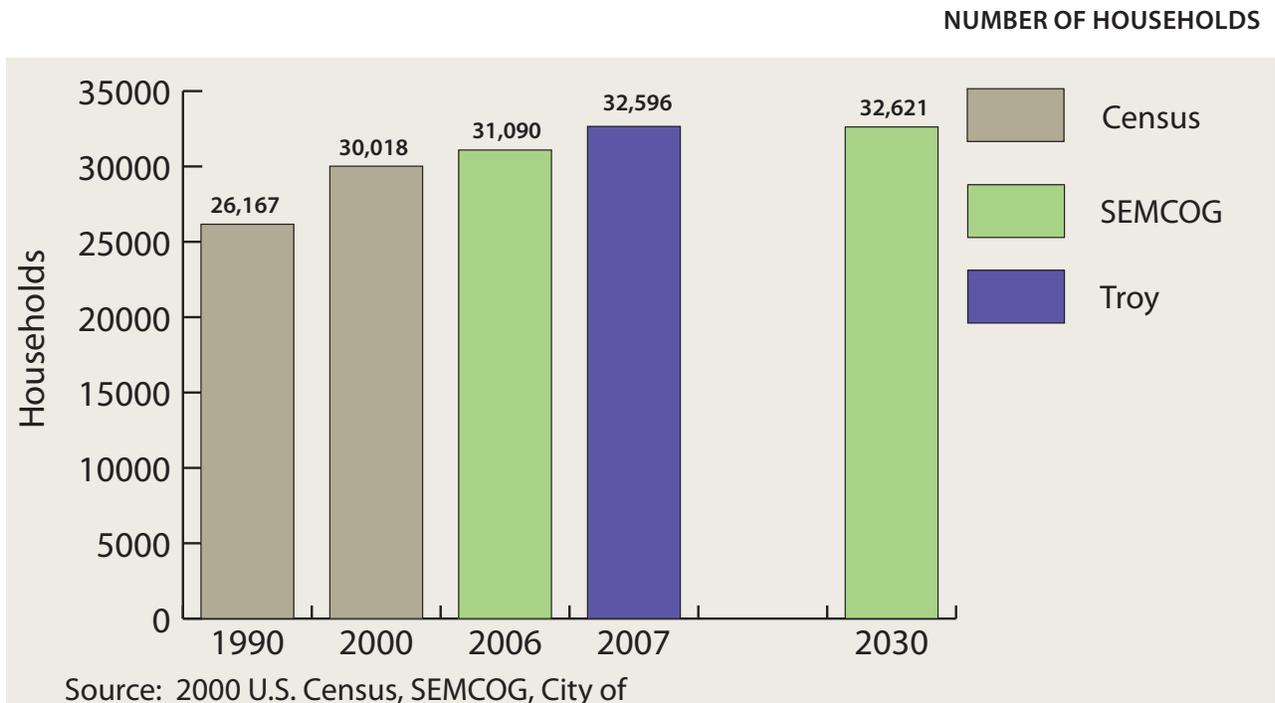
Population characteristics play an important role in determining the future land use needs of a community. The following pages provide a brief summary of some of the key characteristics of residents in the City of Troy.

CITY OF TROY POPULATION

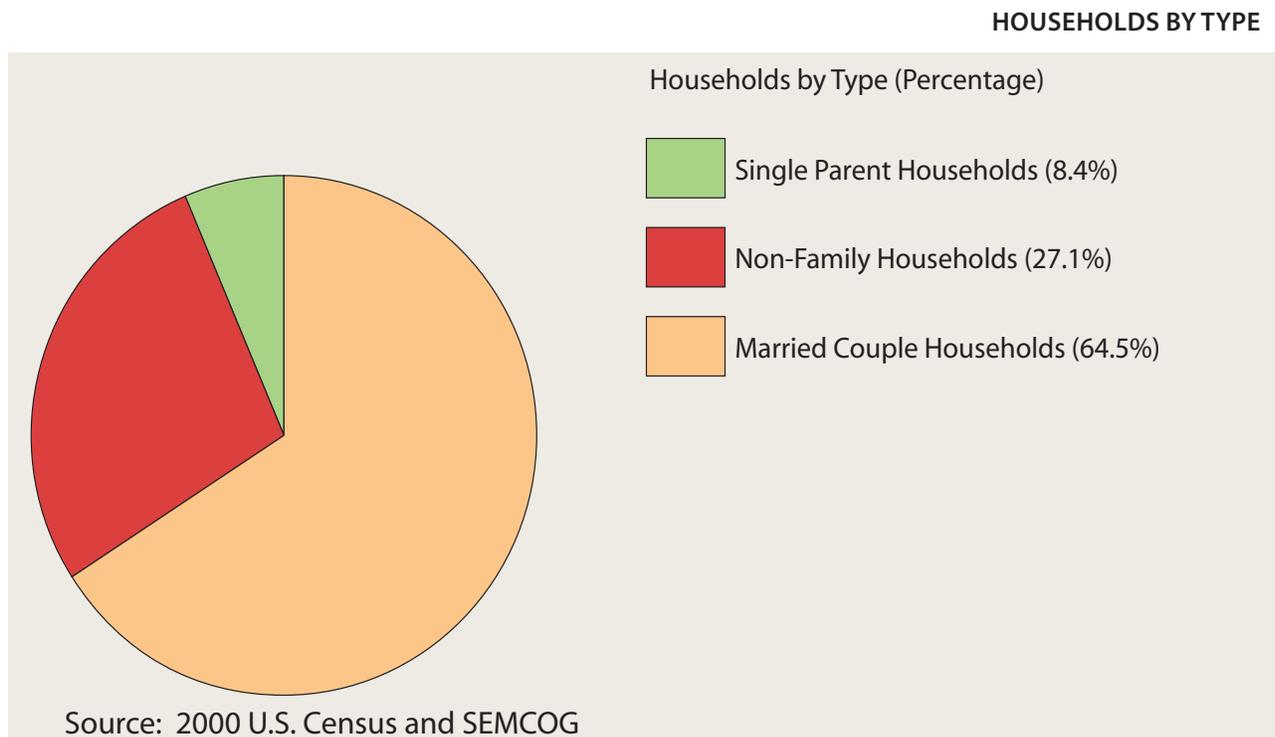


POPULATION TRENDS, TROY AND SURROUNDING COMMUNITIES

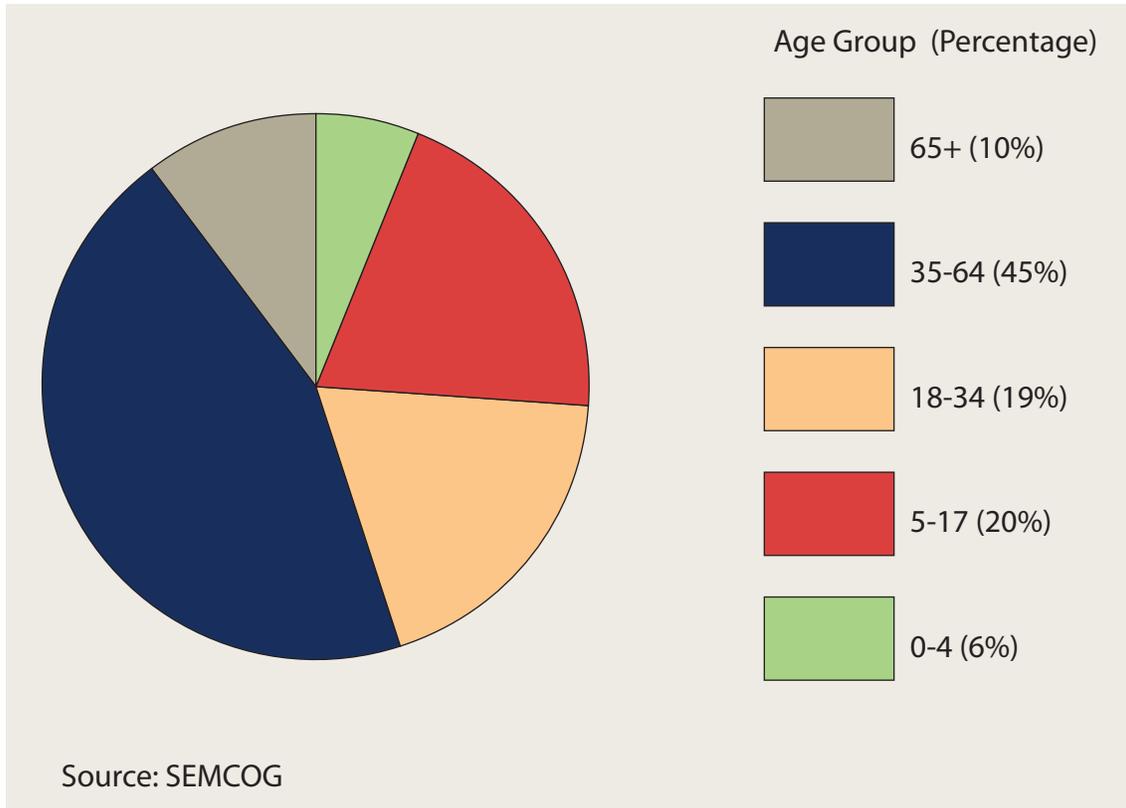




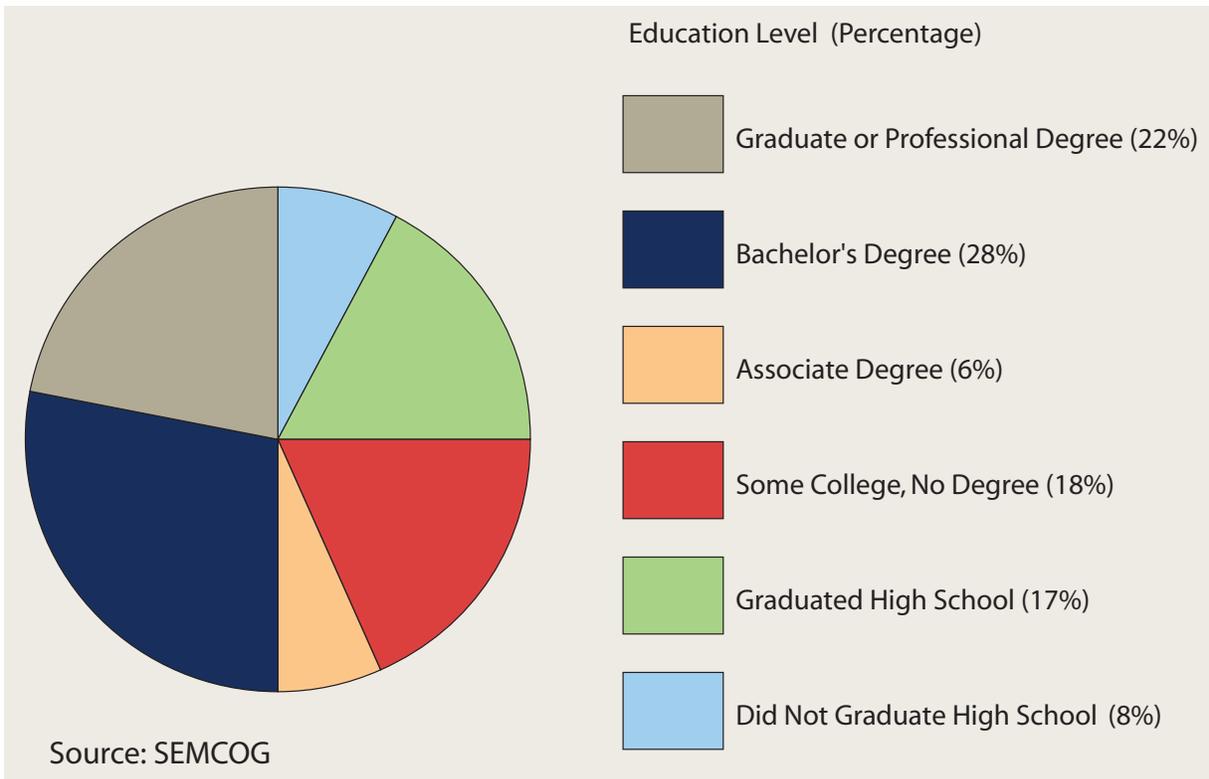
Troy



POPULATION DISTRIBUTION BY AGE GROUP (2000)



EDUCATIONAL ACHIEVEMENT OF RESIDENTS OVER 25 YEARS OF AGE



Household Type

Over 72% of the City's population live in family households. The percentage of family households is slightly higher than Oakland County's which is 66.9%. The remainder of the population is composed of non-family households. Non-family households consist of a group of unrelated persons or one person living alone.

Racial Composition

The City of Troy's population is diverse with a higher percentage of Asian residents than any other city in Michigan. According to the 2000 U.S. Census, the racial makeup of the City was 82.30% White, 2.09% African American, 0.15% Native American, 13.25% Asian, 0.02% Pacific Islander, 0.36% from other races, and 1.82% from two or more races. 1.46% of the population is of Hispanic or Latino origin.

Age Composition

More than half of the population of the City of Troy is over the age of 35. As shown in the figure below, 45% of residents are between the ages of 35-64. The 5-17 and 18-34 age ranges contain the next highest proportion of residents, with 20% and 19% respectively. The median age in the City of Troy is 36.7 according to the 2005 American Community Survey produced by the U.S. Census Bureau.

By 2030, a substantial shift is expected in the age distribution. As indicated in the table below, the age 65+ age range will increase from 10% to 22% by the year 2030.

Income

The City of Troy has experienced an increase in affluence compared to the previous decade. According to the 2000 Census, the median household income in the City of Troy was

\$77,538 (1999 dollars), a 4% rise from the 1990 median income of \$74,251 (1999 dollars). The U.S. Census Bureau 2005 American Community Survey reported that the 2005 median household income in the City of Troy was \$81,111 (2005 inflation-adjusted dollars). This well exceeds the Oakland County 2005 median income of \$64,022 (2005 inflation-adjusted dollars).

Education

The City of Troy has a well-educated population. As indicated in the figure below, almost 75% of Troy's residents have some college education. Fifty-six percent of residents have an advanced degree, including a bachelor's, associate's or graduate/professional degree. Only 8% of residents did not graduate high school.

2030 AGE FORECAST

Age Groups	2000 Census	2030 Forecast
Age 0-4	4,991 (6%)	4,422 (6%)
Age 5-17	16,227 (20%)	13,514 (18%)
Age 18-34	15,225 (19%)	12,639 (16%)
Age 35-64	36,230 (45%)	29,868 (39%)
Age 65+	8,286 (10%)	16,603 (22%)
Total Population	80,959	77,046

Source: 2000 U.S. Census

Residential Characteristics

The 2000 U.S. Census reported 30,872 housing units in the City of Troy, an increase of 13.5% over the 27,197 units reported in 1990. The U.S. Census Bureau American Community Survey tallied 33,172 housing units in the City of Troy as of 2005.

Housing Unit Type

Based on the 2000 U.S. Census, 75% of housing units in the City of Troy are owner-occupied units, 22% are renter occupied units and the remainder are vacant. The predominant housing type in the City of Troy (73%) is a single-family detached home. Twenty-percent of units are multi-unit apartments with the remainder being one-family attached homes or duplexes/townhomes.

Age of Housing

The City of Troy's housing stock is relatively new and built mostly after the 1970's. The following table indicated the approximate number of units and percentage of the housing stock built for each given year.

Housing Costs

According to the 2004-2005 Community Profiles compiled by the Oakland County Department of Planning and Economic Development, housing costs in the City of Troy have risen in recent years. The average housing cost in 1999 was \$215,062, compared to \$253,889 in 2001 and 270,745 in 2003.

The increase in housing costs is attributable to new construction, the increased popularity of the City of Troy as a residential and business setting within metropolitan Detroit community and general rises in housing costs within southeast Michigan.

AGE OF CITY OF TROY'S HOUSING STOCK

Year	Number of Units	% of Total Number of Units
1999-Mar. 2000	486	1.6%
1995-19958	1,545	5.0%
1990-1994	2,531	8.2%
1980-1989	4,522	14.6%
1970-1979	12,096	39.2%
1960-1969	5,363	17.4%
1940-1959	3,580	11.6%
1939 or earlier	749	2.4%

Source: 2000 U.S. Census

Appendix 1.5

Troy Oakland Airport Approach Plan

In 2006, the State of Michigan enacted a new Michigan Zoning Enabling Act, Public Act 110 of 2006. Section 203 of the Act requires that if a local unit of government adopts or revises a master plan (as they are required to do if they utilize zoning) after an airport layout plan or airport approach plan has been filed with that local unit of government, the master plan shall incorporate that layout or approach plan. This appendix has been added to satisfy this important requirement. The airport approach plan for Troy Oakland Airport is included on the following page .





 THE COMMISSION HAS REVIEWED THE PROPOSED ZONING MAP AND HAS APPROVED THE MAP FOR THE CITY OF TROY. THE COMMISSION'S APPROVAL IS LIMITED TO THE TECHNICAL ASPECTS OF THE MAP AND DOES NOT CONSTITUTE AN ENDORSEMENT OF THE PROJECT OR A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED BY THE CITY OF TROY.



 Rob Ayala

LAND USE ZONING FOR
Troy, Oakland / Troy
 PREPARED BY THE
 MICHIGAN DEPARTMENT OF TRANSPORTATION
 LAND USE DIVISION
 LANSING, MICHIGAN

NO.	DATE	REVISIONS
1	04/20/06	ISSUED

MICHIGAN DEPARTMENT OF TRANSPORTATION


NO.	DATE	REVISIONS
1	04/20/06	ISSUED

ZONING 63-06



CITY COUNCIL ACTION REPORT

July 1, 2008

TO: Phillip L. Nelson, City Manager

FROM: Susan A. Leirstein, Purchasing Director
Gert Paraskevin, IT Director
Charles T. Craft, Chief of Police

SUBJECT: DSS Recording System Upgrade

Background

In June of 2006, the Police Department replaced the recording system for all telephone calls and radio transmissions to and from the 9-1-1 dispatch center with a Higher Ground system. The vendor of the system, DSS Corporation, has since developed an upgrade, Equature, which encompasses all of the features of the Higher Ground and adds several noteworthy enhancements. DSS has offered the upgrade to its current customers at no cost for the hardware, with a five-year maintenance agreement at a cost of \$6,900 per year.

The Police Department has always purchased a maintenance contract for the recording system as one of the critical systems in the Communications Section. The 2008-2009 cost for the maintenance agreement has been invoiced to the City at \$7,700. The proposed upgrade would represent an \$800 savings in FY 2008/2009.

The enhancements identified by Police Department staff include:

- Non-proprietary, open architecture: Sequel 2005 database format that meets the City standard
- Unlimited browser based search and retrieval of recordings
- Web-based, password-protected format supports access by Police and Fire Department staff more efficiently
- Active Directory Integration that provides better security, lower cost of ownership and is easier to support
- Written in .net, the industry standard, which is easier and therefore less costly to support
- The ability to store all recordings on the City's tape backup system, creating an additional layer of redundancy
- Enhanced monitoring capability that supports staff notification of system problems

Because of the proven quality of their products and service, DSS Corporation enjoys an excellent business reputation in the 9-1-1 community. Equature was developed with customer requests and needs in mind.

July 1, 2008

To: Phillip L. Nelson, City Manager
Re: DSS Recording System Upgrade

Financial Considerations

Funding for this agreement in FY 2008/2009 is available in the Police Department Communications, Contractual Services account #101.301.13.325.7802.095. The total cost over five years is \$34,500.00.

Legal Considerations

There are no legal considerations associated with this item.

Policy Considerations

The non-proprietary, open architecture of Equature lends itself to more efficient maintenance by Police Department Information Technology staff at a reduced cost to the City. (Goal II)

Effectively and professionally communicate internally and externally. (Goal IV)

Options

City management recommends Troy City Council authorize the execution of a maintenance agreement and system upgrade from DSS Corporation at a cost of \$6,900.00 annually for a period of five years.

Prepared by Cathy Brandimore

G:\Bid Award 08-09 New Format/Regular Business – DSS System Upgrade 07.08.doc



DSS Corporation

18311 W. Ten Mile, Southfield, MI 48075

Phone: 1-248-228-3163
http://www.dss-corp.com

Fax: 1-248-569-6567
E-mail: jvezina@dss-corp.com

Exhibit A
SPECIAL PRICE QUOTATION
FOR
TROY POLICE

QTY	DESCRIPTION	PRICE
1	Upgrade to new DSS Equature Recording System Offer includes 5 years of maintenance and updates Trade-in of old recording system.	

Option I:
Investment equals \$6,900.00.00 per year for 5 years paid annually

Option II:
5% discount if 5 years paid upfront: $\$6,900.00 \times 5 = \$34,500.00$ less 5% =
\$32,775.00

Above Investment Includes:

Training and Installation to customer to provided connection points.

Option I _____ or Option II _____

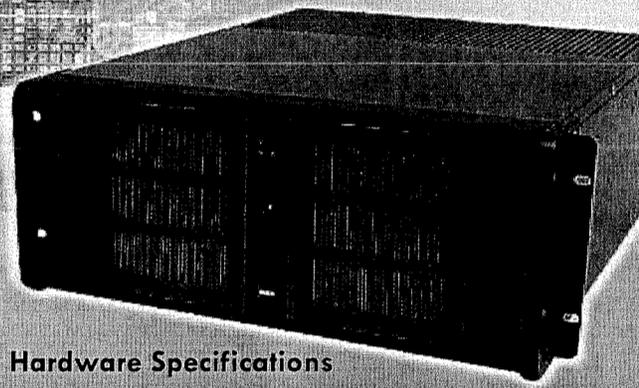
Customer Signature of Acceptance: _____

6/25/2008



Features

- Light on 52x CD burner
- SAMSUNG FDD
- Western digital 250GB HDD SATA 3.0 GB/S
- MSI NX7300LE Video Card
- G Skill 1GB 240 pin DDR2 667
- Asus P5B plus LGA 775
- Intel Core 2 DUO 1.8 GHz
- ISTORM D-Star Case blue 19' 4U 500w PS



E-911 Multi-Channel Digital Recorder

Solution Overview

A Web Based, Multi-Channel Digital Recorder, DSS-Equature is a multi-channel system used for storage and retrieval of E-911 voice, screen, quality assessment and data recordings. DSS-Equature was specifically designed as a unified communications solution where liability recording is required within your organization. Rugged durability, reliability, and functionality were achieved through precision hardware and software integrations. Recordings during surveillance and communications operations are easily and quickly provided via web browser, secured by use name and password. Voice is recorded in a compressed format and immediately converts to Nonproprietary. WAV format for playback.

"Viewpoint" features allow users to playback recent recordings, as well as, scenario reconstruction when you need to listen to multi-channel events. DSS-Equature is easy to set up and use. User definable settings enable you to search as a dispatcher, team leader, Supervisor, and Administrator. Searches can include phone conversations, radio transmissions, email and chat messages, screen data captures, and web traffic all from one easy-to-use screen. Meet the next generation of voice recording today with Equature 911. The DSS-Equature provides a robust recording platform for any Public Safety event.

911 Hardware Specifications

- 1 D-400/500w Storm Series.
- 2 5.25" 4x 5.25"/3.5" 1x 3.5"/2x 3.5" (internal).
- 3 12" x 13" ATX M/B.
- 4 Power ON/OFF, System & Alarm Reset.
- 5 LEDs for Power ON/OFF, HDD, Fan & Alarm.
- 6 Removable & Washable Air Filter.
- 7 Detecting Board For System Environment Monitoring (Optional)TC-ISF08
- 8 1 x 120mm Ball Bearing Fan; 1 x 80mm. 3 x 80mm Ball Bearing Fans (Optional).
- 9 1.2mm SECC Zinc-Coated Steel (Japan Made), Both Front Doors (Aluminum) Are Lockable.
- 0 19"(W) x 20"(D) x7.0"(H).
- 1 USB 2.0 Port.
- 2 7 slot ATX PCI.
- 3 FCC/CE to chassis and FCC/CE/UL/TUV to power supply.
- 4 iStarUSA 500w power supply – TC-500P-ATX.
- 5 I-Star D-400/500w Storm Series 4U Rack mount Chassis I-Star
- 6 D-400/500w Storm Series 4U Rack mount Chassis I-Star
- 7 D-400/500w Storm Series 4U Rack mount Chassis

Equature™ 911



Equature® Emergency Services Differentiators

	EQ	The Rest
Unlimited Search and Retrieval	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
One version of playback software	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – Multiple
Browser Based search and retrieval	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
File storage to NAS/SAN without licenses	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
360 degree view of all communications	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Bundled simple licenses for Email, Voice Chat, Dispatch Assessment & Screen Capture	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Dispatch Assessment, Playback and Screen Playback in one version of software	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Dispatch Assessment, Playback and Screen Playback from a web browser	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Support for Internet Explorer and FireFox	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
One Quality system to assess Voice, Email Chat and Screen activity of the Dispatcher's	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No-Voice Only
Instant Recall with auto-refresh / Scenario Reconstruction / Continuous Replay all standard with no additional licensing & one software version	<input checked="" type="checkbox"/> Yes	?
Non-Proprietary system – MS-SQL 2005 database, WAV file storage, XML email/chat storage, XML Volume replication/redundancy	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Litigation hold and File Encryption standard	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Digital DataPrint™ for file integrity	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Built for Next Generation 911 anywhere Technology capture	<input checked="" type="checkbox"/> Yes	?
Customer provided hardware	<input checked="" type="checkbox"/> Yes	?
Service Based Architecture with Service Watchers For redundancy and system uptime	<input checked="" type="checkbox"/> Yes	<input checked="" type="checkbox"/> No



TO: Members of Troy City Council
FROM: Lori Grigg Bluhm, City Attorney
Susan M. Lancaster, Assistant City Attorney
DATE: June 25, 2008
SUBJECT: City of Troy vs. Sunset Excavating Company and Eclipse
Excavating, LLC

During the time that the work was being done on the Crooks Road widening project, the City's water main at Crooks and Wattles was damaged. Sunset Excavating was the contractor on this Oakland County Road Commission project. Eclipse Excavating LLC was the sub-contractor.

The water main break of July 11, 2006 was caused by an employee of the sub-contractor, who turned off one of the pressure reducing valves. The City was not aware that the valve had been turned off until the next morning, after the water main break. The water main break required emergency repairs from several of our water and streets employees. The costs of the labor (including the required overtime) and the equipment costs totaled \$24,445.60.

The City initially asked for reimbursement of these amounts through the final accounting for the project. Unfortunately, the City was not the contractor of the project, and therefore had to recoup our costs by filing a claim with Zurich Insurance, who insured both the general contractor (Sunset Excavating) and also the sub-contractor (Eclipse Excavating). The City will continue its efforts to collect this reimbursement from Zurich. However, since this incident occurred in 2006, and Zurich has not timely responded to our claim, we are also seeking the authority to file a lawsuit at this time, which is still within the applicable statute of limitations. The lawsuit would necessarily be filed against both the general contractor and also the subcontractor.

A proposed resolution is attached for your consideration. If you have any questions concerning the above, please let us know.

A Regular Meeting of the Troy City Council was held Monday, June 16, 2008, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:34 PM.

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

ROLL CALL

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

(a) Vote on Resolution to Excuse Council Member Broomfield

Resolution #2008-06-187
 Moved by Fleming
 Seconded by Beltramini

RESOLVED, That Troy City Council hereby **EXCUSES** the absence of Council Member Broomfield at the Regular City Council meeting of June 16, 2008 due to being absent from the County.

Yes: All-6
 No: None
 Absent: Broomfield

CERTIFICATES OF RECOGNITION:

A-1 Presentation:

- a) Senator John Pappageorge introduced members of St. Nicholas Greek Orthodox Church and provided a brief presentation regarding their upcoming 15th Annual 2008 Opa! Fest scheduled for Friday, June 20th through Sunday, June 22nd.

CARRYOVER ITEMS:

B-1 No Carryover Items

PUBLIC HEARINGS:

C-1 No Public Hearings

POSTPONED ITEMS:

D-1 2008/2009 Proposed Budget Amendment No. 1 to Restore a 2.5% Wage Increase for Classified and Exempt EmployeesPending Resolution

Moved by Kerwin

Seconded by Beltramini

BE IT RESOLVED, That Troy City Council hereby **AMENDS** the *2008/2009 Annual Budget* as approved on May 19, 2008, with the following change:

That the 2008/2009 Budget be adjusted to restore a 2.5% wages increase for Classified and Exempt Employees, and that this increase shall be offset by reductions in other funds, as deemed appropriate by City Management.

Vote on Resolution to Amend the 2008/2009 Proposed Budget by Substitution

Resolution #2008-06-188

Moved by Fleming

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **AMENDS BY SUBSTITUTION** the resolution for the *2008/2009 Proposed Budget Amendment to Restore a 2.5% Wage Increase for Classified and Exempt Employees* by **STRIKING** it in its entirety and **INSERTING:**

RESOLVED, That Troy City Council hereby **APPROVES** the 2008/09 Budget Amendment No. 1 as submitted, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

No: None

Absent: Broomfield

MOTION CARRIED**Resolution as Amended by Substitution**

Resolution #2008-06-189

Moved by Kerwin

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** the 2008/09 Budget Amendment No. 1 as submitted, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

No: None

Absent: Broomfield

MOTION CARRIED

PUBLIC COMMENT: Limited to Items Not on the Agenda

REGULAR BUSINESS:

Vote on Resolution to Suspend Rules of Procedure for the City Council #16 – Members of the Public & Visitors

Resolution #2008-06-190
Moved by Beltramini
Seconded by Fleming

RESOLVED, That Council Rules #16, Members of the Public & Visitors, be **SUSPENDED** and that Public Comment be **REDUCED** from five minutes to three minutes at the request of the Chair and by majority vote of City Council members elect.

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

MOTION CARRIED

E-5 Papadelis v. City of Troy

Resolution #2008-06-191
Moved by Schilling
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **AUTHORIZES** and **DIRECTS** the City Attorney to file an appeal of the May 22, 2008 Opinion and Order of Judge Colleen O'Brien of the Oakland County Circuit Court to the Michigan Court of Appeals, In *Papadelis, et al. v Troy, et al.*, Oakland County Circuit Court Case Number #2005-067029-CZ.

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

MOTION CARRIED

The meeting **RECESSED** at 9:21 PM.

The meeting **RECONVENED** at 9:35 PM.

E-10 Mobile Windshield Repair

Vote on Resolution to Take No Action

Resolution #2008-06-192

Moved by Kerwin

Seconded by Schilling

WHEREAS, The City Council received a proposal for preparing a procedure to permit mobile windshield repair;

WHEREAS, The City Council referred the item to the Planning Commission for evaluation; and

WHEREAS, The Planning Commission recommended that City Council take no action on this item;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby takes **NO ACTION** on this item.

Yes: Kerwin, Schilling, Fleming

No: Beltramini, Eisenbacher, Howrylak

Absent: Broomfield

MOTION FAILED

Vote on Resolution to Develop Licensing Procedure

Resolution #2008-06-193

Moved by Beltramini

Seconded by Eisenbacher

WHEREAS, The City Council received a proposal for preparing a procedure to permit mobile windshield repair;

WHEREAS, The City Council referred the item to the Planning Commission for evaluation; and

WHEREAS, The Planning Commission recommended that City Council take no action on this item;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **DIRECTS** City Management to investigate the possibility of expanding Chapter 61 - Transient Merchant or a similar means to include a mobile service vehicle.

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

No: None

Absent: Broomfield

MOTION CARRIED

E-11 Proposed Resolution to Approve Distribution of Draft City of Troy 2008 Master Plan**Proposed Resolution to Refer the City of Troy 2008 Master Plan to the Planning Commission**

Resolution
Moved by Fleming
Seconded by Howrylak

RESOLVED, That the Troy City Council hereby **REFERS** the 2008 Master Plan back to the Planning Commission to designate the 25 acres located on the northeast corner of Wattles and Crooks from its Neighborhood Node designation to the Public and Quasi-Public designation as requested by White Chapel, owner of the property.

Vote on Resolution to Amend Proposed Resolution to Refer the City of Troy 2008 Master Plan to the Planning Commission

Resolution #2008-06-194
Moved by Fleming
Seconded by Howrylak

RESOLVED, That Troy City Council hereby **AMENDS** the resolution to *Approve Distribution of Draft City of Troy 2008 Master Plan* by **STRIKING** “designate” and **INSERTING** “consider designating”.

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

MOTION CARRIED**Vote on Resolution to Refer the City of Troy 2008 Master Plan to the Planning Commission as Amended**

Resolution #2008-06-195
Moved by Fleming
Seconded by Howrylak

RESOLVED, That the Troy City Council hereby **REFERS** the 2008 Master Plan back to the Planning Commission to consider designating the 25 acres located on the northeast corner of Wattles and Crooks from its Neighborhood Node designation to the Public and Quasi-Public designation as requested by White Chapel, owner of the property.

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

MOTION CARRIED

E-1 **Appointments to Boards and Committees:** a) Mayoral Appointments: Local Development Finance Authority (LDFA) and Planning Commission b) City Council Appointments: Advisory Committee for Persons with Disabilities; Ethnic Issues Advisory Board; Parks & Recreation Board; Traffic Committee and Youth Council

(a) Mayoral Appointments

Resolution

Moved by Schilling

Seconded by Beltramini

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

Local Development Finance Authority (LDFA)

Appointed by Mayor (5-Regular-Staggered) 4-Year Terms

Michael M. Adamczyk-Asst. Sup/Business Services-Troy School District Term Expires 06/30/12

Stephanie W. Bergeron-President-Walsh College Term Expires 06/30/12

Planning Commission

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

Bradley Raine – Student Term Expires 07/31/09

Vote on Resolution to Amend the *Mayoral Appointments to Boards and Committees* by Separating the Vote

Resolution #2008-06-196

Moved by Howrylak

Seconded by Eisenbacher

RESOLVED, That Troy City Council hereby **AMENDS** the *Mayoral Appointments to Boards and Committees* resolution by **SEPARATING THE VOTE**.

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

No: None

Absent: Broomfield

MOTION CARRIED

Vote on Resolution for Mayoral Appointments to Local Development Finance Authority (LDFA)

Resolution #2008-06-197
Moved by Schilling
Seconded by Beltramini

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

Local Development Finance Authority (LDFA)

Appointed by Mayor (5-Regular-Staggered) 4-Year Terms

Michael M. Adamczyk-Asst. Sup/Business Services-Troy School District Term Expires 06/30/12

Stephanie W. Bergeron-President-Walsh College Term Expires 06/30/12

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

MOTION CARRIED

Vote on Resolution for Mayoral Appointments to Planning Commission

Resolution #2008-06-198
Moved by Schilling
Seconded by Beltramini

Planning Commission

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

Bradley Raine – Student Term Expires 07/31/09

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

MOTION CARRIED

(b) City Council Appointments

Resolution #2008-06-199
Moved by Howrylak
Seconded by Kerwin

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

Advisory Committee for Persons with Disabilities

Appointed by City Council (9-Regular) (3-Alternates) 3-Year Terms

Daniel Chong – Student Term Expires 07/01/09

Anita Vasudevan – Student Term Expires 07/01/09

Ethnic Issues Advisory Board

Appointed by City Council (9-Regular) 2 & 3-Year Terms

Liyuan (Lily) Huang – Student Term Expires 07/01/09

Parks & Recreation Board

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

Divya Subramanian – Student Term Expires 07/31/09

Traffic Committee

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

Yanting (Sam) Jiang – Student Term Expires 07/31/09

Youth Council

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

Jennifer Liang – Student Term Expires 06/01/09

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

No: None

Absent: Broomfield

MOTION CARRIED

E-2 Nominations for Appointments to Boards and Committees: (a) Mayoral Nominations: No appointments scheduled; (b) City Council Nominations: Cable Advisory Committee; Historic District Commission; Historical Commission; and Troy Daze

(a) Mayoral Nominations – No nominations scheduled

(b) City Council Nominations

Resolution #2008-06-200
 Moved by Howrylak
 Seconded by Beltramini

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**

Nancy Chen – Student Term Expires 07/01/09

Chi Song – Student Term Expires 07/01/09

Historical Commission

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

Roger Kaniarz Term Expires 07/31/11

Rosemary Kornacki Term Expires 07/31/11

Troy Daze**Appointed by Council (9-Regular: 3-Year Terms)**

Sarah Wunderlich- Student Term Expires 07/31/09

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

MOTION CARRIED**E-3 Appointment of SOCRRA Representative and Alternate Members**

Resolution #2008-06-201
 Moved by Howrylak
 Seconded by Fleming

RESOLVED, That Troy City Council hereby **DESIGNATES** Brian P. Murphy as the SOCRRA Representative and Timothy L. Richnak as the Alternate SOCRRA Representative with terms expiring on June 30, 2009.

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

MOTION CARRIED

E-4 2007/08 Budget Amendment No. 2

Resolution #2008-06-202
Moved by Kerwin
Seconded by Beltramini

RESOLVED, That Troy City Council hereby **APPROVES** the 2007/08 Budget Amendment No. 2 as submitted, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

E-6 2008 Part-time Wage Recommendations

Resolution #2008-06-203
Moved by Beltramini
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** the 2008 Part-Time Wage Recommendations as recommended by City Management, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

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

MOTION CARRIED

E-7 Scheduling Special Meetings for a Preliminary Discussion of the Budgeting for Outcomes (BFO) Process

Vote on Resolution to Schedule a Special Meeting on Tuesday, July 1, 2008 at 7:30 PM

Resolution #2008-06-204
Moved by Kerwin
Seconded by Fleming

RESOLVED, That Troy City Council hereby **SCHEDULES** a special meeting for the purpose of discussing the budgeting for outcomes process on Tuesday, July 1, 2008 at 7:30 PM in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, MI 48084.

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

MOTION CARRIED

Vote on Resolution to Schedule a Special Meeting on Monday, July 7, 2008 at 5:00 PM

Resolution #2008-06-205
Moved by Beltramini
Seconded by Fleming

RESOLVED, That Troy City Council hereby **SCHEDULES** a special meeting for the purpose of discussing the budgeting for outcomes process on Monday, July 7, 2008 at 5:00 PM in the Council Board Room of Troy City Hall, 500 W. Big Beaver, Troy, MI 48084.

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

MOTION CARRIED

E-8 Approval of MDOT Contract No. 07-5754 – I-75 Bridge Work – Project No. 08.102.6

Resolution #2008-06-206
Moved by Eisenbacher
Seconded by Kerwin

RESOLVED, That Troy City Council hereby **APPROVES** MDOT Contract No. 07-5754 between the City of Troy and the Michigan Department of Transportation for the I-75 Bridge Project, Project No. 08.102.6 at an estimated cost to the City of Troy not to exceed \$56,715.00, 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: Beltramini, Eisenbacher, Fleming, Howrylak, Kerwin, Schilling
No: None
Absent: Broomfield

MOTION CARRIED

E-9 Approval of Additional Costs – CMAQ Projects, MDOT Contract No. 06-5352, Troy Contract No. 06-8 – Coolidge at Wattles; Square Lake at John R; Square Lake at Dequindre, Project No. 00.109.5; 99.205.5; 99.206.5

Resolution #2008-06-207
Moved by Kerwin
Seconded by Fleming

RESOLVED, That Troy City Council hereby **INCREASES** the not-to-exceed fee by \$100,000.00 from \$588,500.00 to \$688,500.00 as part of MDOT Contract No. 06-5352 between the City of Troy and the Michigan Department of Transportation for the CMAQ Projects at Wattles at Coolidge; Square Lake at John R; and Square Lake at Dequindre, Project No. 00.109.5, 99.205.5, 99.206.5 for payment of current contractor costs as well as pending revisions to project areas to comply with current ADA requirements.

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

MOTION CARRIED

CONSENT AGENDA:

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

Resolution #2008-06-208
Moved by Beltramini
Seconded by Eisenbacher

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items F-8, removed by City Management, and F-4a, which **SHALL BE CONSIDERED** after Consent Agenda (F) items, as printed.

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

MOTION CARRIED

F-2 Approval of City Council Minutes

Resolution #2008-06-208-F-2

RESOLVED, That Troy City Council hereby **APPROVES** the Minutes of the 7:30PM Regular City Council Meeting of June 2, 2008 as corrected.

F-3 Proposed City of Troy Proclamations: None Submitted

F-4 Standard Purchasing Resolutions

b) **Standard Purchasing Resolution 4: MITN Cooperative Award – City of Dearborn Appraisal Services Contract**

Resolution #2008-06-208-F-4b

RESOLVED, That Troy City Council hereby **APPROVES** a contract for appraisal services for Rochester Road, Torpey to Barclay reconstruction, and Wattles Road, 1,000 feet east and west of Rochester Road reconstruction through a MITN Cooperative Award hosted by the City of Dearborn for an estimated total cost of \$174,465.00, plus costs to testify at trials and amounts not to exceed 66% of the original appraisal cost, if necessary, at rates as detailed in Appendix I; and

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

c) **Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds for Council Member Mary Kerwin’s Travel Expenses – 2008 Citizen Planner Advanced Academy**

Resolution #2008-06-208-F-4c

RESOLVED, That Troy City Council hereby **AUTHORIZES** travel for Council Member Mary Kerwin’s attendance of the 2008 Citizen Planner Advanced Academy in Lansing, Michigan on June 18 – 19, 2008 and **GRANTS** approval to expend funds for travel expenses, in accordance with accounting procedures of the City of Troy.

F-5 Eckford Street Special Assessment Payment Schedule

Resolution #2008-06-208-F-5

RESOLVED, That Troy City Council hereby **SETS** the initial installment billing for Bituminous Paving of the easterly ½ of Eckford, Special Assessment District 06.202.1, for November 1, 2008, with all subsequent required installment billings being sent yearly from this date, to allow time for the completion of the project, and to allow for an accurate final cost to be determined.

F-6 Acceptance of Two Permanent Easements – Congregation Shir Tikvah, Section 20 – Sidwell #88-20-20-226-001

Resolution #2008-06-208-F-6

RESOLVED, That Troy City Council hereby **ACCEPTS** the two Permanent Easements for water main, and sidewalk from property owner Congregation Shir Tikvah, a Michigan Non-Profit Corporation, having Sidwell #88-20-20-226-001; and

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

F-7 Boys and Girls Club Funding Agreement 2008-2009

Resolution #2008-06-208-F-7

RESOLVED, That Troy City Council hereby **APPROVES** the funding agreement between the City of Troy and Boys and Girls Club of Troy for July 1, 2008 through June 30, 2009 and **AUTHORIZES** the Mayor and City Clerk to execute the documents, a copy of which shall be **ATTACHED** to the original Minutes of this meeting.

F-9 Extension of General Consulting Engineering Services Contracts

Resolution #2008-06-208-F-9

WHEREAS, On June 17, 2002 City Council approved a three (3) year general consulting contract (Resolution #2002-06-379), with the option to renew for an additional three (3) year period under the same terms and conditions, with Hubbell, Roth & Clark, Inc. (HRC) and Spalding DeDecker Associates, Inc. (SDA);

WHEREAS, On June 6, 2005, the three-year option to renew was approved, effective July 1, 2005 through June 30, 2008 by Resolution #2005-06-284 and the current contracts with HRC and SDA expire on June 30, 2008;

WHEREAS, Staff is in the final phase of the consultant selection process for a new General Consulting Engineering Services contract;

WHEREAS, It is unlikely that this process will be complete before the current contracts expire; and

WHEREAS, HRC and SDA have agreed to extend their current contracts at the same terms and conditions and to hold their prices for a sixty (60) day extension period or upon City Council approval of a new consultant contract, whichever is sooner;

THEREFORE, BE IT RESOLVED, That Troy City Council hereby **EXTENDS** the existing contracts with Hubbell, Roth & Clark, Inc. and Spalding DeDecker Associates, Inc. to allow sufficient time for new consultants to be selected through the RFQ/RFP process.

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

F-4 Standard Purchasing Resolutions

- a) **Standard Purchasing Resolution 10: Travel Authorization and Approval to Expend Funds on Council Members' Travel Expenses – Michigan Municipal League's 2008 Annual Convention on Mackinac Island**

Resolution #2008-06-209

Moved by Howrylak

Seconded by Beltramini

RESOLVED, That Troy City Council hereby **AUTHORIZES** travel for Council Members' attendance of the Michigan Municipal League's 2008 Annual Convention on Mackinac Island on October 1-4, 2008, and **GRANTS** approval to expend funds for travel expenses, in accordance with accounting procedures of the City of Troy.

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

No: None

Absent: Broomfield

MOTION CARRIED

F-8 Application for Transfer of Class C License to Somerset Collection Limited Partnership – Removed at the request of City Management

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 Council Comments:

In response to the question regarding the Police Department having continuous power despite the power outages resulting from the recent storm, Council Member Beltramini believes it is due to the fact that the Police Department is within the DDA district and all utility lines are located underground. She added that Michigan State Law prohibits the City from extending underground lines throughout Troy.

In addition, Council Member Beltramini questioned whether shower passes are still available at the Community Center. Phil Nelson, City Manager, indicated passes are still available for residents without power.

Council Member Beltramini asked how the City will address the tree debris strewn on City easements by residents due to the storm. She also requested that the City remind the public about how to dispose of their debris by republishing Tringali's waste requirements. Council Member Beltramini continued by asking what the City can do to assist residents in removing fallen tree debris from their property. Brian Murphy, Assistant City Manager/Economic Development Services, replied that the City will publish updated information on the City's website in addition to providing information to other media sources to notify the public. He added that Tringali tends to be very liberal with their waste requirements and noted that under these particular circumstances it is to the advantage of the residents. Mr. Murphy understands

that when waste is not picked up, it is usually related to a weight issue and that is when Tringali understandably takes into consideration the safety of their employees.

Council Member Beltramini attended a Michigan Municipal League board meeting last week and previewed segments scheduled for the upcoming MML conference. Council Member Beltramini reported that in addition to legal and advocacy segments, a green segment, which will help the City build on their green initiatives, a segment on the economy, and a segment in regard to cities creating a sense of place to draw residents and jobs are just a few of the big track topics scheduled so far.

Mayor Schilling indicated that although Tringali evaluated the debris on her street, she and many of her neighbors collectively hired someone to chip their debris. However, the Mayor complimented Tringali for taking \$300.00 worth of food waste from her refrigerator and freezer that was lost due to the five days she was without power.

Council Member Kerwin reported that 2,000 residents are out of power and their outage is not because of tree damage. She explained that high winds disabled the transformer located at Troy High School and complimented DTE for their quick response. Council Member Kerwin appreciates that the Community Center served as cooling center for residents without power and believes that the City should advertise this service more so that more residents can take advantage of this convenience.

Council Member Kerwin asked Council Members to review their calendars to determine their availability for future dates, including weekends, for meetings to continue discussions in regard to the Budgeting for Outcomes process. She asked the City Manager's office to coordinate the dates and added she believes this will benefit them as a Council.

Council Member Kerwin is looking forward to attending the *Assistant Planner Conference* at Michigan State University this week and reported that one topic is Zoning from Scratch with a focus on case studies like the example Council discussed tonight. Council Member Kerwin will provide an update to Council at their next regular meeting.

Mayor Schilling complimented City Staff for serving as DTE's liaison by relaying all the storm-related calls received from residents to DTE. The Mayor also recognized the Police and Fire Departments for their assistance with directing traffic at intersections with traffic light outages. Mayor Schilling appreciated resident email notifications forwarded to City Council regarding the efforts made by Staff to assist residents during the power outage.

REPORTS:

J-1 Minutes – Boards and Committees:

- a) Advisory Committee for Persons with Disabilities/Draft – April 2, 2008
- b) Advisory Committee for Persons with Disabilities/Final – April 2, 2008
- c) Employees' Retirement System Board of Trustees/Final – April 9, 2008
- d) Historic District Commission/Final – April 15, 2008
- e) Youth Council/Final – April 23, 2008
- f) Advisory Committee for Senior Citizens/Final – May 1, 2008
- g) Building Code Board of Appeals/Final – May 7, 2008
- h) Planning Commission/Draft – May 13, 2008

- i) Planning Commission/Final – May 13, 2008
 - j) Board of Zoning Appeals/Draft – May 20, 2008
 - k) Youth Council/Draft – May 28, 2008
 - l) Advisory Committee for Senior Citizens/Draft – June 1, 2008
- Noted and Filed

J-2 Department Reports:

- a) City of Troy Monthly Financial Report – May 31, 2008
- Noted and Filed

J-3 Letters of Appreciation:

- a) Letter of Thanks to Police and Firefighters from Pauline Biebel of 920 John R Regarding Apartment Fire
- b) Letter of Thanks to Police and Firefighters from Mr. And Mrs. Caddy of 920 John R Regarding Apartment Fire
- c) Letter of Thanks from Winona County, MN Attorney Charles Maclean Regarding the Assistance Received from Detective Donald Tullock and the Troy Police Department
- d) Letter of Thanks to Chief Craft from Robert Livernois, Superintendent of Warren Consolidated Schools, for Participating in the Community Leaders Breakfast
- e) Letter of Thanks to Chief Craft from Farmington Hills Chief of Police Richard Niemisto, for Participating in the Farmington Hills City-Wide Open House
- f) Letter of Thanks to Chief Craft from Fire Chief Nelson Regarding the Assistance of the Police Department in the Evacuation of Oakland Park Towers
- g) Letter of Thanks to Chief Craft from Ann Comiskey Regarding the Caring Assistance of Officer Brandimore and Alliance Mobile Health
- h) Letter to Brian Goul from Nathan Campbell in Appreciation of Lifeguard Instructor Zachary Benton

Noted and Filed

J-4 Proposed Proclamations/Resolutions from Other Organizations:

- a) Resolution on Behalf of the Domestic Manufacturing Industry
- Noted and Filed

J-5 Communication from Residents on North Lake Drive Regarding Removal of the Fitness Path in Raintree Park

Mayor Schilling noted that the six residents who submitted a petition are present and wish to discuss their opposition in regard to the fitness path in Raintree Park that was recently installed behind their homes. Carol Anderson, Parks & Recreation Director reported that she has discussed screening options with several of the residents and she is waiting to hear back from the residents.

Mayor Schilling asked how the decision was made to install the fitness path in Raintree Park. Ms. Anderson advised that the City did not achieve their goal to establish fitness paths in all the parks from the previous five-year Parks & Recreation Master Plan. She explained that the decision was made to extend the goal and paths have now been installed in Boulan Park, Robinwood Park and in the undeveloped park land in Section 36. She continued by stating that Raintree Park was next in line and their goal is to put paths in all of the parks.

Mayor Schilling understands that this is the third path in Raintree Park. Ms. Anderson believes the Mayor is referring to a sidewalk that is located on the north side of the driveway. However, she explained that the purpose of a path is to provide an area that someone can walk into the park and out of the park in a single loop.

Council Member Eisenbacher asked whether there is data available in relation to paths and safety issues, and paths and property values. Ms. Anderson replied there is data available nationally and therefore, she disagrees with the assessment made by the property owners. She explained in her research she has found that safety increases and that in general, the more a park is used, the safer it is. As an example, Ms. Anderson reported that after the improvements were made at Robinwood Park incidents at that park declined.

Council Member Fleming suggested that in the future that the City meet with the affected neighbors prior to installing paths that are relatively close to residential areas.

STUDY ITEMS:

K-1 No Study Items Submitted

PUBLIC COMMENT: Address of "K" Items

CLOSED SESSION:

L-1 No Closed Session Requested

ADJOURNMENT

The meeting **ADJOURNED** at 11:40 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

A Special Meeting of the Troy City Council was held Tuesday, July 1, 2008, at City Hall, 500 W. Big Beaver Road. Mayor Schilling called the Meeting to order at 7:30 PM.

ROLL CALL

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

DISCUSSION ITEM:

1. Budgeting for Outcomes (BFO) – Development and Ranking of Outcome Statements

Phil Nelson, City Manager provided a PowerPoint presentation.

PUBLIC COMMENT:

ADJOURNMENT

The meeting **ADJOURNED** at 8:53 PM.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk



CITY COUNCIL ACTION REPORT

June 13, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Parks and Recreation Month Proclamation

Background:

- The month of July is designated as Parks and Recreation month by the National Parks and Recreation Association.
- The purpose of this designation is to bring awareness to the benefits of Parks and Recreation.
- Parks and Recreation activities and experiences impact and benefit individuals, the community, environment and economy.

Financial Considerations:

- There are no financial considerations.

Legal Considerations:

- There are no legal considerations.

Policy Considerations:

- There are no policy considerations.

Options:

- Staff requests acknowledgement by Council recognizing July as Parks and Recreation Month in 2008.

**PROCLAMATION
PARKS AND RECREATION MONTH
July 2008**

WHEREAS, Troy Parks and Recreation officially recognizes **Parks and Recreation Month** in July with a variety of programs and activities that reflect the spirit of outstanding leisure programming that benefit the citizens of Troy; and

WHEREAS, Troy Parks and Recreation invites all citizens to celebrate **Parks and Recreation Month** by participating in a variety of fun summer programs for the entire family; and

WHEREAS, Our belief in enhancing the quality of life is the central purpose of this organization and the driving force behind **Troy Parks and Recreation** philosophy and in recognizing this special occasion; and

WHEREAS, We are committed to providing opportunities for people to come together and experience a sense of community through rewarding recreational pursuits with high quality comprehensive programs, parks, facilities and open space; and

WHEREAS, Our 14 developed and 12 undeveloped parks and six special facilities serve to offer exercise, sports and special event activities, relaxation and leisure pursuits for all interests; and

WHEREAS, Parks and open spaces provide a welcome respite from our fast paced, high-tech lifestyles while simultaneously protecting and preserving our natural environment; and

WHEREAS, Troy Parks and Recreation special programs and sports opportunities give young people better chances to live, grow and develop into contributing members of society; and

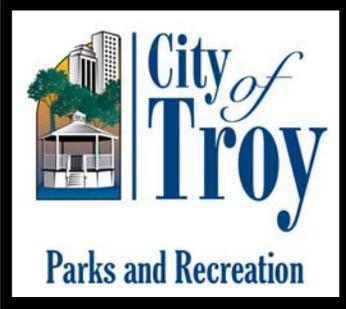
WHEREAS, Troy Parks and Recreation creates lifelines and continued life experiences for older members of our community; and

WHEREAS, Parks, playgrounds, nature trails, open spaces and neighborhood sites make our community an attractive and desirable place to live, work, play and visit in a manner that contributes to our ongoing economic vitality; and

WHEREAS, Troy Parks and Recreation touches the lives of individuals, families, groups and the entire community, which positively impacts upon the social, economic, health and environmental quality of our community; and

Now, Therefore Be It Resolved, that we recognize July as **Parks and Recreation Month** and encourage all citizens to celebrate healthy, active lifestyles by participating in their choice of recreation and park activities.

Signed this 7th day of July 2008



Celebrate July! National Parks and Recreation Month



Creating Community through People, Parks and Programs!
As the City of Troy observes Parks and Recreation month, we recognize the contribution of employees and volunteers in our community. These supporters keep our parks clean and safe, coach sports teams, assist in senior citizen programs and advocate for parks and recreation services. We invite the entire community in celebrating Parks and Recreation month. Call Troy Parks and Recreation for more details at 248.524.3484.

Sun	Mon	Tue	Wed	Thu	Fri	Sat
<p>Troy Community Center (TCC) 248.524.3484 Lloyd A. Stage Nature Center (SNC) 248.524.3567 Troy Family Aquatic Center (TFAC) 248.524.3514</p>		<p>1</p> <p>There's still time to celebrate summer and register your child for one of the fun camps offered by Parks and Recreation.</p>	<p>2</p> <p>Admission is free every day at the Lloyd A. Stage Nature Center's 100 acre facility. Trails open until 9 pm Tuesday-Sunday.</p>	<p>3</p> <p>July is Family Golf Month. Tee off at Sylvan Glen Golf Course and then enjoy lunch or dinner at Camp Ticonderoga restaurant.</p>	<p>4</p> <p>Celebrate the Fourth of July with a picnic in one of Troy's 14 parks! TCC is open for fitness and pool. Check front desk for hours.</p>	<p>5</p> <p>Family Night at TFAC. Up to 4 family members admitted for \$8 from 5-7:30 pm.</p>
<p>6</p> <p>Celebrate Sunday in the park. Pack a picnic lunch and play a game of disc golf at Firefighters or Raintree Parks.</p>	<p>7</p> <p>Purchase a subscription to the Senior Newsletter and stay on top of what's happening for Seniors at the Community Center.</p>	<p>8</p> <p>July is Family Golf Month. Tee off at Sanctuary Golf Course and then enjoy lunch or dinner at Piper's Pub restaurant.</p>	<p>9</p> <p>Kids' birthday parties are more fun at the Community Center, Nature Center or TFAC. Call 248.524.3484 for more information.</p>	<p>10</p> <p>Walk Michigan program at the Community Center, 10:30 am. Free water and snacks provided by Whole Foods.</p>	<p>11</p> <p>Jamfest at TFAC. Teens have facility all to themselves for fun, food, music and swimming. \$5 entry fee. 8-11 pm.</p>	<p>12</p> <p>Register for Parent's Night Out at TCC. Kids 7-12 get pizza, games, swimming and gym time while parents get an evening of free time. 5:30-9:30 pm.</p>
<p>13</p> <p>Mother's Day at TFAC. Mothers admitted free when accompanied by children over age 3. Regular fees apply for kids.</p>	<p>14</p> <p>Join in and Walk Michigan at Firefighters Park, 7 pm. Free water and snacks provided by Whole Foods.</p>	<p>15</p> <p>College Day at TCC and TFAC. Show your true colors by wearing your favorite college apparel.</p>	<p>16</p> <p>Fun, food, crafts, and entertainment headline Family Festival at Boulan Park, 5:30-8:30 pm. This is a FREE event!</p>	<p>17</p> <p>Daytime Adaptive Friendship Club meets every Thursday 10 am-3 pm. Registration required. Call 248.524.3484 for details.</p>	<p>18</p> <p>Jamfest at TFAC. Teens have facility all to themselves for fun, food, music and swimming. \$5 entry fee. 8-11 pm.</p>	<p>19</p> <p>Sign up for private or semi-private swim lessons held at TFAC. Inquire at TCC front desk or TFAC.</p>
<p>20</p> <p>Turn off the TV and go green at one of Troy's 14 parks.</p>	<p>21</p> <p>Adaptive Friendship Club meets second and fourth Mondays for ages 13 and up with developmental disabilities. Call 248.524.3484 for details or free bi-monthly newsletter.</p>	<p>22</p> <p>Register to participate or come out and watch the fun at Nursery School Olympics, Boulan Park, 6:30-7:30 pm.</p>	<p>23</p> <p>Celebrate National Hot Dog Day at one of Troy's 14 parks!</p>	<p>24</p> <p>Walk Michigan program at the Community Center, 10:30 am. Free water and snacks provided by Whole Foods.</p>	<p>25</p> <p>Jamfest at TFAC. Teens have facility all to themselves for fun, food, music and swimming. \$5 entry fee. 8-11 pm.</p>	<p>26</p> <p>ADA Independence Day. Visit a local park and playground with accessible facilities.</p>
<p>27</p> <p>Take a walk on the trails at Troy's Nature Center. Trails open until 9 pm Tuesday-Sunday.</p>	<p>28</p> <p>Walk Michigan program at Raintree Park, 7 pm. Free water and snacks provided by Whole Foods.</p>	<p>29</p> <p>Stop by Creative Endeavors and shop for handmade arts & crafts from local artisans 55 and older.</p>	<p>30</p> <p>Join the volunteers who assist seniors through the Senior Home Assistance Repair Program. Call 248.524.3484 to request volunteer application.</p>	<p>31</p> <p>Motorized Trail Tours and What's Hiding Under That Log are just two of the classes offered at the Nature Center. Pre-register for classes. Call 248.524.3567.</p>		



CITY COUNCIL ACTION REPORT

June 23, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Administration and Finance
Susan A. Leirstein, Purchasing Director
Carol K. Anderson, Parks and Recreation Director

SUBJECT: Standard Purchasing Resolution 1: - Award to Low Bidder - Building Demolition

Background

- On May 19, 2008, bids proposals were received to provide demolition of various building sites for park land expansion acquisitions.
- 233 vendors were notified via the MITN system. Ten (10) bid proposals were received.
- The locations for the proposed building demolition are: 4265 Rochester Road, 4305 Rochester Road, and 1660 East Square Lake Road.
- The parcels have been recently acquired by the City for use as future park land. The buildings are not in a usable condition and would not be incorporated in any future park development plans.
- The low total bidder is Ferguson Enterprises, Inc., 14385 Wyoming, Detroit, MI 48238, 313-491-4040 at an estimated total cost of \$22,435.00.

Financial Considerations

- Funding for this work is available in Park Development Capital Account #401770.7974.130.
- The contractor will separate salvaged copper from other metals and place in the appropriate on-site dumpsters. All salvageable metals will remain the property of the City of Troy and disposed of by the City, with all revenues retained by the City.

Legal Considerations

- ITB-COT 08-10, a contract for demolition of buildings sites for Park Land expansion acquisitions was competitively bid in accordance with City Charter and Code.
- The award is contingent upon contractor's submission of proper insurance certificates, and all specified requirements.

June 23, 2008

To: Phillip L. Nelson, City Manager
Re: Award to Low Bidder - Demolition

Policy Considerations

- Maintenance of these properties along with the demolition of the buildings thereon will reduce visual barriers into the property and discourage vandalism of the unoccupied buildings. (Goal #I)
- All bidders were given the opportunity to respond with their level of interest in supplying services to the City of Troy. (Goal #II)
- Property maintenance helps retain and attract investment while encouraging redevelopment. (Goal #III)

Options

- City management and the Parks and Recreation department recommend awarding a contract for demolition of various building sites for park expansion acquisition to the low total bidder, Ferguson Enterprises, Inc., of Detroit for an estimated total cost of \$22,435.00 at prices contained in the bid tabulation opened May 19, 2008.

Opening Date -- 5/19/08
 Date Prepared -- 6/9/08

CITY OF TROY
 BID TABULATION
 DEMOLITION OF HOUSES

VENDOR NAME:

Check #
 Amount

* Ferguson Enterprises Inc	Ahern Contracting Inc.	Blue Star, Inc	Farrow Group Inc
17324	819349902	985629127	78953016
\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00

PROPOSAL: TO PROVIDE DEMOLITION OF VARIOUS BUILDING SITES FOR PARK LAND EXPANSION ACQUISITION IN ACCORDANCE WITH THE SPECIFICATIONS.

Proposal A: 4265 Rochester Road- Complete for the Sum of:	Proposal B: 4305 Rochester Road- Complete for the Sum of:	Proposal C: 1660 East Square Lake- Complete for the Sum of:	Note: Includes add'l \$1K	
\$ 8,555.00	\$ 4,045.00	\$ 9,835.00	\$ 7,900.00	\$ 12,350.00
			\$ 6,900.00	\$ 10,500.00
			\$ 9,900.00	\$ 9,300.00
				\$ 10,000.00
				\$ 10,000.00
				\$ 10,000.00
GRAND TOTAL:			\$ 22,435.00	\$ 24,700.00
			\$ 32,150.00	\$ 30,000.00

SITE INSPECTION	Visited	5/13/08	5/16/08	5/7/08	
	Did Not Visited				XX
COMPLETION DATE:	Can meet	XX	XX	XX	XX
	Cannot Meet				
W/I Two Calendar Weeks					
DISPOSAL SITE:	location	Carleton Farms	Veolia	Saulk Trail Hills	Waste
				Canton, MI 48158	Management
INSURANCE	CAN MEET	XX	XX	XX	XX
	CANNOT MEET				
TERMS:		Net 30	Net 30	Net 30 Days	Blank
EXCEPTIONS:		Blank	Blank	Does not include asbestos - Min. Scrap value in Demo, if Troy supplied boxes + \$1K per house	Our bid is based on backfilling with clean filled dirt
VENDOR QUESTIONNAIRE:	Y or N	Yes	Yes	Yes	Yes
ACKNOWLEDGEMENT:	Y or N	Yes	Yes	Yes	Yes
ADDENDA #1, 2, 3	Y or N	Yes	Yes	Yes	Yes

ATTEST:
 Diane Fisher
 Steve Pallotta
 Linda Bockstanz

* DENOTES LOW TOTAL BIDDER

Susan Leirstein CPPB
 Purchasing Director

VENDOR NAME:		Universal		Luke's Trucking & Excavating	Homrich, Inc.
		Pranam GlobalTech Inc	Consolidated Enterprises, Inc.		
Check #		(3) Money Orders*	21586427	520405	294450
Amount		\$ 2,500.00	\$ 2,500.00	\$ 2,500.00	\$ 2,500.00
PROPOSAL: TO PROVIDE DEMOLITION OF VARIOUS BUILDING SITES FOR PARK LAND EXPANSION ACQUISITION IN ACCORDANCE WITH THE SPECIFICATIONS.					
Proposal A: 4265 Rochester Road-	Complete for the Sum of:	\$ 13,995.00	\$ 12,498.00	\$ 17,488.00	\$ 21,000.00
Proposal B: 4305 Rochester Road-	Complete for the Sum of:	\$ 6,995.00	\$ 7,990.00	\$ 10,220.00	\$ 13,000.00
Proposal C: 1660 East Square Lake-	Complete for the Sum of:	\$ 11,005.00	\$ 14,575.00	\$ 12,740.00	\$ 9,000.00
GRAND TOTAL:		\$ 31,995.00	\$ 35,063.00	\$ 40,448.00	\$ 43,000.00
SITE INSPECTION	Visited	5/08/08	5/19/08	5/17/08	5/08/08
	Did Not Visited				
COMPLETION DATE:	Can meet	XX	XX	XX	XX
	Cannot Meet				
W/I Two Calendar Weeks					
DISPOSAL SITE:	location	Riverview	Licensed Type	(Page Missing) Blank	Regulated
		Landfill	II Backfill		Resource &/or State Lic. Facility
INSURANCE	CAN MEET	XX	XX	XX	XX
	CANNOT MEET				
TERMS:		30 days Net	Blank	Net 30 or 2% 10 Days	Net 30 days
EXCEPTIONS:		Blank	Blank	Letter Attached to Bid Recycle as much Material as possible	All or None Award No scrap Metal Asbestos is not included
				Any salvageable lumber to Grace Surplus . . .	
VENDOR QUESTIONNAIRE:	Y or N	Yes	Yes	Yes	Yes
ACKNOWLEDGEMENT:	Y or N	Yes	Yes	Yes	Yes
ADDENDA #1, 2, 3	Y or N	Yes	Yes	Yes	Yes

*R200565652518
R200565652507
R200565652496

Opening Date -- 5/19/08
 Date Prepared -- 6/9/08

CITY OF TROY
 BID TABULATION
 DEMOLITION OF HOUSES

VENDOR NAME:		Bob Turner, Inc.	Brook Valley Homes Inc. / Ellis		
			Excavating		
	Check #	520755	(3) Money Orders*		
	Amount	\$ 2,500.00	\$ 2,500.00		
PROPOSAL: TO PROVIDE DEMOLITION OF VARIOUS BUILDING SITES FOR PARK LAND EXPANSION ACQUISITION IN ACCORDANCE WITH THE SPECIFICATIONS.					
Proposal A: 4265 Rochester Road-	Complete for the Sum of:	\$ 17,133.00	\$ 33,239.70		
Proposal B: 4305 Rochester Road-	Complete for the Sum of:	\$ 12,733.00	\$ 13,413.60		
Proposal C: 1660 East Square Lake-	Complete for the Sum of:	\$ 13,933.00	\$ 19,742.40		
	GRAND TOTAL:	\$ 43,799.00	\$ 66,395.70		
SITE INSPECTION	Visited	5/08/08	5/9/2008		
	Did Not Visited				
COMPLETION DATE:	Can meet		XX		
	Cannot Meet	XX			
W/I Two Calendar Weeks					
DISPOSAL SITE:	location	Allied Waste	Eagle Valley Landfill		
		Services	Asphalt - Ajax Bald Mt		
			Concrete - State Crushing		
INSURANCE	CAN MEET	XX	XX		
	CANNOT MEET				
TERMS:		Blank	Blank		
EXCEPTIONS:		Attached to Bid	Septic Pump & Removal Included		
			Metal Separation limited		
			Brush & Log Removal not included		
			Hazardous material not included		
VENDOR QUESTIONNAIRE:	Y or N	Yes	Yes		
ACKNOWLEDGEMENT:	Y or N	Yes	Yes		
ADDENDA #1, 2, 3	Y or N	Addendum 1 only	Addendum 3 only		

*08-916533657
 08-916533656
 08-916533655



CITY COUNCIL ACTION REPORT

June 27, 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 4: AEPA Cooperative – Fitness Room Flooring

BACKGROUND

- The carpet in the main fitness room (approximately 3,200 square feet) has been in place since the facility opened on March 25, 2002 and is in need of replacement.
- Although this carpet has been professionally cleaned four times per year, it has noticeably deteriorated and there are significant wear patterns in the high traffic areas. Attempts to replace the carpet tile in specific high usage areas have been made, but the new carpet tiles do not blend with the older carpet tiles and give the appearance that they are not clean.
- There are three flooring options to replace the carpet in this room:

Flooring Type	Cost	Life Expectancy	Other Factors
Carpet Tiles	\$13,700	5-6 years	Annual carpet cleaning cost of \$600
Rubber (Recycled)	\$27,000	10-15 years	Polyurethane floor finish would need to be applied every other year for \$1500 per application.
Rubber (Closed Cell)	\$37,000	20-25 years	No additional maintenance costs

- Based on the cost, life expectancy and maintenance costs, the best value over the long term is the closed cell rubber product. This product comes with a finish that would prevent stains and wear patterns, and not require any special maintenance other than normal cleaning.
- The closed cell rubber product is manufactured by Mondo and distributed by Sport Surfaces, a Robert Cohen Company and can be purchased through the AEPA (Association of Educational Purchasing Agencies) Cooperative contract.
- It is optimal to replace the carpet during the week of August 25, 2008 when the Community Center recreation areas are closed for annual maintenance. Since there is a six (6) week lead time for the manufacturer to deliver the product, the order should be placed the week of July 7, 2008.

June 27, 2008

To: Phillip L. Nelson, City Manager
Re: AEPA Cooperative - Fitness Room Flooring

FINANCIAL CONSIDERATIONS

- Funds are available from the 2008/09 Community Center Capital Budget for Building & Improvements Annex Renovation – 4017557975125.

LEGAL CONSIDERATIONS

- Laws regarding contracts are applicable.

POLICY CONSIDERATIONS

- Products were competitively bid through the AEPA Cooperative contract thus ensuring best price practices. (Goal II)

OPTIONS

- The Parks and Recreation Department requests approval and authorization to purchase this closed cell rubber product for the main fitness room at the Community Center from Sport Surfaces, a Robert Cohen Company, through the AEPA Cooperative contract #08-0027 under the prices, terms, and conditions of AEPA bid IFB #008-E with work to be performed by Mid America Sport Surfacing, a Michigan based company.



Authorized Distributors of MONDO and AACER Athletic Flooring

2655 Pan American Fwy., Suite E
Albuquerque, New Mexico 87107
Toll Free 877-395-1978 Fax 505-243-2975
www.sport-surfaces.com

June 30, 2008

Kraig Schmottlach, Facility Manager
Troy Community Center
3179 Livernois
Troy, MI 48083

Re: Wt. Rm. Flooring with Base

Kraig-

We will furnish the labor, material and equipment for the complete installation of approximately 3,200 square feet of 6mm Mondo Sport Impact in 6' rolls in Free Weight Room #1219 and Cardiovascular Room #1220. Included in the work is demo of the existing carpet, floor prep, and new 1/8" x 4" vinyl cove base. Not included is removal or replacement of the gym equipment.

The cost for the work through Oakland Intermediate School District contract #08-0027 is:

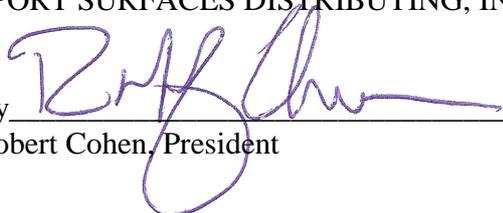
OISD Part #	Description	Qty	Unit	Price	Total
M-3422-010	6mm Mondo Sport Impact	3,200	Sq. Ft.	\$8.65	\$27,680.00
M-3423-017	Remove Carpet	3,200	Sq. Ft.	\$0.37	\$1,184.00
M-3423-032	Floor prep	3,200	Lin. Ft.	\$1.10	\$3,520.00
M-3423-010	1/8" x 4" Cove base	240	Lin. Ft.	\$1.63	\$391.20
M-3423-056	Freight	9,800	Lbs.	\$0.45	\$4,410.00
					\$37,185.20

The work will be performed by:
Mid America Sport Surfacing, LLC
70291 Brittany Glen Drive
Edwardsburg, MI 49112
269-663-3500
269-663-3505 (fax)

Call if any questions.

Yours truly,

SPORT SURFACES DISTRIBUTING, INC.

By 
Robert Cohen, President

*Equity and
Excellence in
Education*



OaklandSchools

2111 Pomiac Lake Road
Waterford, MI 48328
Telephone: 248.209.2000
Facsimile: 248.209.2523
<http://www.oakland.k12.mi.us>

February 12, 2008

Mr. Robert Cohen, Managing Member
Robert Cohen Co., LLC
2655 Pan American Fwy Ste E
Albuquerque, NM 87107

Re: Acceptance of Bid and Contract Award – Document Transmittal – Contract #08-0027
(IFB008-E Hardwood and Synthetic Flooring)

Dear Mr. Cohen:

Attached you will find a signed copy of the AEPa "Bid, Acceptance of Bid and Contract Award" form. In addition, I am also including some pertinent Oakland Schools information (see below), which I hope will be helpful to your company.

- If requested, our Communications and Marketing Department will send you the Oakland Schools logo, along with administrative guidelines. Prior to including this logo on any company documents and/or correspondence, you should send said document to my attention (via e-mail; michael.rangos@oakland.k12.mi.us) for review and approval.
- Customers are expected to place orders directly with Robert Cohen Co., LLC.
- Agency fees are to be paid by Robert Cohen Co., LLC, directly to Oakland Schools. Checks should be made out to Oakland Schools and sent to my attention.

It should be clearly understood, any purchase order/contract entered into between Robert Cohen Co., LLC and any applicable State of Michigan entity, shall be between Robert Cohen Co., LLC and said entity (not Oakland Schools).

If you have any questions, please feel free to contact me at 248-209-2209.

Sincerely,

Mike Rangos - Director, Regional Services
Oakland Schools

B. ACCEPTANCE OF BID AND CONTRACT AWARD

AEPA IFB 008 E HARDWOOD & SYNTHETIC FLOORING

**ACCEPTANCE OF BID
and
CONTRACT AWARD**

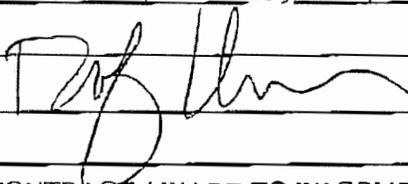
TO BE COMPLETED BY BIDDER

In compliance with the Invitation to Bid, the undersigned warrants that I/we have examined the Instructions to Bidders, and, being familiar with all of the conditions surrounding the proposed projects, hereby offer and agree to furnish all labor, materials, and supplies incurred in compliance with all terms, conditions, specifications and amendments in the INVITATION TO BID and any written exceptions to the bid. Signature also certifies understanding and compliance with the certification requirements of the Agency Terms and Conditions and the special Terms and Conditions. The undersigned understands that his/her competence and responsibility and that of his proposed subcontractors, time of completion, as well as other factors of interest to the Agency as stated in the evaluation section will be a consideration in making the award.

Company Name Robert Cohen Company, LLC Date 10/22/07

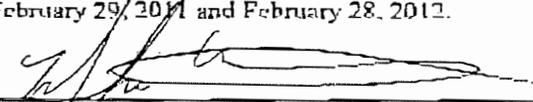
Company Address 2655 Pan American Fwy Ste E City Albuquerque State NM Zip 87107

Contact Person Robert Cohen Title Managing Member

Authorized Signature (ink only)  Title Managing Member

ACCEPTANCE OF BID AND CONTRACT AWARD TO BE COMPLETED ONLY BY AGENCY

Your bid for contracting services is hereby accepted. As contractor, you are now bound to sell the materials and services listed by the attached bid based upon the solicitation, including all terms, conditions, specifications, amendments as set forth in the Invitation for Bid. As contractor you are hereby cautioned not to commence any billable work or provide any material or service under this contract until contractor receives an executed purchase order from the Agency. The parties intend this contract to constitute the final and complete agreement between the Agency and contractor, and no other agreements, oral or otherwise, regarding the subject matter of this contract, shall bind any of the parties hereto. No change or modification of this contract shall be valid unless it shall be in writing and signed by both parties to this contract. If any provision of this contract is deemed invalid or illegal by any appropriate court of law, the remainder of this contract shall not be affected thereby. The term of the agreement shall commence on award and continue until February 28, 2009 unless terminated, canceled or extended. By mutual written agreement, the contract may be extended for three additional 12-month periods ending on February 28, 2010, February 28, 2011 and February 28, 2012.

Awarding Agency: 

Agency Executive Oakland Schools - Michigan

Awarded this 4th day of February 2008 Contract Number

AEPA IFB 008-E, Part C, HARDWOOD & SYNTHETIC FLOORING



CITY COUNCIL ACTION REPORT

June 24, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Standard Purchasing Resolution 4: Award – Macomb County Cooperative Purchasing Agreement – Fleet Vehicle

Background

- Signature Ford is one of the low bidders in the Macomb County cooperative bid.
- The vehicle being purchased will replace vehicles sold at auction.
- To reduce the City's consumption of fuel, the Fleet Division recommends the purchase of a hybrid vehicle to be used by City Inspectors that travel throughout Troy's subdivisions with multiple stops. The vehicles currently used by the inspectors average between 17 to 20 MPG for mid-size sedans and 10 to 12 MPG for mid-size pickups. The recommended hybrid will average between 30 and 34 MPG and also has an 8-year, 100,000 mile warranty on the hybrid components. This is just another step the Fleet Division is taking in "**Greening the Fleet**" and reducing future fuel consumption.

Financial Considerations

- Funds are available in the Public Works Fleet Division capital account # 5657981.
- The Fleet Maintenance Division has sufficient funds in the capital budget to cover the additional \$6,052.00.

	<u>BUDGET</u>	<u>UNIT COST</u>	<u>ESTIMATED TOTAL</u>
<u>SIGNATURE FORD, L-M, JEEP</u>			
(1) Ford Escape Hybrid AWD	<u>\$ 18,500.00</u>	\$24,552.00	<u>\$ 24,552.00</u>
ESTIMATED TOTAL	\$ 18,500.00		\$ 24,552.00

Legal Considerations

- There are no legal considerations associated with this item.

Policy Considerations

- The vehicle is used on a daily basis to assure proper and proactive Public Works service (Goal I & V).
- The purchase of the Public Works vehicle would assure the safety and welfare of citizens and businesses and also reduce the liability for the City. (Goal I & V).

Options

- City management and the Public Works Fleet Division recommend awarding a contract to provide one (1) 2008 Ford Escape Hybrid AWD for Public Works from Signature Ford, L-M, Jeep of Owosso, MI through the Macomb County purchasing agreement at an estimated total cost of \$24,552.00.



CITY COUNCIL ACTION REPORT

June 24, 2008

TO: Phillip L. Nelson, City Manager

FROM: Susan A. Leirstein, Purchasing Director
Charles T. Craft, Police Chief
William S. Nelson, Fire Chief

SUBJECT: Standard Purchasing Resolution 8: Best Value Award – Public Safety Field Communications Unit

Background

- The City has received specialized public safety communications equipment through homeland security grants over the past several years.
- This equipment was installed in an existing fire department 1996 Ford van as a test of the concept of a public safety field communications unit.
- The unit has been deployed at a number of scheduled events and incident scenes and has substantially enhanced the operations through the use of the on-board radio, data, and video equipment.
- The existing van has not proven suitable for continued use due to limited storage space, no on-board 115 volt power supply, limited 12 volt power supply and low headroom for personnel working in the vehicle.
- A Request for Proposal for a new vehicle was issued and opened on May 8, 2008 with five responses received from four qualified vendors.
- The RFP's were evaluated by a team of fire and police personnel and scored based on layout, design, references, similar projects completed, engineering expertise, and price.
- The proposal from Gerling and Associates received the highest score based on the above criteria.
- Gerling and Associates facilities are located in Sunbury, Ohio which is approximately 200 miles from Troy resulting in lower delivery and maintenance costs; and Gerling maintains a 24/7 service facility in which work will commence within 12 hours of equipment delivery to the site.

Financial Considerations

- Funds are budgeted in the 2007/08 Fire Operations capital account #401.336.338.7984 and the Police department drug forfeiture account #401.301.10.305.7978.065.

Legal Considerations

- RFP-COT 08-16, Public Safety Field Communications Unit was competitively bid as required by City Charter and Code.

June 24, 2008

To: Phillip L. Nelson, City Manager
Re: Best Value Award – PS Field Communications Unit

Policy Considerations

- This project addresses the following City Council goals:
 - Goal I - Enhance the livability and safety of the community
 - Goal II - Minimize the cost and increase the efficiency and effectiveness of City government.

Options

- City management recommends awarding a contract to furnish all labor, material, tools, equipment and construction drawings to provide one (1) new public safety field communications unit to the lowest cost and highest rated bidder, Gerling & Associates Inc of Sunbury, Ohio, as a result of a best value process, for an estimated total cost of \$125,670.00.

In addition, staff recommends rejecting the delivery cost options under additional costs and opts to pick-up the completed unit in Ohio, once ready for final inspection.



EXECUTIVE SUMMARY

PUBLIC SAFETY FIELD COMMUNICATION UNIT

STATISTICS:

- ◆ **One-Hundred Fourteen (114) Firms notified via the MITN e-procurement website**
- ◆ **Five (5) proposals were received**
- ◆ **All Four (4) Companies met the Pass/Fail Criteria.**
- ◆ **Gerling & Associates received the highest weighted score as a result of a best value process.**

The following bidders submitted a proposal and received the indicated final scores:

Company	SCORE
Gerling & Associates, Inc.	86
Frontline Communications	82
Bickford Vehicles	67
Essco, L-3 Communications / Wolf Coach, Inc. - B	60
Essco, L-3 Communications / Wolf Coach, Inc. - A	46

Attachments:

- ✓ Weighted Final Scoring including layout design and assembly and price score
- ✓ Evaluation Process
- ✓ Original tabulation



WEIGHTED FINAL SCORING
Public Safety Field Communications Unit

Final Score Calculation:

50% x Layout Design & Assembly
40% x Price
~~10% x Interview Score~~ (Deleted Phase)
100% = Final Weighted Score

In order to equate the price to the weighted evaluation process scoring, the prices had to be converted into a score with the base of 100. **NOTE:** Vendors are listed in order of their score for layout design and assembly from highest to lowest. Vendors are noted for their price score in the same order as the layout design score. For the final score the vendors are listed in the order of rating from highest to lowest.

Weighted Average Score for Layout Design & Assembly: 50%

Raters:	1	2	3	4	AVERAGE
Vendors:					
Gerling & Associates, Inc.	94	90	92	90	92
Bickford Vehicles	91	85	84	85	86
Frontline Communications	91	87	77	84	85
Essco, L-3 Com/Wolf Coach, Inc.- A	86	85	77	79	82
Essco, L-3 Com/Wolf Coach, Inc.- B	64	58	62	60	61

Weighted Average Score for Price Score: 40%

Vendors:	FORMULA: $[1 - (\text{Proposal price} - \text{low price}) / \text{low price}] \times \text{available points}$	Weighted Criteria - Difference in costs
Gerling & Associates, Inc.	$[1 - (125670 - 125670) / 125670] \times 100$	100
Frontline Communications	$[1 - (129898 - 125670) / 125670] \times 100$	97
Essco, L-3 Comm/Wolf Coach, Inc - B	$[1 - (161311 - 125670) / 125670] \times 100$	72
Bickford Vehicles	$[1 - (174286 - 125670) / 125670] \times 100$	61
Essco, L-3 Comm/Wolf Coach, Inc.- A	$[1 - (234482 - 125670) / 125670] \times 100$	13

FINAL WEIGHTED SCORE:

VENDORS:	Gerling & Associates, Inc	Frontline Communications	Bickford Vehicles	Essco, /Wolf Coach Inc. - B	Essco /Wolf Coach, Inc.- A
Score					
Layout Design & Assembly: (x 50) =	92 x .50 = 46	85 x .50 = 43	86. x .50 = 43	61 x .50 = 31	82 x .50 = 41
Price Score: (x .40) =	100 x .40 = 40	97 x .40 = 39	61 x .40 = 24	72 x .40 = 29	13 x .40 = 5
Final Score:	86	82	67	60	46

**** HIGHEST RATED VENDOR – RECOMMENDED AWARD**



SELECTION PROCESS

CRITERIA FOR SELECTION

The identified Committee will review the proposals. The City of Troy reserves the right to award this proposal to the firm considered the most qualified based upon a combination of factors including but not limited to the following:

- A. Compliance with qualifications criteria
- B. Completeness of the proposal and drawings
- C. Financial strength and capacity of the company
- D. Specific experience and technical competency
- E. Insight related to this project that meets the City's needs
- F. Any other factors which may be deemed to be in the City's best interest
- G. Evaluation Process**

Phase 1: Minimum Qualifications Evaluation

Company's will be required to meet minimum established criteria in order to go to the second phase of the process.

Phase 2: Evaluation of Proposals

Each Committee member will independently use a weighted score sheet to evaluate the proposals and drawings; each Committee Member will calculate a weighted score. The scores of the Committee Members will be averaged into one score for each firm for this phase of the process.

Phase 3: Interview Score – Optional -

The City of Troy Fire and Police Departments, at their option, will invite at least the top three (3) rated company's to participate in an interview. If less than three (3) candidates remain in the process, all will be interviewed. Each Committee Member will independently use a weighted score sheet to evaluate the Interview; each Committee Member will calculate a weighted score. The scores of the Committee Members will be averaged into one score for each firm for this phase of the process. Those being interviewed may be supplied with further instructions and requests prior to the interview. Persons representing the Company at the interview must be the personnel who will be assigned to this project.

Phase 4: Price

Points for price will be calculated as follows:

$$\text{FORMULA: } \{1 - (\text{Proposal Price} - \text{Low Price}) / \text{low price}\} \times \text{available points}$$

Phase 5: Final Scoring and Selection

The firm with the highest final weighted score will be recommended to the Troy City Council for Award.

50% Proposal & Drawings Score	(100 point base)
40% Price Score	(100 point base)
<u>10% Interview Score</u>	(100 point base)
100%	

Note: The City of Troy reserves the right to change the order or eliminate an evaluation phase if deemed in the City's best interest to do so.

Opening Date - 5/8/08
 Date Prepared- 6/24/08 (sl)

CITY OF TROY
 RFP TABULATION
 PUBLIC SAFETY FIELD COMMUNICATIONS UNIT

RFP-COT 08-16
 Page 1 of 2

VENDOR NAME:	Gerling & Associates, Inc.	Frontline Communications	Essco, L-3 Communications Wolf Coach Alternate	Bickford Vehicles
PROPOSAL: FURNISH ALL LABOR, TOOLS, MATERIALS, EQUIPMENT, AND CONSTRUCTION DRAWINGS TO PROVIDE ONE (1) NEW PUBLIC SAFETY FIELD COMMUNICATIONS UNIT				
FIVE (5) COPIES Y or N	Yes	Yes	Yes	Yes
VENDOR QUESTIONNAIRE:	Yes	Yes	Yes	Yes
COMPLETE FOR THE SUM OF:	\$ 125,670.00	\$ 129,898.00	\$ 161,311.00	\$ 174,286.00
Model:	Sentry Class MCC	C-22A	Sprinter	Centurion S
Manufactured By:	Gerling & Assoc. Inc	Frontline	Wolf Coach	Bickford Vehicles
Factory Location:	138 Stelzer Ct Sunbury, Ohio 43074	12770 44th Street Clearwater, Fl 33762	Auburn, Mass	4001 Westfax Dr Chantilly, VA 20151
INCLUDES: TMD-7-42-35x	\$ 15,770.00	\$ 11,200.00	\$ 8,280.00	\$ 10,503.00
ALTERNATE: TMD-7-34-15x	\$ 12,020.00	\$ 6,200.00	\$ 4,700.00	\$ (5,040.00)
OPTIONAL:				
Deliver Cost to Manufacturer	\$ -	\$ -	\$ -	\$ -
Deliver Cost to City of Troy	\$ 830.00	\$ 2,500.00	\$ 2,598.00	\$ 2,949.00
REQUIRED DRAWINGS: Marked	DWG	50608	1678-A	Drawings
TECHNICAL DATA: Marked	Technical Data	N/A	1678-A	Proposal
DELIVERY DATE:				
Can Meet Schedule	XX	XX	XX	XX
Cannot Meet Schedule but offers:	95 Days ARO			
CONTACT INFORMATION:				
Hours of Operations	24/7	7 AM to 6:30 PM	508.791.1950	6 AM to 5 PM
24 Hr Contact No.	614.296.1454	727.419.1112	508.304.2462	571.243.8018
SERVICE/PARTS FACILITY:				
Location:	200 Miles from Troy, MI	Frontline Plant Clearwater, Fl	Auburn, Massachusetts or customer location	Bickford Vehicles
Inventory of Parts	Per Warranty	245,000.00	TBD	50,000.00
Service - commence	12 hours	48 hours	ASAP	48 hours
TERMS	Ex-Works Acceptance	50% dep/Bal due -acctpt	1/3's - PO/midpoint/completion	0%, 30 days
WARRANTY:	AS SPECIFIED			
DELIVERY:	AS SPECIFIED - 120 days			
EXCEPTIONS	No Exceptions	Noted on bid - Terms/Warranty	Attached to Bid	Blank
ACKNOWLEDGEMENT - Signed	Yes	Yes	Yes	Yes
FORMS: Legal Status Y or N	Yes	Yes	Yes	Yes
Non-Collusion Y or N	Yes	Yes	Yes	Yes

ATTEST:
 Donald Mouch
 Diane Fisher
 Linda Bockstanz
 G:/RFP-COT 08-16 Field Communication Unit.xls

Susan Leirstein CPPB
 Purchasing Director

Opening Date - 5/8/08
Date Prepared- 6/24/08 (sl)

VENDOR NAME:

Essco, L-3 Communications			
Wolf Coach			

PROPOSAL: FURNISH ALL LABOR, TOOLS, MATERIALS, EQUIPMENT, AND CONSTRUCTION DRAWINGS TO PROVIDE ONE (1) NEW PUBLIC SAFETY FIELD COMMUNICATIONS UNIT

FIVE (5) COPIES	Y or N	Yes		
VENDOR QUESTIONNAIRE:		Yes		
COMPLETE FOR THE SUM OF:		\$ 234,482.00		
Model:		Sprinter		
Manufactured By:		Wolf Coach		
Factory Location:		Auburn, Mass		
INCLUDES: TMD-7-42-35x		Without install \$ 8,280.00		
ALTERNATE: TMD-7-34-15x		\$ 4,700.00		
OPTIONAL:				
Deliver Cost to Manufacturer		\$ -		
Deliver Cost to City of Troy		\$ 2,598.00		
REQUIRED DRAWINGS:	Marked	1688-A		
TECHNICAL DATA:	Marked	1688-A		
DELIVERY DATE:				
Can Meet Schedule		XX		
Cannot Meet Schedule but offers:				
CONTACT INFORMATION:				
Hours of Operations		508.791.1950		
24 Hr Contact No.		508.304.2462		
SERVICE/PARTS FACILITY:				
Location:		Auburn, Massachusetts or customer location		
Inventory of Parts		TBD		
Service - commence		ASAP		
TERMS		1/3's - PO/midpoint/completion		
WARRANTY:		AS SPECIFIED		
DELIVERY:		AS SPECIFIED - 120 days		
EXCEPTIONS		Attached to Bid		
ACKNOWLEDGEMENT - Signed		Yes		
FORMS:				
Legal Status	Y or N	Yes		
Non-Collusion	Y or N	Yes		



CITY COUNCIL ACTION REPORT

June 24, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager/Finance & Administration
Mary Redden, Administrative Assistant to the City Manager

SUBJECT: Standard Purchasing Resolution 9: Approval to Expend Funds for Membership Dues and Membership Renewals Over \$10,000: Southeast Michigan Council of Governments (SEMCOG)

BACKGROUND

As southeast Michigan's regional planner, SEMCOG's essential functions include:

- Assisting local governments in planning for common needs and in recognizing regional opportunities.
- Facilitating cooperation among local governments, educational institutions, and state and federal agencies for mutual benefit.
- Advocating for changes in public policy when state or federal legislative action is necessary.

The City of Troy has been a member of SEMCOG since 1968.

FINANCIAL CONSIDERATIONS

Funds are available in Council's membership and dues account.

LEGAL CONSIDERATIONS

There are no legal considerations associated with this item.

POLICY CONSIDERATIONS

There are no policy considerations associated with this item.

RECOMMENDATION

Staff recommends authorization of the expenditure of funds for membership dues to SEMCOG in the amount of \$11,390.00 for the period of July 15, 2008 - July 15, 2009.

070108

SEMCOG
Southeast Michigan Council of Governments
535 Griswold Street • Suite 300 • Detroit, Michigan 48226
(313) 961-4266 • FAX (313) 961-4869

Sales Order #: 2008

RECEIVED

MEMBERSHIP NOTICE

City Of Troy
500 W. Big Beaver Road
Troy, MI 48084

JUN 23 2008

CITY OF TROY
CITY MANAGER'S OFFICE

Invoice Date

LOCAL-A

07/01/2008

07/01/2008

2008 Membership Dues

Invoice Amount \$11,390.00

SEMCOG, serving local units of government and education in the seven-county region of Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw and Wayne

INVOICE
Annual Membership in
Southeast Michigan Council of Governments

For the Period From July 15, 2008

To July 15, 2009

[The annual contribution is established by the by-laws and action of the General Assembly]

Membership Fee \$11,390.00

Balance Due \$11,390.00

Please enclose yellow copy with remittance to insure proper credit



CITY COUNCIL ACTION REPORT

June 18, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Standard Purchasing Resolution 4: – MITN Cooperative Award – City of Rochester Hills Single Axle Dump Truck

Background

- Wolverine Truck Sales, Inc. is the low bidder as a result of a formal bid process hosted by the City of Rochester Hills and extended to members of the Michigan Intergovernmental Trade Network (MITN) Purchasing Cooperative.
- The vehicle being purchased is a replacement vehicle.

Financial Considerations

- Funds are available in the Public Works Fleet Division capital account # 565.7981.

	<u>BUDGET</u>	<u>UNIT COST</u>	<u>TOTAL</u>
Sterling L 8500 Cab and Chassis with 5-7 yard dump body, plow and salt spreader	<u>\$140,000.00</u>	\$129,605.00	<u>\$129,605.00</u>
	\$140,000.00		\$129,605.00

Legal Considerations

- There are no legal considerations associated with this item.

Policy Considerations

- The dump truck is used on a daily basis to ensure proper and proactive road maintenance (Goal I & V).
- The purchase of the dump truck would assure the safety and welfare of citizens and businesses and also reduce the liability for the City. (Goal I & V).

Options

- City management and the Public Works Fleet Division request authorization to purchase from the low bidder, Wolverine Truck Sales, Inc. of Dearborn, MI, as a result of a MITN Cooperative Award, (1) one 2009 Sterling L 8500 5-7 yard dump truck with snow plow and salt spreader for an estimated total cost of \$129,605.00.



3550 Wyoming • Dearborn, MI 48120 • (313) 849-0800

June 18, 2008

City of Troy
Mr. Sam Lamerato

RE: Troy use of Rochester Hills Bid
Requested Changes / Pricing Revision

As per our letter of 10/16/07, The City of Troy has the opportunity to utilize the City of Rochester Hills Bid of 1/25/07 and make changes to fulfill it's specific needs.

Following are the requested changes requested by Mr. Lamerato in our meeting of 10/24/07. Revised chassis pricing to the City of Troy reflects those changes.

Original Bid Price:	\$133,858.00
Delete Body/Equipment:	<u>-67,125.00</u>
Chassis Only Cost:	\$66,733.00

Requested Changes – 1) Delete Trailer Package :	-397.00
2) Meritor Slack Adjusters :	-80.00
3) Remote Mirrors :	+225.00
4) Delete Air Conditioning:	-360.00
5) Frame Mtd. F/W Sep. :	<u>N/C</u>

Revised Chassis Cost to the City of Troy: \$66,121.00

Ken Malkowski
Sales Engineer



TRUCK EQUIPMENT

1200 S. Averill Ave Flint Mi. 48503
Phone 800-589-9100 Fax 810-744-0542

6/18/2008
City of Troy Michigan
4693 Rochester Road
Troy, Michigan 48098
Attn: Mr. Sam Lamerato

We are please to extend to you the ability to add onto the single axle dump truck contract which we currently have with Wolverine Truck and the City of Rochester Hills.

The original purchase agreement for our equipment was \$67,125.00 per truck.

Per our discussion we were able to make the following changes, and credits to the original price, and specifications.

- | | | |
|----|-------------------------------------------------|----------------|
| 1. | delete auto-lube system | - (\$3,586.00) |
| 2. | change from 34" husting hitch to 29" plow/truck | N/C |
| 3. | delete glad hands at hitch | - (\$ 55.00) |
| 4. | Underbody hoist ILO Telescopic | N/C |

TOTAL PRICE AFTER ABOVE CHANGES \$63,484.00

Best regards,
Jim Fountain



3550 Wyoming • Dearborn, MI 48120 • (313) 849-0800

June 16, 2008

City of Troy
RE: Extension of Pricing
REF: P.O. #20700456 000 OP

Mr. Lamerato,

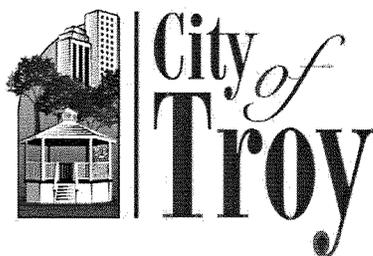
Wolverine Truck Sales, Inc. and its vendor, Knapheide Truck, will honor the referenced purchase order through July 15, 2008 allowing the City the opportunity to place an order for additional units.

All specifications, pricing, and conditions will be unchanged as long as an order is placed by the stated cut-off date.

Sincerely,

A handwritten signature in black ink, appearing to read "Ken Malkowski". The signature is fluid and cursive, with a large loop at the end.

Ken Malkowski
Sales Engineer



CITY COUNCIL ACTION REPORT

June 27, 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 08-7 – Maplelawn, Barrett and Northfield Mill & Overlay

Background:

- Bids were received and publicly read on June 27, 2008. The low bid of \$489,719.80 was submitted by Cadillac Asphalt, LLC, 4751 White Lake Road, Clarkston, MI 48346, as shown on the attached tabulation of bids.
- The Engineer's estimate at the time of bidding was \$524,664.20. The low bid is \$34,944.40 or 6.7% below the Engineer's estimate.
- The work to be performed includes approximately 16,000 square yards of pavement milling (grinding) and 3,500 tons of asphalt overlay.
- Work is scheduled to begin on Northfield by mid July and be complete by August 30, 2008. The Maplelawn and Barrett work will follow Northfield and is schedule to be complete by November 1, 2008.

Financial Considerations:

- Funds for this work are included in the 2008/09 Major Road fund, account number 401.447.479.7989.300. The budgeted amount includes funds for engineering, construction, inspection and contingencies.

Legal Considerations:

- Work was competitively bid and publicly opened with six (6) 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 Maplelawn, Barrett and Northfield Mill & Overlay project to Cadillac Asphalt, LLC, 4751 White Lake Road, Clarkston, MI 48346, for their low bid amount of \$489,719.80. In addition, we are requesting authorization to approve additional work, if needed, not to exceed 25% of the original project cost due to unknown joint conditions exposed after the milling operation and prior to placement of the asphalt overlay.

BID TABULATION

CONTRACT 07-8

MAPLELAWN, BARRETT AND NORTHFIELD MILL & OVERLAY

CITY OF TROY

OAKLAND COUNTY, MICHIGAN

Bids Due: June 27, 2008

TOTAL AMOUNT OF BID

Cadillac Asphalt	\$489,719.80 *
Ajax Paving	\$498,529.95
Barrett Paving Materials	\$509,739.15
Florence Cement	\$524,929.00
A-Six Asphalt Paving	\$537,331.00
John Carlo	\$560,439.00 *

* Corrected by Engineer



CITY COUNCIL ACTION REPORT

June 18, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services
Steven J. Vandette, City Engineer *SV*
Larysa Figol, Sr. Right-of-Way Representative *LF*

SUBJECT: Request for Acceptance of a Warranty Deed and Four Permanent Easements – Grand Troy Villas Condominiums, Sidwell #88-20-15-477-036

Background:

- In connection with the development of Grand Troy Villas Condominiums located on the west side of Rochester Road, north of Wattles, the Real Estate Department has received a Warranty Deed for Rochester Road right-of-way and four easements for water main, public utilities, sanitary sewer and emergency ingress/egress from the owners listed in the attached documents. The 16 individuals are confirmed as the owners of the property having Sidwell #88-20-15-477-036.

Financial Considerations:

- The consideration amount on each document is \$1.00.

Legal Considerations:

- The format and content of these documents is consistent with deeds and easements previously accepted by City Council.

Policy Considerations:

- The dedication of right-of-way and easements is required as part of the development process. (Goal I & V)

Options:

- City Management recommends that City Council accept the attached Warranty Deed and easements for water main, public utilities, sanitary sewer and emergency ingress/egress, consistent with our policy of accepting right-of-way and easements for property developments.

WARRANTY DEED

The Grantor(s), Raju Venkatraman and Raji Raju, husband and wife, by Srikanth Rajagopalan their attorney-in-fact whose power of attorney is attached for recording, and Panapakkam Singarachartu and Nirmala Singarachartu, husband and wife, K.K. Venkat and Hema Venkat, husband and wife, R. Rajaraman and Ranjani Rajaraman, husband and wife, Bala K. Murthy and Revathi Murthy, husband and wife, Sridhar Rajagopalan and Sujatha S. Rajagopalan, husband and wife, Srikanth Rajagopalan and Aruna Srikanth, husband and wife, Jay Shankar Balan and Sandya Shankar, husband and wife

whose address is 6857 Maple Creek Blvd, West Bloomfield, MI 48322

convey(s) and warrant(s) to The City of Troy, a Michigan Municipal Corporation, Grantee

whose address is 500 West Big Beaver Road, Troy, MI 48084

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

Part of the SE ¼ of Section 15, T2N, R11E, City of Troy, Oakland County, Michigan, being more particularly described as follows:

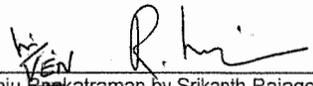
Beginning at a point which is N.00°16'21"W. 807.40 feet along the East Line of Rochester Road (150'wd.) and due west 43.00 from the southeast corner of said Section 15; thence continuing due west 32.00 feet; thence N00°16'21"W 244.46 feet; thence S89°52'34"E 32 feet; thence S00°16'21"E 244.39 feet to the point of beginning. Containing 0.18 acres of land more or less.

For the sum One Dollar and no/100 (\$ 1.00)

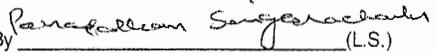
subject to easements and building and use restrictions of record and further subject to

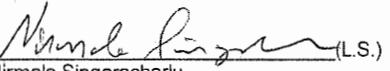
Dated this 11 of MARCH, 2008.

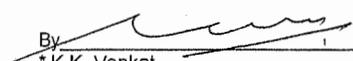
Signed by:

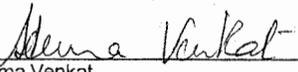
By  (L.S.)
* Raju Venkatraman by Srikanth Rajagopalan
his attorney-in-fact

By  (L.S.)
* Raji Raju by Srikanth Rajagopalan her
attorney-in-fact

By  (L.S.)
* Panapakkam Singarachartu

By  (L.S.)
* Nirmala Singarachartu

By  (L.S.)
* K.K. Venkat

By  (L.S.)
* Hema Venkat

By *R. Rajaraman* (L.S.)
 * R. Rajaraman

By *Ranjani Rajaraman* (L.S.)
 * Ranjani Rajaraman

By *Bala K. Murthy* (L.S.)
 * Bala K. Murthy

By *Revathi Murthy* (L.S.)
 * Revathi Murthy

By *Sridhar Rajagopalan* (L.S.)
 * Sridhar Rajagopalan

By *Sujatha S. Rajagopalan* (L.S.)
 * Sujatha S. Rajagopalan

By *Srikanth Rajagopalan* (L.S.)
 * Srikanth Rajagopalan

By *Aruna Srikanth* (L.S.)
 * Aruna Srikanth

By *Jay Shankar Balan* (L.S.)
 * Jay Shankar Balan

By *Sandya Shankar* (L.S.)
 * Sandya Shankar

STATE OF MICHIGAN)
 COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 11 day of MARCH, 2008, by Raju Venkatraman and Raji Raju, husband and wife, by Srikanth Rajagopalan their attorney-in-fact whose power of attorney is attached for recording, and Panapakkam Singaracharlu and Nirmala Singaracharlu, husband and wife, K.K. Venkat and Hema Venkat, husband and wife, R. Rajaraman and Ranjani Rajaraman, husband and wife, Bala K. Murthy and Revathi Murthy, husband and wife, Sridhar Rajagopalan and Sujatha S. Rajagopalan, husband and wife, Srikanth Rajagopalan and Aruna Srikanth, husband and wife, Jay Shankar Balan and Sandya Shankar, husband and wife

Subramanian Ramamurthy
 Notary Public, OAKLAND County, Michigan
 My commission expires: NOV 18, 2014
 Acting in _____
 My commission expires on _____

SUBRAMANIAN RAMAMURTHY
 NOTARY PUBLIC, STATE OF MI
 COUNTY OF OAKLAND
 MY COMMISSION EXPIRES Nov 18, 2014
 ACTING IN COUNTY OF _____

County Treasurer's Certificate		City Treasurer's Certificate	
When recorded return to: City Clerk, City of Troy 500 West Big Beaver Road Troy, MI 48084	Send subsequent tax bills to: Grantee	Drafted by: 500 West Big Beaver Road Troy, MI 48084	

Tax Parcel #88-20-15-477-036 Recording Fee _____ Transfer Tax _____

*TYPE OR PRINT NAMES IN BLACK INK UNDER SIGNATURES

ROCHESTER ROAD R.O.W. DEDICATION

EAST 1/4 CORNER
SECTION 15
T2N., R11E.
L. 17277, P. 657

S 89°52'34" E 282.01'

N 00°16'21" W 365.00'

PARCEL
2.27 Acres

S 89°52'34" E
32.00'

N 00°16'21" W 244.46'
R.O.W. DEDICATION
S 00°16'21" E 244.39'
S 00°16'21" E 244.39'

EAST LINE OF
SECTION 15
Q ROCHESTER ROAD 150' WD.

DUE WEST 32.00' P.O.B. EASE.

DUE WEST 32.00' DUE WEST 43.00'

S 00°16'21" E 120.00'

N 00°16'21" W 807.40'

DUE WEST 250.00'

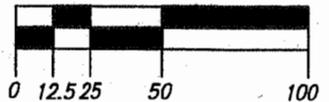
DUE WEST 75.00'

P.O.B. PARCEL

N 00°16'21" W 687.40'

SOUTHEAST CORNER
SECTION 15
T2N., R11E.
L. 17038, P. 728

GRAPHIC SCALE: 1" = 50'



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CLIENT: SRI RAJAGOPALAN
DATE: 11/01/07 JS



FORMERLY
MCS ASSOCIATES, INC.
4444 MOUND ROAD, SUITE 100
STERLING HEIGHTS, MICHIGAN 48314
TELEPHONE (586) 726-9111 FAX (586) 726-9112
WEBSITE: www.jjassociates.net

JJ-07-367
SHEET 1 OF 2

PERMANENT EASEMENT

Sidwell #88-20-15-477-036
Resolution #

Raju Venkatraman and Raji Raju, husband and wife, by Srikanth Rajagopalan their attorney-in-fact whose power of attorney is attached for recording, and Panapakkam Singaracharlu and Nirmala Singaracharlu, husband and wife, K.K. Venkat and Hema Venkat, husband and wife, R. Rajaraman and Ranjani Rajaraman, husband and wife, Bala K. Murthy and Revathi Murthy, husband and wife, Sridhar Rajagopalan and Sujatha S. Rajagopalan, husband and wife, Srikanth Rajagopalan and Aruna Srikanth, husband and wife, Jay Shankar Balan and Sandya Shankar, husband and wife, whose address is 6857 Maple Creek Blvd, West Bloomfield, MI 48322 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace watermain, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

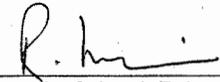
SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

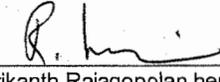
and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

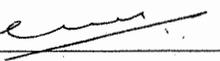
IN WITNESS WHEREOF, the undersigned hereunto affixed 16 signature(s) this 11 day of MARCH, 2008.

By VEN  (L.S.)
* Raju Venkatraman by Srikanth Rajagopalan
his attorney-in-fact

By  (L.S.)
* Raji Raju by Srikanth Rajagopalan her
attorney-in-fact

By Panapakkam Singaracharlu (L.S.)
* Panapakkam Singaracharlu

By Nirmala Singaracharlu (L.S.)
* Nirmala Singaracharlu

By  (L.S.)
* K.K. Venkat

By Hema Venkat (L.S.)
* Hema Venkat

By Rajaraman (L.S.)
* R. Rajaraman

By Ranjani Rajaraman (L.S.)
* Ranjani Rajaraman

By Bala K. Murthy (L.S.)
* Bala K. Murthy

By Revathi Murthy (L.S.)
* Revathi Murthy

By Sridhar Rajagopalan (L.S.)
* Sridhar Rajagopalan

By Sujatha S. Rajagopalan (L.S.)
* Sujatha S. Rajagopalan

By Srikanth Rajagopalan (L.S.)
* Srikanth Rajagopalan

By Aruna Srikanth (L.S.)
* Aruna Srikanth

By Jay Shankar Balan (L.S.)
* Jay Shankar Balan

By Sandya Shankar (L.S.)
* Sandya Shankar

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 11 day of MARCH, 2008 by Raju Venkatraman and Raji Raju, husband and wife, by Srikanth Rajagopalan their attorney-in-fact whose power of attorney is attached for recording, and Panapakkam Singaracharlu and Nirmala Singaracharlu, husband and wife, K.K. Venkat and Hema Venkat, husband and wife, R. Rajaraman and Ranjani Rajaraman, husband and wife, Bala K. Murthy and Revathi Murthy, husband and wife, Sridhar Rajagopalan and Sujatha S. Rajagopalan, husband and wife, Srikanth Rajagopalan and Aruna Srikanth, husband and wife, Jay Shankar Balan and Sandya Shankar, husband and wife.

[Signature]

* Notary Public, OAKLAND County, Michigan

Acting in _____ County, Michigan

My Commission Expires Nov 18, 2014

SUBRAMANIAN RAMAMURTHY
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Nov 18, 2014
ACTING IN COUNTY OF

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

EXHIBIT "A"

WATER MAIN EASEMENT

LEGAL DESCRIPTION PARCEL (as supplied by Land Engineering Services, Inc.)

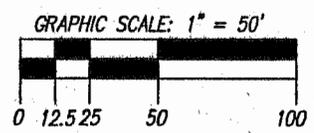
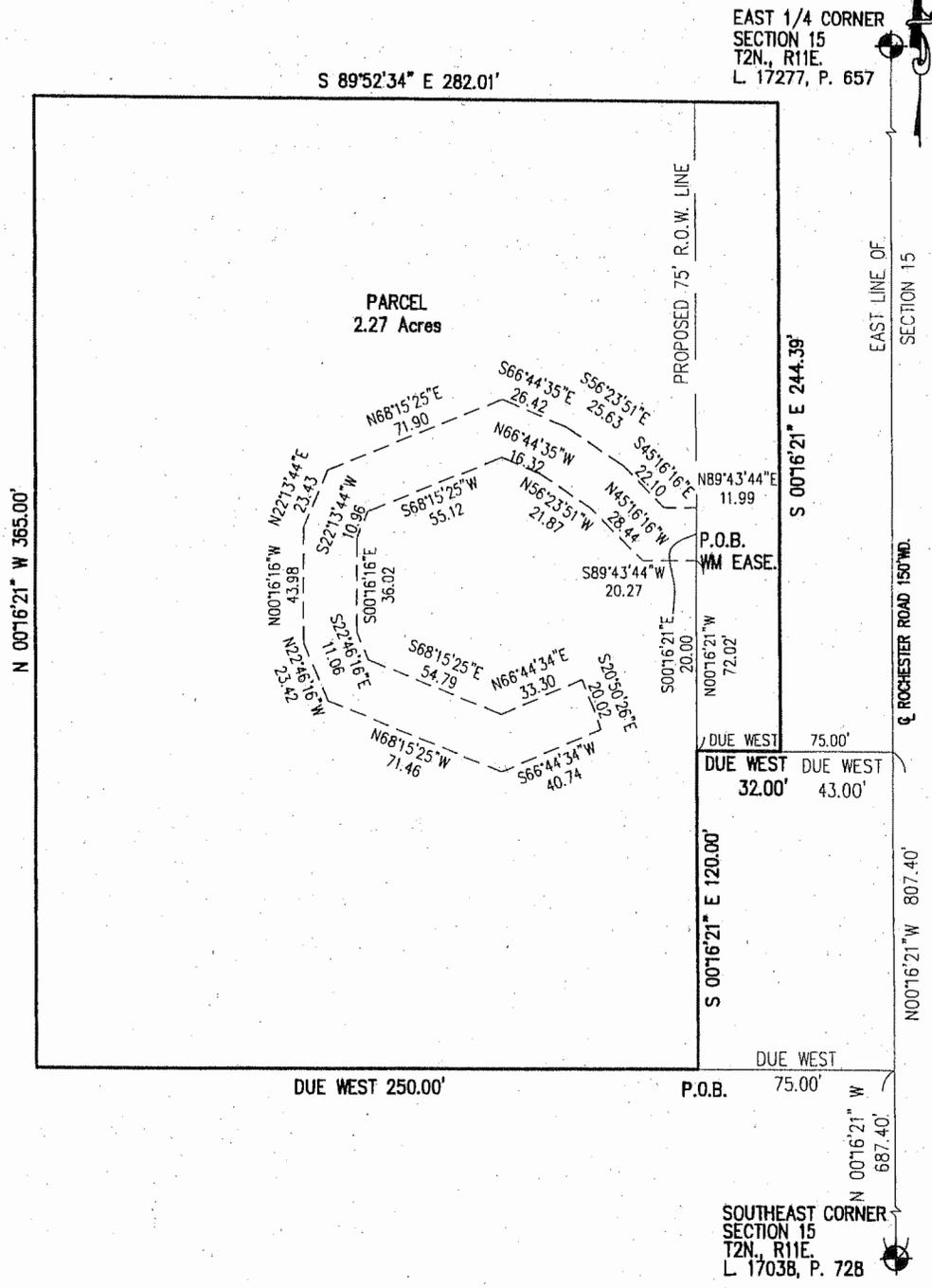
Part of SE 1/4 of Section 15, T2N., R11E., City of Troy, Oakland County, Michigan.
Commencing at Southeast Corner of said Section 15; thence N.00°16'21"W. 687.40 feet; thence West 75.00 feet to the West Right of Way line of Rochester Rd. (150' wd.) being the point of beginning; thence West 250.00 feet; thence N.00°16'21"W. 365.00 feet; thence S.89°52'34"E. 282.01 feet; thence S.00°16'21"E. 244.39 feet; thence West 32.00 feet; thence S.00°16'21"E. 120.00 feet to the point of beginning.
Containing 2.27 acres of land more or less and subject to all easements and matters of record.

WATER MAIN EASEMENT

Part of SE 1/4 of Section 15, T2N., R11E., City of Troy, Oakland County, Michigan, being more particularly described as follows:

Beginning at a point which is N.00°16'21"W. 807.40 feet along the East Line of Section 15 and Due West 75.00 feet and N.00°16'21"W. 72.02 feet from the Southeast Corner of said Section 15; thence S.89°43'44"W. 20.27 feet; thence N.45°16'16"W. 28.44 feet; thence N.56°23'51"W. 21.87 feet; thence N.66°44'35"W. 16.32 feet; thence S.68°15'25"W. 55.12 feet; thence S.22°13'44"W. 10.96 feet; thence S.00°16'16"E. 36.02 feet; thence S.22°46'16"E. 11.06 feet; thence S.68°15'25"E. 54.79; thence N.66°44'34"E. 33.30 feet; thence S.20°50'26"E. 20.02 feet; thence S.66°44'34"W. 40.74 feet; thence N.68°15'25"W. 71.46 feet; thence N.22°46'16"W. 23.42 feet; thence N.00°16'16"W. 43.98 feet; thence N.22°13'44"E. 23.43 feet; thence N.68°15'25"E. 71.90 feet; thence S.66°44'35"E. 26.42 feet; thence S.56°23'51"E. 25.63 feet; thence S.45°16'16"E. 22.10 feet; thence N.89°43'44"E. 11.99 feet thence S.00°16'21"E. 20.00 feet to the point of beginning.
Containing 0.14 acres of land more or less.

WATER MAIN EASEMENT



PERMANENT EASEMENT

Sidwell #88-20-15-477-036
Resolution #

Raju Venkatraman and Raji Raju, husband and wife, by Srikanth Rajagopalan their attorney-in-fact whose power of attorney is attached for recording, and Panapakkam Singaracharlu and Nirmala Singaracharlu, husband and wife, K.K. Venkat and Hema Venkat, husband and wife, R. Rajaraman and Ranjani Rajaraman, husband and wife, Bala K. Murthy and Revathi Murthy, husband and wife, Sridhar Rajagopalan and Sujatha S. Rajagopalan, husband and wife, Srikanth Rajagopalan and Aruna Srikanth, husband and wife, Jay Shankar Balan and Sandya Shankar, husband and wife, whose address is 6857 Maple Creek Blvd, West Bloomfield, MI 48322 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace public utilities, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

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

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed 16 signature(s) this 11 day of MARCH, 2008.

By *W. VEN R. Rajagopalan* (L.S.)
* Raju Venkatraman by Srikanth Rajagopalan
his attorney-in-fact

By *R. Raju* (L.S.)
* Raji Raju by Srikanth Rajagopalan her
attorney-in-fact

By *Panapakkam Singaracharlu* (L.S.)
* Panapakkam Singaracharlu

By *Nirmala Singaracharlu* (L.S.)
* Nirmala Singaracharlu

By *K.K. Venkat* (L.S.)
* K.K. Venkat

By *Hema Venkat* (L.S.)
* Hema Venkat

By [Signature] (L.S.)
* R. Rajaraman

By [Signature] (L.S.)
* Ranjani Rajaraman

By [Signature] (L.S.)
* Bala K. Murthy

By [Signature] (L.S.)
* Revathi Murthy

By [Signature] (L.S.)
* Sridhar Rajagopalan

By [Signature] (L.S.)
* Sujatha S. Rajagopalan

By [Signature] (L.S.)
* Srikanth Rajagopalan

By [Signature] (L.S.)
* Aruna Srikanth

By [Signature] (L.S.)
* Jay Shankar Balan

By [Signature] (L.S.)
* Sandya Shankar

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 11 day of MARCH, 2008 by Raju Venkatraman and Raji Raju, husband and wife, by Srikanth Rajagopalan their attorney-in-fact whose power of attorney is attached for recording, and Panapakkam Singaracharu and Nirmala Singaracharu, husband and wife, K.K. Venkat and Hema Venkat, husband and wife, R. Rajaraman and Ranjani Rajaraman, husband and wife, Bala K. Murthy and Revathi Murthy, husband and wife, Sridhar Rajagopalan and Sujatha S. Rajagopalan, husband and wife, Srikanth Rajagopalan and Aruna Srikanth, husband and wife, Jay Shankar Balan and Sandya Shankar, husband and wife.

[Signature]
*
Notary Public, OAKLAND County, Michigan
Acting in OAKLAND County, Michigan
My Commission Expires NOV 18, 2014

SUBRAMANIAN RAMAMURTHY
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Nov 18, 2014
ACTING IN COUNTY OF

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

EXHIBIT "A"

PUBLIC UTILITY EASEMENT

LEGAL DESCRIPTION PARCEL (as supplied by Land Engineering Services, Inc.)

Part of SE 1/4 of Section 15, T2N., R11E., City of Troy, Oakland County, Michigan.

Commencing at Southeast Corner of said Section 15; thence N.00°16'21"W. 687.40 feet; thence West 75.00 feet to the West Right of Way line of Rochester Rd. (150' wd.) being the point of beginning; thence West 250.00 feet; thence N.00°16'21"W. 365.00 feet; thence S.89°52'34"E. 282.01 feet; thence S.00°16'21"E. 244.39 feet; thence West 32.00 feet; thence S.00°16'21"E. 120.00 feet to the point of beginning.

Containing 2.27 acres of land more or less and subject to all easements and matters of record.

12' WIDE EASEMENT FOR PUBLIC UTILITIES

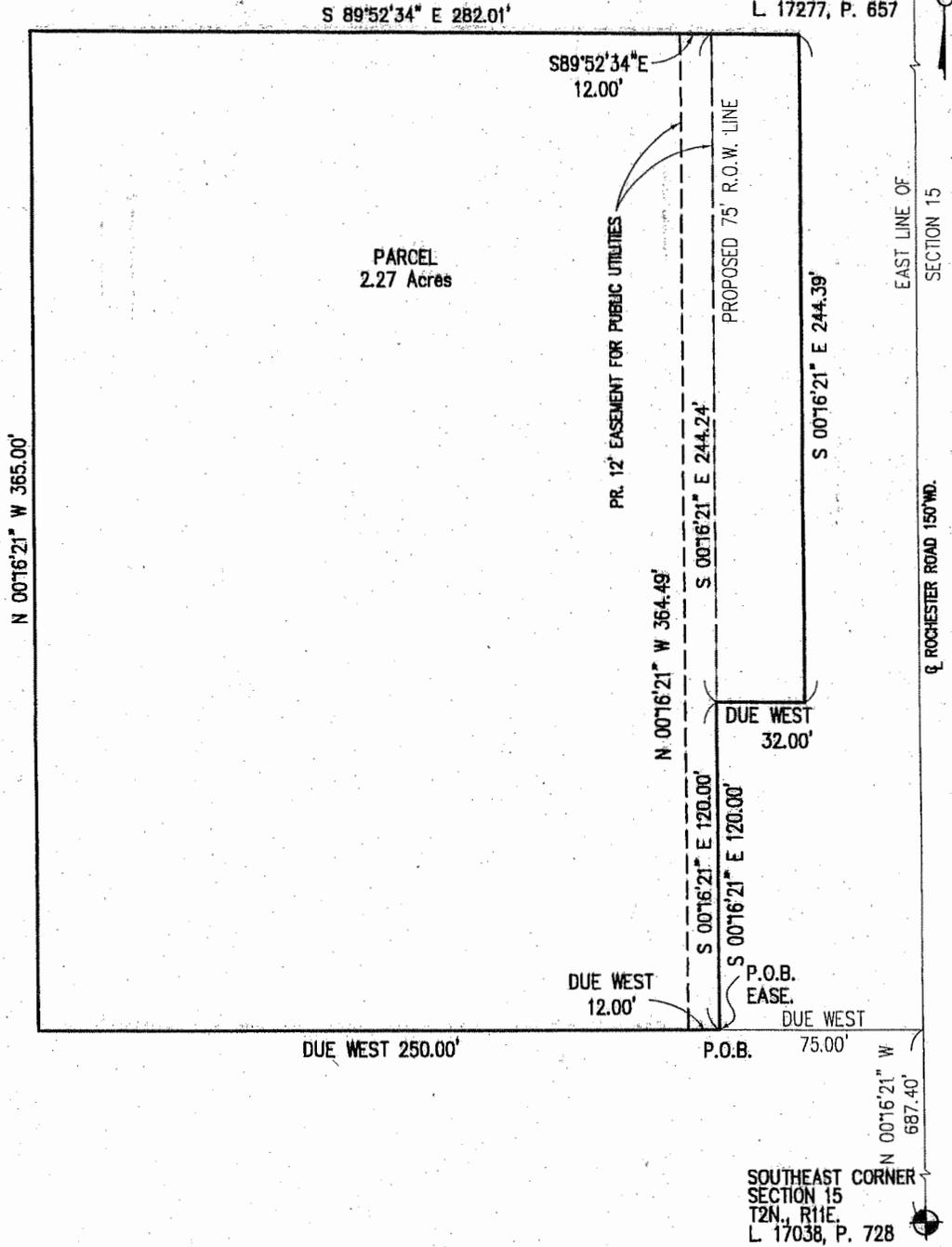
Part of SE 1/4 of Section 15, T2N., R11E., City of Troy, Oakland County, Michigan, being more particularly described as follows:

Beginning at a point which is N00°16'21"W 687.40 feet along the East Line of Section 15 being also the centerline of Rochester Road (150' wd. R.O.W.), and Due West 75.00 feet from the Southeast Corner of said Section 15; thence continuing Due West 12.00 feet; thence N00°16'21"W 364.49 feet; thence S89°52'34"E 12.00 feet; thence S00°16'21"E 244.24 feet; thence S00°16'22"E 120.00 feet along the west R.O.W. of Rochester Road to the point of beginning.

Containing 0.10 acres of land more or less.

EXHIBIT A PUBLIC UTILITY EASEMENT

EAST 1/4 CORNER
SECTION 15
T2N., R11E.
L. 17277, P. 657



S 89°52'34" E 282.01'

S89°52'34"E
12.00'

N 00°16'21" W 365.00'

PR. 12' EASEMENT FOR PUBLIC UTILITIES

N 00°16'21" W 364.49'

S 00°16'21" E 244.24'

PROPOSED 75' R.O.W. LINE

S 00°16'21" E 244.39'

DUE WEST
32.00'

S 00°16'21" E 120.00'

S 00°16'21" E 120.00'

DUE WEST
12.00'

DUE WEST

DUE WEST 250.00'

P.O.B. 75.00'

N 00°16'21" W
687.40'

SOUTHEAST CORNER
SECTION 15
T2N., R11E.
L. 17038, P. 728

GRAPHIC SCALE: 1" = 50'

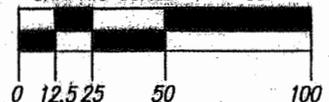


EXHIBIT "A"

WATER MAIN EASEMENT

LEGAL DESCRIPTION PARCEL (as supplied by Land Engineering Services, Inc.)

Part of SE 1/4 of Section 15, T2N., R11E., City of Troy, Oakland County, Michigan.

Commencing at Southeast Corner of said Section 15; thence N.00°16'21"W. 687.40 feet; thence West 75.00 feet to the West Right of Way line of Rochester Rd. (150' wd.) being the point of beginning; thence West 250.00 feet; thence N.00°16'21"W. 365.00 feet; thence S.89°52'34"E. 282.01 feet; thence S.00°16'21"E. 244.39 feet; thence West 32.00 feet; thence S.00°16'21"E. 120.00 feet to the point of beginning.

Containing 2.27 acres of land more or less and subject to all easements and matters of record.

WATER MAIN EASEMENT

Part of SE 1/4 of Section 15, T2N., R11E., City of Troy, Oakland County, Michigan, being more particularly described as follows:

Beginning at a point which is N.00°16'21"W. 807.40 feet along the East Line of Section 15 and Due West 75.00 feet and N.00°16'21"W. 72.02 feet from the Southeast Corner of said Section 15; thence S.89°43'44"W. 20.27 feet; thence N.45°16'16"W. 28.44 feet; thence N.56°23'51"W. 21.87 feet; thence N.66°44'35"W. 16.32 feet; thence S.68°15'25"W. 55.12 feet; thence S.22°13'44"W. 10.96 feet; thence S.00°16'16"E. 36.02 feet; thence S.22°46'16"E. 11.06 feet; thence S.68°15'25"E. 54.79; thence N.66°44'34"E. 33.30 feet; thence S.20°50'26"E. 20.02 feet; thence S.66°44'34"W. 40.74 feet; thence N.68°15'25"W. 71.46 feet; thence N.22°46'16"W. 23.42 feet; thence N.00°16'16"W. 43.98 feet; thence N.22°13'44"E. 23.43 feet; thence N.68°15'25"E. 71.90 feet; thence S.66°44'35"E. 26.42 feet; thence S.56°23'51"E. 25.63 feet; thence S.45°16'16"E. 22.10 feet; thence N.89°43'44"E. 11.99 feet thence S.00°16'21"E. 20.00 feet to the point of beginning.

Containing 0.14 acres of land more or less.

PERMANENT EASEMENT

Sidwell #88-20-15-477-036
Resolution #

Raju Venkatraman and Raji Raju, husband and wife, by Srikanth Rajagopalan their attorney-in-fact whose power of attorney is attached for recording, and Panapakkam Singaracharlu and Nirmala Singaracharlu, husband and wife, K.K. Venkat and Hema Venkat, husband and wife, R. Rajaraman and Ranjani Rajaraman, husband and wife, Bala K. Murthy and Revathi Murthy, husband and wife, Sridhar Rajagopalan and Sujatha S. Rajagopalan, husband and wife, Srikanth Rajagopalan and Aruna Srikanth, husband and wife, Jay Shankar Balan and Sandya Shankar, husband and wife, whose address is 6857 Maple Creek Blvd, West Bloomfield, MI 48322 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace sanitary sewer, said easement for land situated in the City of Troy, Oakland County, Michigan described as:

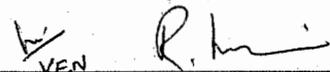
SEE EXHIBIT "A" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

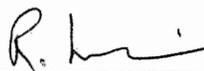
and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

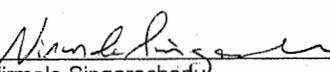
This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

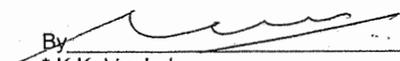
IN WITNESS WHEREOF, the undersigned hereunto affixed 16 signature(s) this 11 day of March, 2008.

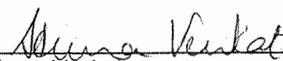
By  (L.S.)
* Raju Venkatraman by Srikanth Rajagopalan
his attorney-in-fact

By  (L.S.)
* Raji Raju by Srikanth Rajagopalan her
attorney-in-fact

Panapakkam Singaracharlu
By  (L.S.)
* Panapakkam Singaracharlu

By  (L.S.)
* Nirmala Singaracharlu

By  (L.S.)
* K.K. Venkat

By  (L.S.)
* Hema Venkat

By Rajaraman (L.S.)
* R. Rajaraman

By Ranjani Rajaraman (L.S.)
* Ranjani Rajaraman

By Bala K. Murthy (L.S.)
* Bala K. Murthy

By Revathi Murthy (L.S.)
* Revathi Murthy

By Sridhar Rajagopalan (L.S.)
* Sridhar Rajagopalan

By Sujatha S. Rajagopalan (L.S.)
* Sujatha S. Rajagopalan

By Srikanth Rajagopalan (L.S.)
* Srikanth Rajagopalan

By Aruna Srikanth (L.S.)
* Aruna Srikanth

By Jay Shankar Balan (L.S.)
* Jay Shankar Balan

By Sandya Shankar (L.S.)
* Sandya Shankar

STATE OF MICHIGAN)
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me this 11 day of MARCH, 2008 by Raju Venkatraman and Raji Raju, husband and wife, by Srikanth Rajagopalan their attorney-in-fact whose power of attorney is attached for recording, and Panapakkam Singaracharlu and Nirmala Singaracharlu, husband and wife, K.K. Venkat and Hema Venkat, husband and wife, R. Rajaraman and Ranjani Rajaraman, husband and wife, Bala K. Murthy and Revathi Murthy, husband and wife, Sridhar Rajagopalan and Sujatha S. Rajagopalan, husband and wife, Srikanth Rajagopalan and Aruna Srikanth, husband and wife, Jay Shankar Balan and Sandya Shankar, husband and wife.

[Signature]
*

Notary Public, OAKLAND County, Michigan

Acting in: _____ County, Michigan
My Commission Expires NOV 18, 2014

SUBRAMANIAN RAMAMURTHY
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Nov 18, 2014
ACTING IN COUNTY OF

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

EXHIBIT "A"

SANITARY SEWER EASEMENT

LEGAL DESCRIPTION PARCEL (as supplied by Land Engineering Services, Inc.)

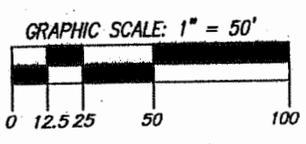
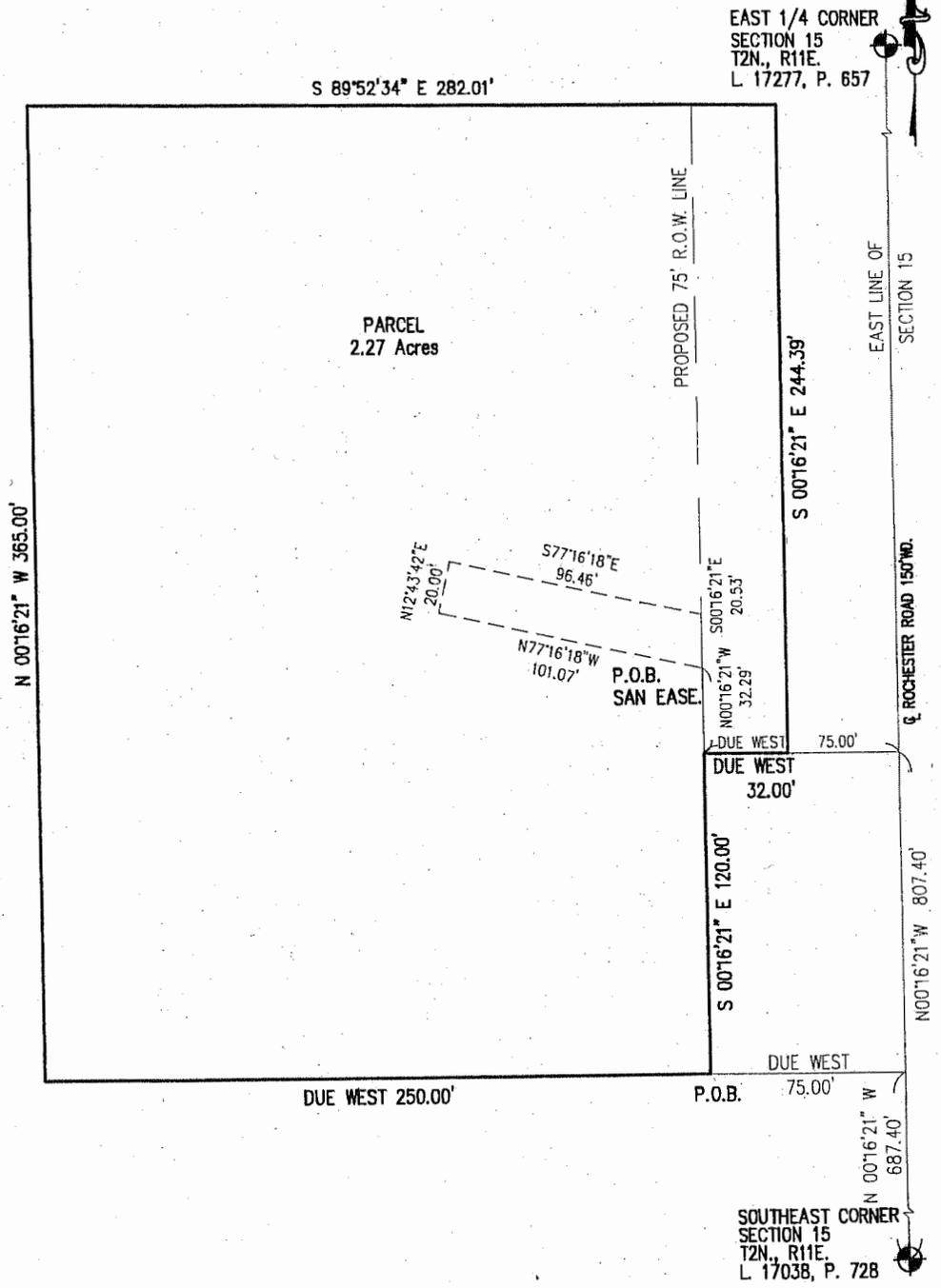
Part of SE 1/4 of Section 15, T2N., R11E., City of Troy, Oakland County, Michigan.
Commencing at Southeast Corner of said Section 15; thence N.00°16'21"W. 687.40 feet; thence West 75.00 feet to the West Right of Way line of Rochester Rd. (150' wd.) being the point of beginning; thence West 250.00 feet; thence N.00°16'21"W. 365.00 feet; thence S.89°52'34"E. 282.01 feet; thence S.00°16'21"E. 244.39 feet; thence West 32.00 feet; thence S.00°16'21"E. 120.00 feet to the point of beginning.
Containing 2.27 acres of land more or less and subject to all easements and matters of record.

20' WIDE SANITARY SEWER EASEMENT

Part of SE 1/4 of Section 15, T2N., R11E., City of Troy, Oakland County, Michigan, being more particularly described as follows:

Beginning at a point which is N00°16'21"W 807.40 feet along the East Line of Section 15 and Due West 75.00 feet and N00°16'21"W 32.29 feet from the Southeast Corner of said Section 15;
thence N.77°16'18"W. 101.07 feet; thence N.12°43'42"E. 20.00 feet; S.77°16'18"E. 96.46 feet; S.00°16'21"E. 20.53 feet to the point of beginning.
Containing 0.05 acres of land more or less. ✓

SANITARY SEWER EASEMENT



PERMANENT EASEMENT

Sidwell #88-20-15-477-036
Resolution #

Raju Venkatraman and Raji Raju, husband and wife, by Srikanth Rajagopalan their attorney-in-fact whose power of attorney is attached for recording, and Panapakkam Singarachariu and Nirmala Singarachariu, husband and wife, K.K. Venkat and Hema Venkat, husband and wife, R. Rajaraman and Ranjani Rajaraman, husband and wife, Bala K. Murthy and Revathi Murthy, husband and wife, Sridhar Rajagopalan and Sujatha S. Rajagopalan, husband and wife, Srikanth Rajagopalan and Aruna Srikanth, husband and wife, Jay Shankar Balan and Sandya Shankar, husband and wife, whose address is 6857 Maple Creek Blvd, West Bloomfield, MI 48322 for and in consideration of the sum of: One and no/100 Dollar (\$1.00) paid by the CITY OF TROY, a Michigan Municipal Corporation, Grantee, whose address is 500 West Big Beaver Road, Troy, Michigan, grants to the Grantee the right to construct, operate, maintain, repair and/or replace public utilities, storm drains, & storm sewers, & for emergency ingress/egress, & police/fire protection over, under & across the real property situated in the City of Troy , Oakland County, Michigan described as:

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

and to enter upon sufficient land adjacent to said improvement(s) for the purpose of the construction, operation, maintenance, repair and/or replacement thereof.

The premises so disturbed by the exercise of any of the foregoing powers shall be reasonably restored to its original condition by the Grantee.

This instrument shall be binding upon and inure to the benefit of the parties hereto, their heirs, representatives, successors and assigns and the covenants contained herein shall run with the land.

IN WITNESS WHEREOF, the undersigned hereunto affixed 16 signature(s) this 11 day of MARCH, 2008.

By [Signature] (L.S.)
* Raju Venkatraman by Srikanth Rajagopalan his attorney-in-fact

By [Signature] (L.S.)
* Raji Raju by Srikanth Rajagopalan her attorney-in-fact

By [Signature] (L.S.)
* Panapakkam Singarachariu

By [Signature] (L.S.)
* Nirmala Singarachariu

By [Signature] (L.S.)
* K.K. Venkat

By [Signature] (L.S.)
* Hema Venkat

By R. Rajaraman (L.S.)
* R. Rajaraman

By Ranjani Rajaraman (L.S.)
* Ranjani Rajaraman

By Bala K. Murthy (L.S.)
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By Srikanth Rajagopalan (L.S.)
* Srikanth Rajagopalan

By Aruna Srikanth (L.S.)
* Aruna Srikanth

By Jay Shankar Balan (L.S.)
* Jay Shankar Balan

By Sandya Shankar (L.S.)
* Sandya Shankar

STATE OF MICHIGAN)
COUNTY OF OAKLAND)

The foregoing instrument was acknowledged before me this 11 day of MARCH, 2008 by Raju Venkatraman and Raji Raju, husband and wife, by Srikanth Rajagopalan their attorney-in-fact whose power of attorney is attached for recording, and Panapakkam Singarachariu and Nirmala Singarachariu, husband and wife, K.K. Venkat and Hema Venkat, husband and wife, R. Rajaraman and Ranjani Rajaraman, husband and wife, Bala K. Murthy and Revathi Murthy, husband and wife, Sridhar Rajagopalan and Sujatha S. Rajagopalan, husband and wife, Srikanth Rajagopalan and Aruna Srikanth, husband and wife, Jay Shankar Balan and Sandya Shankar, husband and wife.

SUBRAMANIAN RAMAMURTHY
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Nov 18, 2014
ACTING IN COUNTY OF

S. Ramamurthy
Notary Public, OAKLAND County, Michigan
Acting in OAKLAND County, Michigan
My Commission Expires NOV 18, 2014

Prepared by: Larysa Figol
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

Return to: City Clerk
City of Troy
500 W. Big Beaver Road
Troy, MI 48084

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

EXHIBIT "A"

ROAD EASEMENT

LEGAL DESCRIPTION PARCEL (as supplied by Land Engineering Services, Inc.)

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Commencing at Southeast Corner of said Section 15; thence N.00°16'21"W. 687.40 feet; thence West 75.00 feet to the West Right of Way line of Rochester Rd. (150' wd.) being the point of beginning; thence West 250.00 feet; thence N.00°16'21"W. 365.00 feet; thence S.89°52'34"E. 282.01 feet; thence S.00°16'21"E. 244.39 feet; thence West 32.00 feet; thence S.00°16'21"E. 120.00 feet to the point of beginning.

Containing 2.27 acres of land more or less and subject to all easements and matters of record.

ROAD EASEMENT

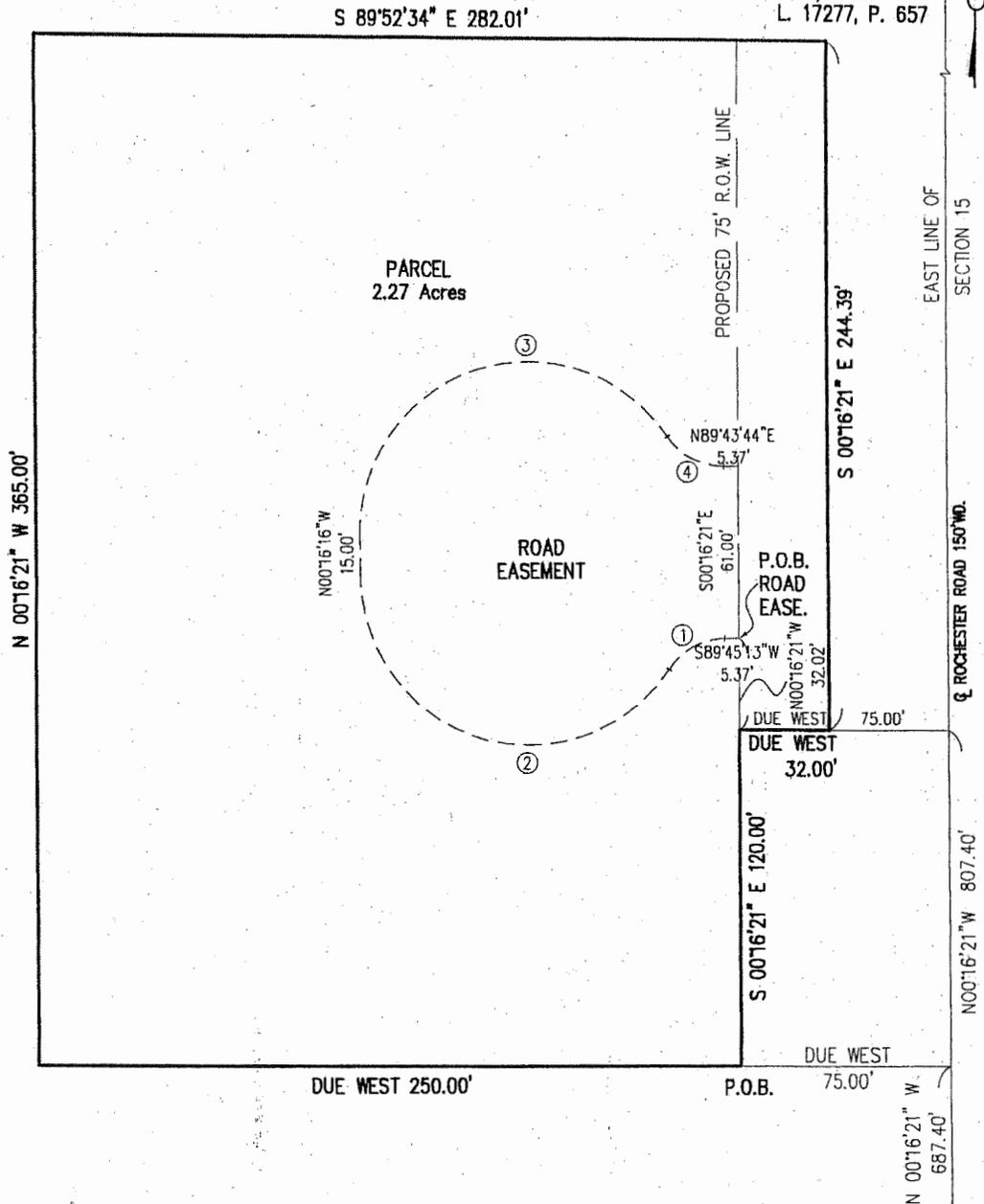
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Beginning at a point which is N.00°16'21"W. 807.40 feet along the East Line of Section 15, and Due West 75.00 feet and N.00°16'21"W. 32.02 feet from the Southeast Corner of said Section 15; thence S.89°45'13"W. 5.37 feet; thence southwesterly 23.45 feet along a curve to the left (Radius of 24.00 feet, central angle 55°58'22", long chord bears S61°44'29"W 22.52 feet); thence northwesterly 152.86 feet along a curve to the right (Radius of 60.00 feet, central angle 145°58'26", long chord bears N73°15'29"W 114.75 feet); thence N00°16'16"W 15.00 feet; thence northeasterly 152.87 feet along a curve to the right (Radius of 60.00 feet, central angle 145°58'49", long chord bears N72°43'08"E 114.75 feet); thence southeasterly 23.45 feet along a curve to the left (Radius of 24.00, central angle 55°58'49", long chord bears S62°16'52"E 22.53 feet); thence N89°43'44"E 5.37 feet; thence S00°16'21"E 61.00 feet to the point of beginning.

Containing 0.32 acres of land more or less. ✓

ROAD EASEMENT

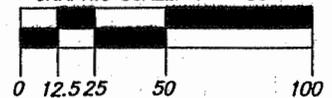
EAST 1/4 CORNER
SECTION 15
T2N., R11E.
L. 17277, P. 657



CURVE DATA

CURVE NUMBER	RADIUS	ARC LENGTH	DELTA	CHORD LENGTH	CHORD BEARING
1	24.00	23.45	55°58'22"	22.52	S 61°44'29" W
2	60.00	152.86	145°58'26"	114.75	N 73°15'29" W
3	60.00	152.87	145°58'49"	114.75	N 72°43'08" E
4	24.00	23.45	55°58'49"	22.53	S 62°16'52" E

GRAPHIC SCALE: 1" = 50'



SOUTHEAST CORNER
SECTION 15
T2N., R11E.
L. 17038, P. 728



CITY COUNCIL ANNOUNCEMENT OF PUBLIC HEARING

July 7, 2008

TO: Phillip L. Nelson, City Manager

FROM: John M. Lamerato, Assistant City Manager-Finance/Administration
Nino Licari, City Assessor

SUBJECT: Announcement of Public Hearing for EcoMotors 1055 W Square Lake

Background:

- EcoMotors, has requested the establishment of an Industrial Development District (IDD), and the issuance of an Industrial Facilities Exemption Certificate (IFEC) for their move into 1055 W Square Lake, (the former Hi-Lex building).

Financial Considerations:

- The financial considerations cannot be determined at this time.

Legal Considerations:

- The legal considerations cannot be determined at this time.

Policy Considerations:

- Policy considerations will occur at the Public Hearings.

Options:

- The public hearings will be on July 21, 2008 to conform to State law.

CITY OF TROY
PUBLIC HEARING

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, July 21, 2008 at 7:30 P.M. to consider the request from EcoMotors, International, for the establishment of an Industrial Development District (IDD) at the following location:

88-20-08-226-002 1055 W. Square Lake, Troy, MI. 48098
T2N, R11E, Section 8

You may express your comments regarding this matter by writing to this office, or by attending the Public Hearing.

Tonni Bartholomew, MMC
City Clerk

NOTICE: *People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@ci.troy.mi.us or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.*

CITY OF TROY
PUBLIC HEARING

A Public Hearing will be held by and before the City Council of the City of Troy at City Hall, 500 W. Big Beaver, Troy, Michigan on Monday, July 21, 2008 at 7:30 P.M. to consider the request from EcoMotors, International, for the granting of an Industrial Facilities Exemption Certificate (IFEC) at the following location:

88-20-08-226-002 1055 W. Square Lake, Troy, MI. 48098
T2N, R11E, Section 8

You may express your comments regarding this matter by writing to this office, or by attending the Public Hearing.

Tonni Bartholomew, MMC
City Clerk

NOTICE: *People with disabilities needing accommodations for effective participation in this meeting should contact the City Clerk by e-mail at clerk@ci.troy.mi.us or by calling (248) 524-3317 at least two working days in advance of the meeting. An attempt will be made to make reasonable accommodations.*

**TROY PUBLIC SCHOOLS
4400 LIVERNOIS
TROY MI 48098-4799**

**OAKLAND COMMUNITY COLLEGE
CLARENCE E BRANTLEY
2480 OPDYKE
BLOOMFIELD HILLS MI 48304-2266**

**OAKLAND INTERMEDIATE
SCHOOLS
2111 PONTIAC LAKE
WATERFORD MI 48328**

**OAKLAND COUNTY PTA
PATRICK DOHANY
1200 N TELEGRAPH Dept 479
PONTIAC MI 48341-0479**

**OAKLAND COUNTY EQUALIZATION
DAVID HIEBER
250 ELIZABETH LAKE RD 1000 W
PONTIAC MI 48341**

**O JOHN COLETTI
ECOMOTORS INTERNATIONAL
1055 W SQUARE LAKE
TROY MI 48098**

**O JOHN COLETTI
ECOMOTORS INTERNATIONAL
2401 W BIG BEAVER STE 100
TROY MI 48084**

**CURT BRAINARD
CLB BUSINESS SOLUTIONS LLC
PO BOX 95
NORTHVILLE MI 48167**

CHARTER REVISION COMMITTEE MINUTES - Final**July 31, 2007**

A meeting of the Troy Charter Revision Committee was held Tuesday, July 31, 2007, at City Hall, 500 W. Big Beaver Road. In the absence of Chairman Bliss, Vice-Chairman Bloom called the Meeting to order at 3:36 PM.

ROLL CALL:

PRESENT: Lillian Barno, Jerry E. Bloom, David Eisenbacher, Shirley Kanoza, Mark Solomon, Cynthia A. Wilsher
ABSENT: Daniel Bliss,
ALSO PRESENT: City Attorney Bluhm, City Clerk Bartholomew and Deputy City Clerk Pallotta

RESOLUTION TO EXCUSE MEMBER: Daniel Bliss

Resolution #CR-2007-07-006

Moved by Kanoza

Seconded by Wilshire

RESOLVED, That Dan Bliss be **EXCUSED** from the meeting of July 31, 2007.

Yes: Barno, Bloom, Eisenbacher, Kanoza, Solomon, Wilsher

No: None

Absent: Bliss

MOTION CARRIED**RESOLUTION TO EXCUSE MEMBERS: Daniel Bliss and Mark Solomon**

Resolution #CR-2007-07-007

Moved by Kanoza

Seconded by Wilshire

RESOLVED, That Dan Bliss and Mark Solomon be **EXCUSED** from the meeting of June 15, 2007.

Yes: Barno, Bloom, Eisenbacher, Kanoza, Solomon, Wilsher

No: None

Absent: Bliss

MOTION CARRIED**APPROVAL OF MINUTES: Friday, June 15, 2007**

Resolution #CR-2007-07-008

Moved by Eisenbacher

Seconded by Kanoza

RESOLVED, That the Charter Revision Committee Minutes of Friday, June 15, 2007 are hereby **APPROVED** as presented.

Yes: Barno, Bloom, Eisenbacher, Kanoza, Solomon, Wilsher
No: None
Absent: Bliss

MOTION CARRIED

PROPOSED CHARTER AMENDMENTS:

SECTION 6.2(g) –VACANCIES IN ELECTED OFFICE

Resolution #CR-2007-07-009
Moved by Wilshire
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** an amendment to Section 6.2(g) of the City Charter proposed as follows:

Proposed Ballot Wording:

**A PROPOSAL TO AMEND THE TROY CITY CHARTER
SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**

Shall Section 6.2 of the Troy Charter, which discusses vacancies in elective office, be amended to allow members of Council, whose terms are expiring at the next municipal election, to file for an office other than their own without resigning from Council by deleting the wording of the current Section 6.2(g) in its entirety and inserting “Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign from their current Council position prior to the filing deadline of the municipal election.”?

YES ___ NO ___

It was the consensus of the committee to revise the motion to allow for the resignation of a council member to occur 21 days prior to the date of filing. This revision was requested to allow ample time for interested candidate to file for the vacant position prior to the filing deadline. It was noted that the Clerk’s office publishes a notice of the filing deadline, including the number of potential positions, 15 days prior to the filing deadline. This modification would allow for the vacant position to be included in the notice publication.

AMENDMENT TO PROPOSED MOTION

Resolution #CR-2007-07-009
Moved by Eisenbacher
Seconded by Kanoza

RESOLVED, That the motion be **AMENDED BY SUBSTITUTION** the following ballot language for the proposed ballot language in its entirety:

Proposed Ballot Wording:

**A PROPOSAL TO AMEND THE TROY CITY CHARTER
SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**

Shall Section 6.2 of the Troy Charter, regarding vacancies in elective office, be amended to allow members of Council, whose terms are expiring at the next municipal election, to file for an office (other than their own) without resigning from Council by deleting the wording of current Section 6.2(g) in its entirety and inserting “Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign their current Council position at least 21 days before filing for municipal election.”?

YES ___ NO ___

Yes: Barno, Bloom, Eisenbacher, Kanoza, Solomon, Wilsher
No: None
Absent: Bliss

MOTION CARRIED

VOTE ON AMENDED MAIN MOTION:

SECTION 6.2(g) –VACANCIES IN ELECTED OFFICE

Resolution #CR-2007-07-010
Moved by Wilshire
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** an amendment to Section 6.2(g) of the City Charter proposed as follows:

Proposed Ballot Wording:

**A PROPOSAL TO AMEND THE TROY CITY CHARTER
SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**

Shall Section 6.2 of the Troy Charter, regarding vacancies in elective office, be amended to allow members of Council, whose terms are expiring at the next municipal election, to file for an office (other than their own) without

resigning from Council by deleting the wording of current Section 6.2(g) in its entirety and inserting “Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign their current Council position at least 21 days before filing for municipal election.”?

YES ___ NO ___

Yes: Barno, Bloom, Eisenbacher, Kanoza, Solomon, Wilsher
No: None
Absent: Bliss

MOTION CARRIED

AUDIENCE PARTICIPATION: None.

ADJOURNMENT

Resolution #CR-2007-07-011
Moved by Barno
Seconded by Eisenbacher

RESOLVED, That the Charter Revision Committee Meeting of Tuesday, July 31, 2007 be **ADJOURNED**.

Vice-Chair Bloom **ADJOURNED** the meeting at 4:18 PM.

Jerry E. Bloom, Vice-Chair

Tonni L. Bartholomew, City Clerk

A regular meeting of the Animal Control Appeal Board was held on Wednesday, March 5, 2008 in the Lower Level Conference Room of Troy City Hall, 500 West Big Beaver Road. Chairperson Jayne Saeger called the meeting to order at 7:28 p.m.

ROLL CALL:

PRESENT: Jayne Saeger, Chairperson
Al Petrulis, Vice-Chairperson
Kathleen Melchert
V. James Viola
Lt. Charles Pappas
ACO Karen Livingston
PSA Jay Hernandez
Christopher Forsyth, Assistant City Attorney
Pat Gladysz

ABSENT: Patrick Carolan, Secretary

Resolution to Excuse Committee Member Carolan

Resolution #AC2008-03-001
Moved by Melchert
Seconded by Viola

RESOLVED, that the absence of Committee member Carolan at the Animal Control Appeal Board meeting of March 5, 2008 BE EXCUSED.

Yes: 4
No: 0
Absent: Carolan

Resolution to Approve Minutes of September 5, 2007 Meeting

Resolution #AC2008-03-002
Moved by Viola
Seconded by Melchert

RESOLVED, that the Minutes of the September 5, 2007 meeting of the Animal Control Appeal Board be approved.

Yes: 4
No: 0
Absent: Carolan

Agenda Items

There are no items on the Agenda.

The next regular meeting is scheduled for September 3, 2008.

The meeting adjourned at 7:35 p.m.

Jayne Saeger, Chairperson

Patricia A. Gladysz, Secretary II

DOWNTOWN DEVELOPMENT AUTHORITY SPECIAL MEETING MINUTES FINAL
APRIL 4, 2008

A Special meeting of the Downtown Development Authority was held on Wednesday, April 30, 2008 in the Lower Level Conference Room, City Hall, 500 W. Big Beaver Troy, Michigan. Tom York called the meeting to order at 7:30 a.m.

PRESENT: Al Aceves
Michael Culpepper
Stuart Frankel
David Hay
Michele Hodges
William Kennis
Daniel MacLeish
Ernest Reschke
Louise Schilling
Douglas Schroeder (arrived @ 7:36 a.m.)
G. Thomas York
Harvey Weiss

ABSENT: Alan Kiriluk

ALSO PRESENT: Phil Nelson
John M. Lamerato
Brian Murphy
Lori Bluhm
Mark Miller

OLD BUSINESS

A. Tax Increment Financing Agreement – Pavilions of Troy

Moved by: Aceves
Seconded by: Hodges

WHEREAS, the Troy Downtown Development Authority (TDDA) has received a request for reimbursement of up to \$5,098,406.00 for Eligible Brownfield Clean Up Activities, as set forth in the Troy Brownfield Redevelopment Authority's Brownfield Plan #5, Pavilions of Troy Redevelopment Project; and

WHEREAS, the completion of the Eligible Activities, as set forth in Brownfield Plan #5, are designed to increase the value of the Property, which is located in the TDDA district.

NOW THEREFORE, BE IT RESOLVED, that the TDDA hereby AGREES to reimburse Developer for the net cost of Eligible Activities, as set forth in Brownfield Plan #5, Pavilions of Troy Redevelopment Project, from TDDA New Tax Increments once the taxable value of the Property reaches \$29,364,647.00;

BE IT FURTHER RESOLVED, that the total amount of TDDA reimbursement, which includes interest, shall not exceed \$5,098,406.00;

BE IT FURTHER RESOLVED, that the TDDA New Tax Increment Capture shall not extend beyond December 31, 2018;

BE IT FURTHER RESOLVED, that the Developer also agrees to comply with demolition practices that will be incorporated as restrictions of the Demolition Permit for the Property;

BE IT FINALLY RESOLVED, that the TDDA APPROVES a Tax Increment Financing Agreement that provides for the above referenced reimbursement from the TDDA New Tax Increments for the Property, and AUTHORIZES the Executive Director and Secretary/Treasurer to sign such a Tax Increment Financing Agreement that is consistent with the terms of this Resolution, on behalf of the TDDA.

Yeas: All (11)
Nays: Frankel
Absent: Kiriluk

PUBLIC COMMENT

Jerry Bloom concerned with dust and height of concrete.

MEMBER COMMENT

None

The meeting was adjourned at 7:55 a.m.

Tom York, Vice Chair

JL/ph

John M. Lamerato, Secretary/Treasurer

DOWNTOWN DEVELOPMENT AUTHORITY MINUTES FINAL April 16, 2008

A meeting of the Downtown Development Authority was held on Wednesday, April 16, 2008 in the Lower Level Conference Room, City Hall, 500 W. Big Beaver Troy, Michigan. Alan Kiriluk called the meeting to order at 7:31 a.m.

PRESENT: Al Aceves (departed @ 9:29 a.m.)
 Michael Culpepper
 Stuart Frankel
 David Hay
 Michele Hodges
 William Kennis
 Alan Kiriluk
 Daniel MacLeish
 Ernest Reschke
 Douglas Schroeder (departed @ 9:00 a.m.)
 Louise Schilling
 G. Thomas York

ABSENT: Harvey Weiss

ALSO PRESENT: Phil Nelson
 John M. Lamerato
 Brian Murphy
 Lori Bluhm
 Mark Miller
 Steve Vandette

APPROVAL OF MINUTES

Resolution: DD-08-09
Moved by: Hodges
Seconded by: York

RESOLVED, That the minutes of the March 19, 2008 regular meeting be approved.

Yeas: All (12)
Absent: Weiss

OLD BUSINESS

A. Design Guideline Proposal – Grissim Metz / Carlisle Wortman

Resolution # DD-08-10

Moved by: Aceves

Seconded by: Kennis

RESOLVED, That the Troy Downtown Development Authority authorizes the Design Guideline Proposal Part I by Grissim Metz / Carlisle Wortman, in the amount not to exceed \$27,900.

Yeas: All (11)

Abstain: Frankel

Absent: Weiss

NEW BUSINESS

A. Pavilions of Troy

Resolution # DD-08-11

Moved by: Hodges

Seconded by: Kennis

RESOLVED, That the Troy Downtown Development Authority accept the proposal for TIF financing with contingencies on landscaping and a defined timeline.

Resolution # DD-08-12

Moved by: Frankel

Seconded by: MacLeish

RESOLVED, That the Troy Downtown Development Authority table this issue until further clarification is deduced into writing, and that a committee of board members be established to further review and come up with guidelines for the developer to follow.

Yeas: Aceves, Culpepper, Frankel, Kennis, Kiriluk, MacLeish, Reschke, Schilling, Schroeder

Nays: Hay, Hodges, York

Absent: Weiss

ITEM IS TABLED

B. 2008/09 Budget

Resolution # DD-08-13
Moved by: Aceves
Seconded by: Culpepper

RESOLVED, That the Troy Downtown Development Authority accept the 2008/09 budget as presented, and recommend City Council approval.

Yeas: All (11)
Absent: Schroeder, Weiss

C. February 29, 2008 Monthly Financial Report was Received and Filed

D. Planning Department Updates

Mark Miller, Planning Director updated the Board on the preparation of the Master Plan. The Planning Department will be presenting the Master Plan to City Council on Monday, April 21, 2008 for neighboring city review.

E. Engineering Department Updates

Steve Vandette informed the Board that the MDOT construction on I-75 will begin shortly after July 4, 2008. Final plans for Rochester Road/Big Beaver intersection are scheduled to be completed by late May.

F. Jazz on the Corridor/Classic Car Show

Cindy Stewart, Community Affairs Director, informed the board of this years "Jazz on the Corridor" plans. She then asked for the board's support in the amount of \$20,000.

Resolution # DD-08-14
Moved by: Kennis
Seconded by: York

RESOLVED, That the Troy DDA support the "Jazz on the Corridor" in the amount of \$20,000.

Yeas: All (11)
Absent: Schroeder, Weiss

PUBLIC COMMENT

None

MEMBER COMMENT

There will be a presentation on the Rochester Road / Big Beaver Park at Hooters on May 16, 2008 at 2:00 p.m.

A new meeting time for future board meetings should be discussed.

EXCUSE ABSENT MEMBERS

Resolution: DD-08-15

Moved by: Schilling

Seconded by: MacLeish

RESOLVED, That Weiss be excused.

Yeas: All (11)

Absent: Schroeder, Weiss

The meeting was adjourned at 9:35 a.m.

Next Meeting: May 21, 2008 @ 7:30 a.m. in the Lower Level Conference Room, City Hall.

Alan Kiriluk, Chair

John M. Lamerato, Secretary/Treasurer

JL/ph

ELECTION COMMISSION MINUTES - Final**April 18, 2008**

A meeting of the Troy Election Commission was held April 18, 2008, at City Hall, 500 W. Big Beaver Road. City Clerk Bartholomew called the Meeting to order at 8:03 AM.

ROLL CALL:

PRESENT: David Anderson, Timothy Dewan, City Clerk Tonni Bartholomew
ABSENT: None

Minutes: Regular Meeting of March 27, 2008

Resolution #EC-2008-03-004

Moved by Dewan

Seconded by Anderson

RESOLVED, That the Minutes of March 27, 2008, are **APPROVED** as submitted.

Yes: Anderson, Dewan, Bartholomew

No: None

MOTION CARRIED

Approval of Proposed Precinct 24 and 25 Divisional Boundary Alteration

Resolution # EC-2008-04-005

Moved by Anderson

Seconded by Dewan

RESOLVED, That Troy City Election Commission hereby **APPROVES** the alteration of City of Troy Precinct 24 and 25 divisional boundary, effective May 7, 2008, as follows:

Divisional boundary between Precinct 24 and 25: The portion of Section 26 within the Warren Consolidated School District and the portion of Section 25 south of Garry Street and west of Milverton Street to be appended to Precinct 25 and the remainder of Section 25 in the Warren Consolidated School District to comprise Precinct 24.

Yes: Anderson, Dewan, Bartholomew

No: None

MOTION CARRIED

Adjournment:

The meeting was adjourned at 8:07 AM.

Tonni L. Bartholomew, MMC
City Clerk

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

A meeting of the Employees' Retirement System Board of Trustees was held on Wednesday, May 14, 2008, at Troy City Hall, 500 W. Big Beaver Rd., Troy, MI. The meeting was called to order at 12:15 p.m.

TRUSTEES PRESENT: Mark Calice
 Michael Geise
 Thomas J. Gordon II
 Martin Howrylak
 John M. Lamerato
 William R. Need (Ex-Officio)
 Phillip L. Nelson

TRUSTEES ABSENT: Nancy Bowren

EXCUSE ABSENT MEMBER

Resolution # ER – 2008-5-19

Moved by Lamerato

Seconded by Howrylak

RESOLVED, That Nancy Bowren be excused.

Yeas: All 6

Absent: Bowren

MINUTES

Resolution # ER – 2008-5-20

Moved by Geise

Seconded by Lamerato

RESOLVED, That the minutes of the April 9, 2008 meeting be approved.

Yeas: All 6

Absent: Bowren

RETIREMENT REQUESTS

Resolution # ER – 2008-5-21

Moved by Nelson

Seconded by Gordon

RESOLVED, That the deferred retirement request of Donald L. Mobley, DB, 5/31/08, 20 years, 5 months; and Michael G. Gresham, DB, 4/30/08, 17 years, 9 months and the regular retirement of Charles T. Villerot, DC, 6/28/08, 37 years, 1 month be approved.

Yeas: All 6

Absent: Bowren

OTHER BUSINESS – ADMINISTRATIVE CHARGES

Resolution # ER – 2008-5-22

Moved by Lamerato

Seconded by Geise

RESOLVED, That the Employees Retirement System reimburse the City of Troy for the administrative and clerical costs provided to the Board by the City in the amount of \$20,000.00 per year, effective July 1, 2008, and that this amount will be reviewed annually for any necessary adjustments.

Yeas: All 6

Absent: Bowren

INVESTMENTS- BONDS

Resolution # ER – 2008-5-23

Moved by Nelson

Seconded by Geise

RESOLVED, That the board purchase the following investments:

Purchase: \$500,000 GE Capital, 4.30% due 5/15/12;
\$500,000 Goldman Sachs, 4.65% due 7/15/13

Yeas: All 5

Absent: Bowren

Abstain: Calice

INVESTMENTS- EQUITIES

Resolution # ER – 2008-5-24

Moved by Nelson
Seconded by Geise

RESOLVED, That the board purchase and sell the following investments:

Purchase: 5,000 shares OneOK;
5,000 shares PerkinElmer;
10,000 shares Pengrowth Energy Trust;
5,000 shares Renesola;
2,000 shares Energy Conversion Devices;
Limit order 2,000 shares Energy Conversion Devices at \$51 and
1,000 shares at \$48

Sell: Marshall & Isley
GM

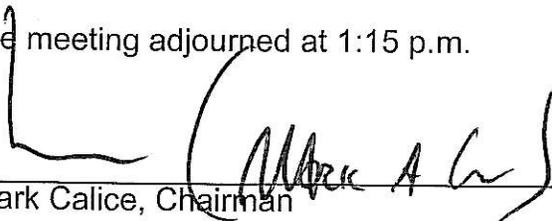
Yeas: All 6
Absent: Bowren

PUBLIC COMMENT

There was no public comment.

The next meeting is June 11, 2008 at 12:00 p.m. at City Hall, Conference Room C,
500 W. Big Beaver, Troy, MI.

The meeting adjourned at 1:15 p.m.



Mark Calice, Chairman



John M. Lamerato, Secretary

Motion by Courtney
Supported by Gies

MOVED, to have Mr. Clark act as Chairman for this evening's meeting.

Yeas: 6 – Bartnik, Clark, Courtney, Gies, Lambert, Strat
Absent: 1 – Kovacs

MOTION TO HAVE MR. CLARK ACT AS CHAIR CARRIED

Mr. Clark called the meeting of the Board of Zoning Appeals to order at 7:35 P.M. on Tuesday, May 20, 2008 in Council Chambers of the Troy City Hall.

PRESENT: Michael Bartnik
Glenn Clark
Kenneth Courtney
Marcia Gies
Dave Lambert
Thomas Strat

ALSO PRESENT: Mark Stimac, Director of Building & Zoning
Allan Motzny, Assistant City Attorney

ABSENT: Matthew Kovacs

ITEM #1 – APPROVAL OF MINUTES – MEETING OF APRIL 15, 2008

Motion by Lambert
Supported by Courtney

MOVED, to approve the minutes of the meeting of April 15, 2008 as written.

Yeas: 6 – Courtney, Lambert, Strat, Bartnik, Clark
Abstain: 1 – Gies
Absent: 1 - Kovacs

MOTION TO APPROVE MINUTES CARRIED

ITEM #2 – VARIANCE REQUEST. FATHER JOZO ČUIĆ, REPRESENTING ST. LUCY CHURCH, 200 E. WATTLES, for relief of the Ordinance to construct a new barbeque shelter that will be 1,088 square feet in area. Accessory supplemental buildings in the R-1C Zoning District are limited to not more than 200 square feet in area per Section 40.56.03.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new barbeque shelter at the existing church facility. This building, proposed to be used as a barbeque and picnic shelter, would be defined as an accessory supplemental

ITEM #2 – con't.

building because it most closely fits the definition of a gazebo found in Section 04.20.03. The property in question is located in the R-1C (One-Family Residential) Zoning District. Accessory supplemental buildings in the R-1C Zoning District are limited to not more than 200 square feet in area per Section 40.56.03. The site plan submitted indicates that the proposed building is to be 1,088 square feet in area.

Mr. Lambert asked if the Board could place any stipulations or limitations on what this shelter could be used for.

Mr. Stimac said that basically it is basically a “park-like” structure. Restricting the uses becomes somewhat difficult as some of the uses may or may not come close to the Board’s description. Mr. Stimac suggested that the Board could place time limitations on when the structure could be used, but was unsure of what concerns there would be regarding the use as this is an open-sided covered shelter and the logical uses are somewhat limited.

Mr. Lambert said that he was concerned that this shelter would be used for storage.

Mr. Stimac did not believe that it would be used in this manner as it is not an enclosed building.

Mr. Bartnik asked if there was a problem with the type of materials proposed to be used in the construction of this shelter.

Mr. Stimac stated that these materials were in compliance with the Building Code. A full review has not been done at this time, but the plans will be examined to make sure that the building is structurally compliant.

Mr. Bartnik asked if the proposed building was only 8% of the allowable building area for this property.

Mr. Stimac said that there is an overall limitation to the amount of accessory buildings on this site. That limitation is 2% of the land area plus 450 square feet. Mr. Stimac said that he believes this would be a pretty close number.

Mr. Courtney said that he was concerned about the aesthetics of this building compared to the appearance of the Church and asked if a time limit could be placed on this variance request.

Mr. Motzny said that generally a time limitation could not be placed on this type of variance. In his opinion the only way a time limitation could be placed on the request was pertaining to the use of the land.

ITEM #2 – con't.

Mr. Lambert stated that he thought he had seen a sign on the triangular part of the property next to this site indicating that the property was up for a re-zoning request. Mr. Lambert asked if Mr. Stimac knew what the proposed re-zoning was.

Mr. Stimac said that he was not aware of a current request for re-zoning however; the previous request was for O-1 (Office) use.

Father Jozo Ćuić and Slavko Stajninger of St. Lucy's Church were present. Mr. Stajninger said that he was a parishioner of the Church and the only purpose of this structure was to facilitate a picnic/barbeque facility. Right now it is being done in an open space and this would provide shelter and safety for the people working these picnics. The Church is located in a Residential area and they did receive Special Use Approval in 1993 for the Church. This location was proposed as it will be close to the kitchen facility and because of the unusual shape of the property it falls in a side yard. It is screened by the Church and a number of trees and will not be easily visible.

Mr. Lambert asked if the intent was to put all the picnic tables under the shelter if this variance was approved.

Mr. Stajninger said that the shelter was not large enough to put the tables underneath it.

Mr. Strat asked if the petitioner would be willing to add extra landscaping and Mr. Stajninger said that they would if the Board felt it was necessary. The shelter will be placed very close to existing trees and there is a budget for the Church to add extra landscaping from time to time.

Mr. Stimac noted that if this was a lawn equipment/storage building, a variance would not be required as a storage building could be constructed this size. As a "gazebo" the 200 square foot limitation applies. If it was a storage building other than being built further south the size would not be a question.

Mr. Stajninger said that they had looked into another location for this building, but it was not practical due to the fact that this location will be very close to the kitchen area.

Mr. Clark opened the Public Hearing.

Mr. Lee Nardi, 97 E. Wattles was present and stated that he is concerned about the aesthetics of this building. He would object to this request if the building is going to be located close to Wattles. As long as the building is shielded, he does not object. Another concern of Mr. Nardi's is the noise that will result from this shelter. In the past the music has gone on past midnight and he does object to this. Mr. Nardi stated that he has called the Church and complained in the past and they have not paid any attention to his request to adjust the volume of the music.

ITEM #2 – con't.

Mr. Courtney informed Mr. Nardi that if he did not get any satisfaction from the Church he would have the option to contact the Police Department regarding a noise complaint.

Mr. Nardi stated that he would not call the Police Department and complain about a Church.

Mr. Clark asked Mr. Stimac to describe the location of this shelter on the property.

Mr. Stimac identified the proposed location of the building and noted that there is drain that straddles the northern Church property line. The drain area is very heavily treed and Mr. Stimac believes that it will provide some screening of this proposed building from Mr. Nardi's property.

Mr. Clark also addressed the objection of Mr. Nardi regarding the noise coming from the Church property.

Mr. Stimac explained that Chapter 88 of the City Code establishes that the maximum noise level at the property line is 65 decibels. There are certain instances where permits can be obtained if the noise level will exceed that. Normal regulation would apply with that limit.

Mr. Clark stated that the petitioner could contact either the Police Department or the Building Department during normal business hours, if the noise level is a problem.

Mr. Richard Peters, 115 E. Wattles was present and stated that he is very concerned about the noise level that will come from this shelter. Another factor is that he had read on the internet that Gazebos are considered a sign of white supremacy in India and if this is accurate he would definitely oppose this structure.

No one else wished to speak and the Public Hearing was closed.

There are two (2) written approvals on file. There are no written objections on file.

Mr. Courtney said that one of the approvals asked that time limitations be placed on the use of this shelter.

Motion by Bartnik
Supported by Courtney

MOVED, to grant Father Jozo Ćuić, representing St. Lucy Church, 200 E. Wattles, relief of the Ordinance to construct a new barbeque shelter that will be 1,088 square feet in area. Accessory supplemental buildings in the R-1C Zoning District are limited to not more than 200 square fee in area per Section 40.56.03.

ITEM #2 – con't.

- Variance will not have an adverse effect to surrounding property.
- Variance is consistent with the use of that property.
- Variance is not contrary to public interest.

Yeas: 6 – Lambert, Strat, Bartnik, Clark, Courtney, Gies

Absent: 1 – Kovacs

MOTION TO GRANT VARIANCE CARRIED

ITEM #3 – VARIANCE REQUEST. GARY ABITHEIRA, 3244 TALBOT, for relief of the Ordinance to construct three new single-family homes on a parcel of land. Two of the parcels are proposed to be 56.40' in width and one is shown as 56.22' wide. Section 30.10.06 of the Ordinance requires a 60' minimum lot width in R-1E Zoning Districts.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct three new single family homes on a parcel of land. The site plan submitted indicates demolishing the existing home and other buildings currently on this parcel and then splitting the property into three (3) parcels. Two of the parcels are proposed to be 56.40' in width and one is shown as 56.22' wide. Section 30.10.06 of the Ordinance requires a 60' minimum lot width in R-1E Zoning Districts.

Mr. Abitheira was present and stated that he would like to put three (3) houses on this property and remove the commercial building.

Mr. Courtney stated that he likes what Mr. Abitheira is planning to do but one of the approvals that came in, stated that they would like three (3) homes to go in but would not like to see four (4) homes or a new road.

Mr. Abitheira said that he got a letter from the Planning Department indicating that he could have a private road with four (4) houses. Mr. Abitheira stated that he did not want to develop the property that way as he would prefer less density and feels that three (3) houses facing the street would be more aesthetically pleasing.

Mr. Courtney asked how many lots are there right now.

Mr. Abitheira said that right now there are two and a partial of a third. He wants to improve the neighborhood and wants to create a nicer looking neighborhood.

Mr. Lambert asked if a variance would be required if Mr. Abitheira wanted to put a private road in this area.

Mr. Abitheira said that according to the Planning Department a variance would not be required.

ITEM #3 - con't.

Mr. Lambert confirmed that Mr. Abitheira was asking for the minimum in putting these houses.

Mr. Abitheira said that he did not believe it would look as nice with four (4) homes in the area as the lots are deep and he thinks it would be nice to have large lots for the three (3) homes. Mr. Abitheira is against putting in a road and four (4) homes.

Mr. Strat said that it would be impractical for Mr. Abitheira to put a road in. Mr. Abitheira said that was correct.

Mr. Abitheira also said that $\frac{3}{4}$ of the property has asphalt and goes straight to a drain.

Mr. Clark opened the Public Hearing.

Mr. & Mrs. Richard Bowman, 3260 Talbot was present and said that she lives in the house directly to the north of this property. Ms. Bowman said that they are definitely not in favor of putting in a private road or four (4) houses. Ms. Bowman said that they are in favor of putting in the three (3) homes as proposed. Mr. Bowman said that they do not want four (4) homes on this property.

No one else wished to be heard and the Public Hearing was closed.

There are three (3) written approvals on file. There are no written objections on file.

Motion by Courtney
Supported by Lambert

MOVED, to grant Gary Abitheira, 3244 Talbot, relief of the Ordinance to construct three new single-family homes on a parcel of land where two of the parcels will be 56.40' in width and one is shown as 56.22' wide where Section 30.10.06 of the Ordinance requires a 60' minimum lot width in R-1E Zoning Districts.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance will improve the appearance of the area.
- Variance will not establish a prohibited use in a Zoning District.

Yeas: 6 – Lambert, Strat, Bartnik, Clark, Courtney, Gies
Absent: 1 – Kovacs

MOTION TO GRANT VARIANCE CARRIED

ITEM #4 – VARIANCE REQUEST. JIM BUTLER, PEA ASSOCIATES, REPRESENTING 755 W. BIG BEAVER, 699 W. BIG BEAVER, for relief of the Ordinance to construct a new restaurant. Section 39.70.02 of the Troy Zoning Ordinance requires a greenbelt, a minimum of 10' in width with a minimum of one tree per 30' of frontage be provided between the development area and public street or freeway. The site plan submitted does not provide the greenbelt or trees along the I-75 freeway frontage on the east side of this site.

Mr. Stimac explained that the petitioner is requesting relief of the Ordinance to construct a new restaurant. Section 39.70.02 of the Zoning Ordinance requires a greenbelt, a minimum of 10' in width, with a minimum of one tree per 30' of frontage, be provided between the development area and public street or freeway. The site plan submitted does not provide the greenbelt or trees along the I-75 freeway frontage on the east side of this site.

Mr. Steve Sorensen of PEA Associates was present and stated that this building was non-conforming and has been in existence since 1975. They are only asking to remove and replace what is already in place on the site. The vegetation on the adjacent property does provide an effective screening to I-75.

Mr. Courtney asked about the use of this proposed building and asked if they had a liquor license.

Mr. Sorensen said that he did not know if a liquor license had been granted.

Mr. Strat said that this petitioner had appeared before the Planning Commission last week and the same question was asked and Mr. Butler stated that there was not a brewery inside; the use of the word "brewery" was just part of the name. Mr. Strat said that because it is a "special land use approval", the Planning Commission had denied the plan as presented and had asked that they come to the Board of Zoning Appeals so that they could have the patio closer to Big Beaver Road and eliminate the parking at the front of the building. Mr. Strat asked how many parking spaces would be lost if this variance was not granted.

Mr. Clark said that he had the same concern regarding parking.

Mr. Stimac said that a number of parking spaces would need to be eliminated if they had to put in the 10' greenbelt area. Mr. Stimac said that he has not done the parking calculation on this site if the variance was not granted, but a rough guess would be that 24 parking spaces would be eliminated.

Mr. Strat further stated that the petitioner also asked for a reduction in parking when they came before the Planning Commission.

ITEM #4 – con't.

Mr. Sorensen said that although he is not working on this project himself, there are several engineers working on the project and they are working on the issues raised by the Planning Commission.

Mr. Courtney asked Mr. Strat if the Planning Commission wished to move the open area to the front of the property near Big Beaver, which would result in moving the parking spaces to the back of the site.

Mr. Strat said that was correct. The petitioner had submitted two plans to the Planning Commission but the plan presented to this Board indicates that the patio is on the side. The Planning Commission would rather have the patio facing Big Beaver so that traffic on Big Beaver could see the activity that is going on at this location. Mr. Strat also said that it would compliment the Big Beaver corridor study.

Mr. Clark opened the Public Hearing. No one wished to speak and the Public Hearing was closed.

There are two (2) written approvals on file. There are no written objections on file.

Motion by Courtney
Supported by Gies

MOVED, to grant Jim Butler, PEA Associates, Inc. 699 W. Big Beaver, relief of the Ordinance to construct a new restaurant without the required greenbelt or trees along the I-75 freeway frontage where Section 39.70.02 of the Troy Zoning Ordinance requires a greenbelt, a minimum of 10' in width with a minimum of one tree per 30' of frontage be provided between the development area and public street or freeway.

- Variance is not contrary to public interest.
- Variance will not have an adverse effect to surrounding property.
- Variance applies only to the property described in this application.

Yeas: 6 – Bartnik, Clark, Courtney, Gies, Lambert, Strat
Absent: 1 – Kovacs

MOTION TO GRANT VARIANCE CARRIED

ITEM #5 – ELECTION OF OFFICERS – 2008 – 2009

Motion by Courtney
Supported by Gies

MOVED, to elect Matthew Kovacs, Chairman and Glen Clark, Vice-Chairman for the 2008-2009 year.

ITEM #5 – con't.

Yeas: 6 – Bartnik, Clark, Courtney, Gies, Lambert, Strat

Absent: 1 - Kovacs

MOTION TO ELECT MATTHEW KOVACS, CHAIRMAN AND GLEN CLARK, VICE-CHAIRMAN FOR THE 2008-2009 YEAR CARRIED

Motion by Gies

Supported by Courtney

MOVED, to excuse Mr. Kovacs from tonight's meeting for personal reasons.

Yeas: 6 – Bartnik, Clark, Courtney, Gies, Lambert, Strat

MOTION TO EXCUSE MR. KOVACS CARRIED

The Board of Zoning Appeals meeting adjourned at 8:27 P.M.

Glenn Clark, Acting Chair

Pamela Pasternak, Secretary

TROY HISTORIC DISTRICT COMMISSION MINUTES – FINAL**MAY 20, 2008**

A regular meeting of the Troy Historic District Commission was held Tuesday, May 20, 2008 at the Troy Museum. Barbara Chambers called the meeting to order at 7:13 P.M.

ROLL CALL	PRESENT	Barbara Chambers Paul Lin Muriel Rounds Ann Partlan Sabah Jihad Gary Castile Nishita Parmar, Student Representative Loraine Campbell, Museum Manager
	ABSENT	Kent Voigt
	GUESTS	Charlene Harris-Freeman, 2955 Quail Run

Resolution #HDC-2008-05-001**Moved by Rounds****Seconded by Partlan****RESOLVED, That the absence of Voigt be approved.**

Yes: 6— Chambers, Lin, Rounds, Partlan, Jihad and Castile

No: 0

MOTION CARRIED**Resolution #HDC-2008-05-002****Moved by Partlan****Seconded by Castile****RESOLVED, That the minutes of the April 15, 2008 meeting be approved.**

Yes: 6— Chambers, Lin, Rounds, Partlan, Jihad and Castile

No: 0

MOTION CARRIED**OLD BUSINESS****A. Progress Report on the Troy Museum Wagon Shop**

Loraine reported that the wood windows have been refurbished and are being reinstalled. The building will be stripped of exterior lead paint and restained during the summer.

B. Secretary of the Interior's Standards

Barbara Chambers reviewed with the commission the standards for preservation, restoration, rehabilitation, and reconstruction. The group also discussed new products that local, state and federal agencies have approved for approval for use in designated resources. The Commission would like to maintain at the museum a file of these products for use by historic resource owners.

The Troy Historic District Commission Meeting was adjourned at 8:40 p.m. The next meeting will be held Tuesday, June 17, 2008 at 7:00 p.m. at The Troy Museum.

Barbara Chambers
Chairperson

Loraine Campbell
Recording Secretary

CHARTER REVISION COMMITTEE MINUTES - Final**May 22, 2008**

A meeting of the Troy Charter Revision Committee was held Thursday, May 22, 2008, at City Hall, 500 W. Big Beaver Road. In the absence of Chairman Bliss and Vice-Chairman Bloom, Wilsher (longest serving member present) called the Meeting to order at 3:04 PM.

ROLL CALL:

PRESENT: Lillian Barno, Maryann Bernardi, Shirley Kanoza, Mark Solomon, Cynthia A. Wilsher
ABSENT: Daniel Bliss, Jerry E. Bloom
ALSO PRESENT: City Manager Phil Nelson, City Attorney Lori Bluhm

RESOLUTION TO EXCUSE MEMBER:

Resolution #CR-2008-05-001
 Moved by Bernardi
 Seconded by Kanoza

RESOLVED, That Bliss and Bloom be **EXCUSED** from the meeting of May 22, 2008.

Yes: Barno, Bernardi, Kanoza, Solomon, Wilsher
 No: None
 Absent: Bliss, Bloom

MOTION CARRIED**APPROVAL OF MINUTES: Tuesday, July 31, 2007**

Resolution #CR-2008-05-002
 Moved by Kanoza
 Seconded by Barno

RESOLVED, That the Charter Revision Committee Minutes of Tuesday, July 31, 2007 are hereby **APPROVED** as presented.

Yes: Barno, Bernardi, Kanoza, Solomon, Wilsher
 No: None
 Absent: Bliss, Bloom

MOTION CARRIED**PROPOSED CHARTER AMENDMENTS:****SECTION 6.2(g) –VACANCIES IN ELECTED OFFICE**

Resolution #CR-2008-05-003

Moved by Kanoza

Seconded by Barno

RESOLVED, That the Charter Revision Committee hereby **MOVES TO POSTPONE** consideration of an amendment to Section 6.2(g) of the Troy Charter until the next Charter Revision Committee meeting.

Yes: Barno, Bernardi, Kanoza, Solomon, Wilsher

No: None

Absent: Bliss, Bloom

SECTION 9.16.5 – MILLAGE RATE LEVY LIMITATION

Resolution #CR-2008-05-004

Moved by Kanoza

Seconded by Solomon

RESOLVED, That the Charter Revision Committee hereby **MOVES TO POSTPONE** consideration of an addition to Chapter 9.16 to the Troy Charter concerning Millage Rate Levy Limitations until the next Charter Revision Committee meeting.

Yes: Barno, Bernardi, Kanoza, Solomon, Wilsher

No: None

Absent: Bliss, Bloom

MOTION CARRIED

AUDIENCE PARTICIPATION: None.

ADJOURNMENT

Resolution #CR-2008-05-005

Moved by Solomon

Seconded by Kanoza

RESOLVED, That the Charter Revision Committee Meeting of Thursday, May 22, 2008 be **ADJOURNED**.

Meeting **ADJOURNED** at 3:43 PM.

Cynthia A. Wilsher-Acting Chair

Lori G. Bluhm – City Attorney

PERSONNEL BOARD MINUTES – Final**May 22, 2008**

A Regular Meeting of the Troy Personnel Board was held Thursday, May 22, 2008, at City Hall, 500 W. Big Beaver Road. Deputy City Clerk Pallotta called the meeting to order at 7:50 AM.

ROLL CALL:

PRESENT: Member Laurie G. Huber
Member Albert T. Nelson, Jr.
Member Susan Werpetsinski

ABSENT: Member Deborah L. Baughman
Member Jayshree Shah

ALSO PRESENT: Phillip L. Nelson, City Manager
John M. Lamerato, Assistant City Manager, Finance & Administration
Brian P. Murphy, Assistant City Manager, Economic Dev. Services
Peggy E. Sears, Human Resources Director
Barbara A. Pallotta, Deputy City Clerk

Appointment of Personnel Board Chairperson:

Resolution PB-#2008-05-008
Moved by Huber
Seconded by Werpetsinski

RESOLVED, That the Personnel Board hereby **APPOINTS** Member Albert T. Nelson, Jr. to serve as Chairperson.

Yes: All-3
No: None
Absent: Baughman, Shah

Approval of Minutes of April 3, 2008:

Resolution PB-#2008-05-009
Moved by Huber
Seconded by Werpetsinski

RESOLVED, That the Personnel Board hereby **APPROVES** the minutes of Thursday, April 3, 2007 as presented.

Yes: All-3
No: None
Absent: Baughman, Shah

Old Business: None

New Business:

Peggy Sears, Human Resources Director reported that due to action taken at Monday's City Council meeting, City Administration's proposed budget for merit pay for Classified Employees was reduced. She explained that although the *Classification Plan and Pay Plan for Classified Employees* is not changing, the proposed 2-½% merit increase was reduced by City Council to 1%.

Chair Nelson asked what is the purpose of the Personnel Board's action.

Ms. Sears replied that the Board is being asked to approve how City Administration will proceed with the distribution of the 1% increase. She explained that employees receiving a satisfactory rating will receive a full 1% and those receiving an unsatisfactory rating will receive 0%.

Chair Nelson asked whether or not there is something the Board should be aware of.

Ms. Sears responded that in light of the fact that the proposed method of distributing the 1% increase was also a staff suggestion made at one of two Town Hall type meetings held for staff yesterday, she anticipates that employees will be receptive.

Recommendations for Classification Plan and Pay Plan:

PB-2008-05-010

Moved by Huber

Seconded by Werpetsinski

RESOLVED, That the Personnel Board hereby **APPROVES** the proposed recommendations for the *Classification Plan and Pay Plan for Classified Employees (FY 2008-2009)* as submitted.

Yes: All-3

No: None

Absent: Baughman, Shah

Member Werpetsinski asked whether employees were disgruntled with Council's decision to reduce the merit increase percentage.

Ms. Sears indicated that staff was very upset with the reduction.

Adjournment:

Resolution PB-2008-05-011

Moved by Werpetsinski

Seconded by Huber

RESOLVED, That there being nothing else to come before the Board, the meeting be **ADJOURNED**.

Yes: All-3

No: None

Absent: Baughman, Shah

The meeting **ADJOURNED** at 8:06 AM.

Albert T. Nelson, Jr., Chairman

Barbara A. Pallotta, Deputy City Clerk

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on June 3, 2008 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson
Philip Sanzica
Robert M. Schultz
Thomas Strat
John J. Tagle
Lon M. Ullmann
Mark J. Vleck

Absent:

Mark Maxwell
Wayne Wright

Also Present:

Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Christopher Forsyth, Assistant City Attorney
Richard Carlisle, Carlisle/Wortman Associates, Inc.

Resolution # PC-2008-06-065

Moved by: Vleck
Seconded by: Strat

RESOLVED, That Members Maxwell and Wright are excused from attendance at this meeting for personal reasons.

Yes: All (7)
Absent: Maxwell, Wright

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2008-06-066

Moved by: Sanzica
Seconded by: Tagle

RESOLVED, To approve the Agenda as printed.

Yes: All (7)
Absent: Maxwell, Wright

MOTION CARRIED

3. MINUTES

Resolution # PC-2008-06-067

Moved by: Tagle
Seconded by: Hutson

RESOLVED, To approve the minutes of the May 13, 2008 Regular meeting as printed.

Yes: All (7)
Absent: Maxwell, Wright

MOTION CARRIED

4. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

STUDY ITEM

5. MAPLE ROAD CORRIDOR STUDY – Presentation by representatives of the Troy Chamber of Commerce

Michelle Hodges of the Troy Chamber of Commerce described the process involved in creating the Maple Road Corridor Study and summarized the document.

PLANNED UNIT DEVELOPMENTS

6. PLANNED UNIT DEVELOPMENT APPLICATION (P.U.D. 13) – Proposed Troy Plaza New King Planned Unit Development, West side of Crooks, North side of New King (5500 New King), Section 8, Currently Zoned O-M (Office Mid-rise) District

Mr. Miller introduced the project.

Mr. Carlisle of Carlisle/Wortman Associates, Inc. summarized his report on the project.

Robert Cliffe, architect from Moiseev/Gordon Associates, Inc., presented the proposed mixed-use project.

General discussion followed.

There were Planning Commission questions/comments on the following topics:

- Softening of gateway wall.
- Phasing of project.
- Neighborhood meeting.
- Hotel need study for this area.

There was general support for the project. The Planning Commission requested that the Planning Department schedule a Public Hearing for the July Regular meeting.

7. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (P.U.D. 12) – Proposed Troy Hospitality Tower Drive Hotel Planned Unit Development, East of Crooks, North of Tower Drive (900 Tower Drive), Section 9, Currently Zoned O-S-C (Office-Service-Commercial) District

Mr. Miller introduced the project.

Mr. Carlisle of Carlisle/Wortman Associates, Inc. summarized his report on the project.

Norm Hyman, attorney for Honigman, Miller, Schwartz and Cohn, presented the project.

Basil Bacall, applicant, 3060 Park Drive, Brighton, described the hotel market and his experience in the hotel industry.

John Northrop, 3109 Walcott, Jackson, listed potential sustainable elements for the project.

PUBLIC HEARING OPENED

James Miskulin, 850 Tower Drive, was present to represent Embassy Suites. He spoke in opposition of the development. He said Embassy Suites was undertaking \$12 million in renovations and had plans to add another hotel in their parking lot.

PUBLIC HEARING CLOSED

The Planning Commission comments related to the following:

- The design lacked creativity.
- Missing information, including building elevations.
- Questions as to whether the project qualified as a PUD.
- Potential text amendment rather than PUD process.
- Incomplete PUD application.

Resolution # PC-2008-06-068

Moved by: Strat
Seconded by: Sanzica

RESOLVED, That the Planning Commission postpones the item to such time that the Planning Department determines the item is ready for Planning Commission review.

Yes: All (7)
Absent: Maxwell, Wright

MOTION CARRIED

Chair Schultz requested a recess at 9:40 p.m.

The meeting reconvened at 9:50 p.m.

OTHER ITEMS

8. **DRAFT CITY OF TROY MASTER PLAN** – Discussion with representatives of Carlisle/Wortman Associates, Inc.

Mr. Miller introduced the item. He informed the Planning Commission that one revision was overlooked in the draft document. The Public/Quasi Public classification should have been extended south to the Neighborhood Node symbol at the northeast corner of Wattles/Crooks, on the Future Land Use Plan (page 89).

The Planning Commission agreed that this was an appropriate revision.

Mr. Carlisle reviewed the proposed changes to the draft Master Plan, as summarized in his memo.

General discussion followed.

Dennis Cowan, 38505 Woodward Avenue, Bloomfield Hills, attorney representing White Chapel Cemetery, requested the extension of the Public/Quasi Public classification all the way to the northeast corner of Wattles/Crooks on the Future Land Use Plan (page 89), eliminating the Neighborhood Node in this quadrant.

David Krall, 901 Wilshire, Troy, representing White Chapel Cemetery, asked the Planning Commission to eliminate the Neighborhood Node classification at the northeast corner of Wattles/Crooks on the Future Land Use Plan.

Mr. Hutson stated that White Chapel owned the property in question. If they decided it was to remain zoned as single-family residential, it would remain as such. If they decided to rezone to a district that was consistent with the Neighborhood Node, they could do so. There were no negative impacts associated with classifying the property as Neighborhood Node.

Resolution # PC-2008-06-069

Moved by: Hutson
Seconded by: Vleck

WHEREAS, The responsibility of cities and villages to adopt and update a master plan is outlined in the Municipal Planning Act, PA 285 of 1931, as amended; and

WHEREAS, The Planning Commission prepared the draft City of Troy 2008 Master Plan; and,

WHEREAS, The Planning Commission has determined that the draft City of Troy 2008 Master Plan represents the long-range vision of the City of Troy.

THEREFORE BE IT RESOLVED, The Planning Commission recommends that the City Council authorize distribution of the draft City of Troy 2008 Master Plan, "May 27 Draft for Distribution", as per the requirements of the Municipal Planning Act, PA 285 of 1931, as amended.

Yes: All (7)
Absent: Maxwell, Wright

MOTION CARRIED

9. AUBURN ROAD STREETScape CORRIDOR STUDY – Planning Commission Review and Resolution of Support

Mr. Miller briefly described the item, which was before the Planning Commission for review and comment at the request of the Shelby Township Planning Commission, as per the requirements of the Municipal Planning Act.

Resolution # PC-2008-06-070

Moved by: Vleck
Seconded by: Strat

WHEREAS, The Shelby Township Planning Commission prepared the Auburn Road Streetscape Corridor Study; and,

WHEREAS, The Auburn Road Streetscape Corridor Study will have no impact on the City of Troy; and,

WHEREAS, The Shelby Township Planning Commission has provided a copy of the Auburn Road Streetscape Corridor Study to the City of Troy Planning Commission for their review and comment, as required by Section 125.37b of Public Act 185 of 1931 as amended, known as the Municipal Planning Act; and by Section 125.327a of Public Act 168 of 1959, known as the Township Planning Act; and,

WHEREAS, The City of Troy Planning Commission has determined that the Auburn Road Streetscape Corridor Study is not inconsistent with the Future Land Use Plan of the City of Troy.

NOW THEREFORE BE IT RESOLVED, The City of Troy Planning Commission hereby supports the proposed Auburn Road Streetscape Corridor Study.

Yes: All (7)
Absent: Maxwell, Wright

MOTION CARRIED

10. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

11. PLANNING COMMISSION COMMENTS

There was general Planning Commission discussion.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:30 p.m.

Respectfully submitted,

Robert M. Schultz, Chair

R. Brent Savidant, Principal Planner

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on June 3, 2008 in the Council Board Room of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson
Philip Sanzica
Robert M. Schultz
Thomas Strat
John J. Tagle
Lon M. Ullmann
Mark J. Vleck

Absent:

Mark Maxwell
Wayne Wright

Also Present:

Mark F. Miller, Planning Director
R. Brent Savidant, Principal Planner
Christopher Forsyth, Assistant City Attorney
Richard Carlisle, Carlisle/Wortman Associates, Inc.

Resolution # PC-2008-06-065

Moved by: Vleck
Seconded by: Strat

RESOLVED, That Members Maxwell and Wright are excused from attendance at this meeting for personal reasons.

Yes: All (7)
Absent: Maxwell, Wright

MOTION CARRIED

2. APPROVAL OF AGENDA

Resolution # PC-2008-06-066

Moved by: Sanzica
Seconded by: Tagle

RESOLVED, To approve the Agenda as printed.

Yes: All (7)
Absent: Maxwell, Wright

MOTION CARRIED

3. MINUTES

Resolution # PC-2008-06-067

Moved by: Tagle
Seconded by: Hutson

RESOLVED, To approve the minutes of the May 13, 2008 Regular meeting as printed.

Yes: All (7)
Absent: Maxwell, Wright

MOTION CARRIED

4. PUBLIC COMMENT – For Items Not on the Agenda

There was no one present who wished to speak.

STUDY ITEM

5. MAPLE ROAD CORRIDOR STUDY – Presentation by representatives of the Troy Chamber of Commerce

Michelle Hodges of the Troy Chamber of Commerce described the process involved in creating the Maple Road Corridor Study and summarized the document.

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Mr. Miller introduced the project.

Mr. Carlisle of Carlisle/Wortman Associates, Inc. summarized his report on the project.

Robert Cliffe, architect from Moiseev/Gordon Associates, Inc., presented the proposed mixed-use project.

General discussion followed.

There were Planning Commission questions/comments on the following topics:

- Softening of gateway wall.
- Phasing of project.
- Neighborhood meeting.
- Hotel need study for this area.

There was general support for the project. The Planning Commission requested that the Planning Department schedule a Public Hearing for the July Regular meeting.

7. PUBLIC HEARING – PLANNED UNIT DEVELOPMENT (P.U.D. 12) – Proposed Troy Hospitality Tower Drive Hotel Planned Unit Development, East of Crooks, North of Tower Drive (900 Tower Drive), Section 9, Currently Zoned O-S-C (Office-Service-Commercial) District

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Mr. Carlisle of Carlisle/Wortman Associates, Inc. summarized his report on the project.

Norm Hyman, attorney for Honigman, Miller, Schwartz and Cohn, presented the project.

Basil Bacall, applicant, 3060 Park Drive, Brighton, described the hotel market and his experience in the hotel industry.

John Northrop, 3109 Walcott, Jackson, listed potential sustainable elements for the project.

PUBLIC HEARING OPENED

James Miskulin, 850 Tower Drive, was present to represent Embassy Suites. He spoke in opposition of the development. He said Embassy Suites was undertaking \$12 million in renovations and had plans to add another hotel in their parking lot.

PUBLIC HEARING CLOSED

The Planning Commission comments related to the following:

- The design lacked creativity.
- Missing information, including building elevations.
- Questions as to whether the project qualified as a PUD.
- Potential text amendment rather than PUD process.
- Incomplete PUD application.

Resolution # PC-2008-06-068

Moved by: Strat
Seconded by: Sanzica

RESOLVED, That the Planning Commission postpones the item to such time that the Planning Department determines the item is ready for Planning Commission review.

Yes: All (7)
Absent: Maxwell, Wright

MOTION CARRIED

Chair Schultz requested a recess at 9:40 p.m.

The meeting reconvened at 9:50 p.m.

OTHER ITEMS

8. **DRAFT CITY OF TROY MASTER PLAN** – Discussion with representatives of Carlisle/Wortman Associates, Inc.

Mr. Miller introduced the item. He informed the Planning Commission that one revision was overlooked in the draft document. The Public/Quasi Public classification should have been extended south to the Neighborhood Node symbol at the northeast corner of Wattles/Crooks, on the Future Land Use Plan (page 89).

The Planning Commission agreed that this was an appropriate revision.

Mr. Carlisle reviewed the proposed changes to the draft Master Plan, as summarized in his memo.

General discussion followed.

Dennis Cowan, 38505 Woodward Avenue, Bloomfield Hills, attorney representing White Chapel Cemetery, requested the extension of the Public/Quasi Public classification all the way to the northeast corner of Wattles/Crooks on the Future Land Use Plan (page 89), eliminating the Neighborhood Node in this quadrant.

David Krall, 901 Wilshire, Troy, representing White Chapel Cemetery, asked the Planning Commission to eliminate the Neighborhood Node classification at the northeast corner of Wattles/Crooks on the Future Land Use Plan.

Mr. Hutson stated that White Chapel owned the property in question. If they decided it was to remain zoned as single-family residential, it would remain as such. If they decided to rezone to a district that was consistent with the Neighborhood Node, they could do so. There were no negative impacts associated with classifying the property as Neighborhood Node.

Resolution # PC-2008-06-069

Moved by: Hutson
Seconded by: Vleck

WHEREAS, The responsibility of cities and villages to adopt and update a master plan is outlined in the Municipal Planning Act, PA 285 of 1931, as amended; and

WHEREAS, The Planning Commission prepared the draft City of Troy 2008 Master Plan; and,

WHEREAS, The Planning Commission has determined that the draft City of Troy 2008 Master Plan represents the long-range vision of the City of Troy.

THEREFORE BE IT RESOLVED, The Planning Commission recommends that the City Council authorize distribution of the draft City of Troy 2008 Master Plan, "May 27 Draft for Distribution", as per the requirements of the Municipal Planning Act, PA 285 of 1931, as amended.

Yes: All (7)
Absent: Maxwell, Wright

MOTION CARRIED

9. AUBURN ROAD STREETScape CORRIDOR STUDY – Planning Commission Review and Resolution of Support

Mr. Miller briefly described the item, which was before the Planning Commission for review and comment at the request of the Shelby Township Planning Commission, as per the requirements of the Municipal Planning Act.

Resolution # PC-2008-06-070

Moved by: Vleck
Seconded by: Strat

WHEREAS, The Shelby Township Planning Commission prepared the Auburn Road Streetscape Corridor Study; and,

WHEREAS, The Auburn Road Streetscape Corridor Study will have no impact on the City of Troy; and,

WHEREAS, The Shelby Township Planning Commission has provided a copy of the Auburn Road Streetscape Corridor Study to the City of Troy Planning Commission for their review and comment, as required by Section 125.37b of Public Act 185 of 1931 as amended, known as the Municipal Planning Act; and by Section 125.327a of Public Act 168 of 1959, known as the Township Planning Act; and,

WHEREAS, The City of Troy Planning Commission has determined that the Auburn Road Streetscape Corridor Study is not inconsistent with the Future Land Use Plan of the City of Troy.

NOW THEREFORE BE IT RESOLVED, The City of Troy Planning Commission hereby supports the proposed Auburn Road Streetscape Corridor Study.

Yes: All (7)
 Absent: Maxwell, Wright

MOTION CARRIED

10. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

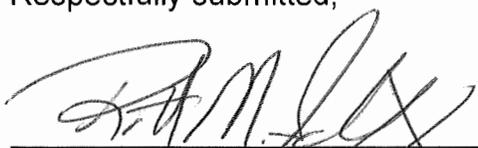
11. PLANNING COMMISSION COMMENTS

There was general Planning Commission discussion.

ADJOURN

The Special/Study Meeting of the Planning Commission adjourned at 10:30 p.m.

Respectfully submitted,



 Robert M. Schultz, Chair



 R. Brent Savidant, Principal Planner

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on June 10, 2008, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson
 Mark Maxwell
 Philip Sanzica
 Robert 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
 Bradley Raine, Student Representative
 Kathy Czarnecki, Recording Secretary

Chair Schultz welcomed Bradley Raine as the new student representative.

Resolution # PC-2008-06-071

Moved by: Vleck
 Seconded by: Strat

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-2008-06-072

Moved by: Tagle
 Seconded by: Maxwell

RESOLVED, To approve the amended Agenda.

Yes: All present (8)
 Absent: Wright

MOTION CARRIED

3. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

POSTPONED ITEM

4. PUBLIC HEARING – SPECIAL USE REQUEST (SU 357) – Proposed Granite City Food & Brewery Restaurant, South side of Big Beaver Road, East of Troy Center Drive, Section 28, O-S-C (Office Service Commercial) District

SITE PLAN APPROVAL (SP-206) – National City Center Parking Space Reduction, South side of Big Beaver Road, East of Troy Center Drive, Section 28, Zoned O-S-C (Office Service Commercial) District

Mr. Miller addressed the relationship between the proposed restaurant and the existing National City Center, formerly known as the Top of Troy. Mr. Miller commended the petitioner on the revisions made to the site plan which address concerns of the members expressed at the May Regular meeting. He addressed the plan in relation to the Big Beaver Road Corridor Study, the outdoor patio and parking. Mr. Miller indicated there is little, if any, risk involved with the proposed reduction of parking spaces, noting that there are parking spaces landbanked. The Planning Department recommends approval of the special use request and preliminary site plan as submitted.

Mr. Vleck said he would like to see the 9 parking spaces along Big Beaver Road removed so that the building would be open up more to Big Beaver Road.

The petitioner, James Butler of Professional Engineering Associates, 2430 Rochester Court, Troy, was present. Mr. Butler addressed the relationship of the proposed restaurant to Big Beaver Road; i.e., patio, walkway and pedestrian traffic. He stated the 9 parking spaces along Big Beaver Road are very critical to the restaurant business.

Mr. Strat commended the petitioner on the revised site plan. He said he would not vote in favor of the plan should the 9 parking spaces remain as proposed along Big Beaver Road. Mr. Strat encouraged a similar layout to that of the Ocean Prime restaurant.

Mr. Sanzica asked if valet parking would be available.

Wade Behm of Behm Consulting, Sioux Falls, South Dakota, was present. Mr. Behm said all parking is self-parking out the front door. He indicated the 9 parking spaces at the front of the restaurant are very critical to the restaurant business and operation.

Mr. Maxwell said he would prefer to see the 9 parking spaces removed also, and if that is not possible, to have the spaces appropriately screened.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Hutson agreed that the 9 parking spaces should be removed.

There was a brief discussion on the landscaping in relation to the patio and front parking spaces, and the traffic flow of a drop-off area.

Chair Schultz agrees that the parking system at Ocean Prime works well, and that he too would prefer to see the 9 parking spaces removed. But Chair Schultz said he respects the petitioner's request from a business perspective to keep the front parking spaces. He further noted that Granite City is at a different price point than Ocean Prime and valet parking is not available.

Tony Antone of Kojaian Management Corporation, 39400 Woodward Avenue, Bloomfield Hills, was present. Mr. Antone said the building was moved as far to the east as Granite City would allow for visibility reasons. He indicated the rotation of the building resulted in a good portion of the parking to be located in the back of restaurant, which is not an ideal situation. Mr. Antone said that condition did not exist when the building was pivoted the other way. He said every parking space removed from the front becomes more and more critical because so much has been taken already. Mr. Antone said the more you strip away, the less it works.

Mr. Vleck commended the petitioner's positive response to the Big Beaver Road Corridor Study, and was amenable to the petitioner's position that the 9 parking spaces are critical to the success of the business.

Mr. Antone asked for clarification on the landscaping.

Members discussed the intent of the landscaping, as follows:

- Screen view of cars and block car hoods from Big Beaver Road.
- Limit landscape height to less than 4 feet.
- Expose restaurant entrance, patio, trellis and foot traffic as much as possible.

Mr. Tagle commended the petitioner on the revised site plan and indicated his support. He said the petitioner fulfilled every request of the Planning Commission. Mr. Tagle said he too would prefer a greenbelt in front but he is sensitive to the petitioner's request to keep the front parking spaces. Mr. Tagle feels landscaping is not going to block a 30-foot high building.

Resolution # PC-2008-06-073

Moved by: Tagle
Seconded by: Sanzica

RESOLVED, The Planning Commission hereby approves a reduction in the total number of required parking spaces for the proposed Granite City Food & Brewery to 143, when a total of 178 spaces are required on the site based on the off-street parking space requirements for office uses, as per Article XL. This 35-space reduction meets the standards of Article 40.20.12; and,

BE IT FURTHER RESOLVED, The Planning Commission hereby approves a reduction in the total number of required parking spaces for the National City Center office building to 1,608, when a total of 2,343 spaces are required on the site based on the off-street parking space requirements for office uses, as per Article XL, as shown on Sheet P-2, Preliminary Site Plan. This 735-space reduction meets the standards of Article 40.20.12; and,

BE IT FURTHER RESOLVED, Cross-access and shared parking agreements shall be executed prior to Final Site Plan Approval, subject to the review and approval of the City Attorney; and,

BE IT FINALLY RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 26.30.05 of the Zoning Ordinance, as requested for the proposed Granite City Food & Brewery Restaurant, and Preliminary Site Plan Approval for the National City Center Parking Space Reduction, located on the south side of Big Beaver Road, east of Troy Center Drive, in Section 28, within the O-S-C (Office Service Commercial) zoning district, is hereby granted.

Yes: Maxwell, Sanzica, Schultz, Tagle, Ullmann, Vleck
No: Hutson, Strat
Absent: Wright

MOTION CARRIED

Mr. Strat said activity of the front door and the patio area are key points to the project, and that is the reason he voted against the motion.

Mr. Hutson said he somewhat agrees with Mr. Strat's comments. Mr. Hutson feels a promontory has been created if the site plan is viewed from above. He said the argument that customers must "go to the back 40" is not very viable, that there will be a lot of people behind the building, and he is not satisfied with the plan.

SPECIAL USE REQUESTS

5. PUBLIC HEARING – SPECIAL USE REQUEST (SU 354-B) – Proposed Autometric Collision, Automotive Repair in M-1, North side of Maplawn, West of Crooks Road (1728 Maplawn), Section 29 – Zoned M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report on the proposed special use request and site plan approval, and reported it is the recommendation of City Management to approve the special use request and site plan as submitted.

The petitioner, Larry Smith of 580 S. Telegraph Road, Pontiac, was present. Mr. Smith said he is excited about locating in Troy. He said it would be a win-win situation for the collision shop and Somerset Pontiac GMC.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Chair Schultz addressed a concern with auto repair facilities placing “for sale” vehicles in front of the facilities. He asked the petitioner to have no visible cars for sale along Maplawn.

Mr. Sanzica said he is in favor of the project and said the collision shop would be an asset to the City. He noted the collision shop owned by the petitioner, located on Orchard Lake Road and Telegraph, is very well maintained and aesthetically appealing.

Mr. Maxwell said he is in favor of the project. He commented favorably on the location and screening.

Mr. Strat agreed the collision shop would be an asset to Troy.

Chair Schultz addressed the previous Special Use approval granted at this location in relation to the storage of vehicles.

After a short discussion, it was determined that approval of the special use request before the Commission tonight would supersede the previous special use approval granted to store vehicles on site.

Chair Schultz asked the petitioner if he would prefer to (1) go forward with the special use request tonight and come back before the Board for an additional special use request to store vehicles on site; or (2) take no action on tonight’s special use request and come back before the Board with a special use request that would include both the collision repair shop and storage of vehicles.

Mr. Smith said he would like to proceed with the request this evening so they could move forward with site improvements. He said he would come back at a later date to request special use approval to store vehicles. Mr. Smith further stated that no vehicles would be offered for sale on the property.

Resolution # PC-2008-06-074

Moved by: Vleck

Seconded by: Strat

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 28.30.07 of the Zoning Ordinance, as requested for the proposed Autometric Collision, Automotive Repair in M-1, located on the north side of Maplelawn, west of Crooks, in Section 29, within the M-1 zoning district, is hereby granted, subject to the following condition:

1. No vehicles for sale will be located along Maplelawn.

Yes: All present (8)

Absent: Wright

MOTION CARRIED

6. PUBLIC HEARING – SPECIAL USE REQUEST (SU 344-B) – Proposed Tim Horton’s Restaurant with Drive-Up Window, Southwest corner of Rochester Road and Vanderpool (3339 Rochester Road proposed), Section 22 – Zoned B-2 (Community Business) and E-P (Environment Protection) Districts

Mr. Miller presented a summary of the Planning Department report on the proposed special use request and preliminary site plan approval, and reported it is the recommendation of City Management to approve the special use request and site plan with two conditions: (1) The applicant must receive a variance from the Board of Zoning Appeals (BZA) for the one-acre minimum lot size requirement for drive-thru restaurants in the B-2 district; and (2) The applicant must provide a connecting sidewalk between the building perimeter sidewalk and the sidewalk on the south side of Vanderpool.

Mr. Tagle addressed the size of the trash enclosure.

Mr. Maxwell addressed the location of a drive-thru restaurant next to retail space.

Mr. Miller said the Zoning Ordinance does not dictate size specifications for a trash enclosure. Further, he indicated there are no negative characteristics with respect to the drive-thru.

Mr. Strat commended the architect on the site plan, especially as relates to the storm water retention. He addressed the site plan with respect to concepts of the Big Beaver Road Corridor Study, specifically any type of outdoor activity.

Mr. Miller said an outdoor seating area of less than 20 seats could be approved administratively by the Building Department.

Mr. Vleck shared concern with discrepancies in the site plan submittal sheets, specifically the location of the dumpster. Mr. Vleck said he would like to see additional screening in the dumpster area.

Chair Schultz said there is substantial opportunity for additional landscaping.

Burt Kassab of 7125 Orchard Lake Road, West Bloomfield, was present. Mr. Kassab, managing partner of the property owner, provided a brief history of the property. Mr. Kassab detailed commitments to the site, such as no curb cuts on Vanderpool and extensive landscaping along Vanderpool and the E-P buffer zone. He said they have been in continuous contact with the neighbors and feel they have their support on this project. Mr. Kassab said the corporate office of Tim Horton's Restaurants is excited about being Troy's first. Mr. Kassab addressed the sidewalk on Vanderpool, outdoor seating, the restaurant's 24-hour operation, and prospective tenants of the retail space. He said the restaurant's maximum number of seats and average seat capacity is 35.

Mr. Kassab announced that a representative from Tim Horton's Restaurants is present this evening.

Mr. Vleck said he would prefer to see a single trash enclosure. He addressed the trash enclosure location and, again, the discrepancies in the site plan sheets. Mr. Vleck noted that he is not opposed to the development.

Mr. Kassab said they are okay with a single trash enclosure, and are willing to work with the Planning Department on its location and size.

PUBLIC HEARING OPENED

Laura Balyeat of 965 Vanderpool, Troy, was present. Ms. Balyeat voiced her concern with the location of the dumpster and potential rats. She addressed the Rochester Road median and shared concern for school children in the area.

Chair Schultz said the Rochester Road median is not within the Commission's purview and directed Ms. Balyeat to the City's Engineering Department.

John Billinger of 943 Vanderpool, Troy, was present. Mr. Billinger is opposed to the proposed development. He distributed handouts to the members that include correspondence to City Council and the history of the site as relates to rezoning and

site plan application. Mr. Billinger addressed the wall near the E-P zone, the retail space, drive thru window and adherence to Zoning Ordinance requirements.

Richard Wiles of 975 Vanderpool, Troy, was present. Mr. Wiles addressed the dumpster location, drainage and drive-thru. He said he has no complaints about the proposed development as long as traffic is on Rochester Road and not Vanderpool. Mr. Wiles does not want a wall on Vanderpool.

Kim Antoine of 968 Vanderpool, Troy, was present. Mr. Antoine lives next door to the proposed development. He has no objection to the proposed development, but noted there could be a potential issue with the dumpster location.

PUBLIC HEARING CLOSED

Discussion continued to address the following:

- Dumpster; i.e., single/double capacity, location, trash removal operation, screening.
- Additional landscaping.
- Discrepancies on site plan sheets.
- Sidewalk waiver.
- Outdoor eating area with portable landscaping.

Mr. Kassab had no objections to providing a single enclosure and additional landscaping. He addressed the trash removal pickup times and operation. Mr. Kassab expressed willingness to work with the Planning Department on all concerns expressed this evening. He indicated they would like to proceed with site plan approval this evening to facilitate an anticipated store opening by the holiday season.

Ghassan Abdulnour, project architect, G.A.V. & Associates, 31471 Northwestern Highway, Farmington Hills, was present. Descriptive details were discussed on the site plan displayed on the easel as relates to the best location of the dumpster and landscaping.

Mr. Miller said he is comfortable going forward with site plan approval and working with the petitioner on revisions to the site plan. He agreed the revisions could be approved administratively.

Resolution # PC-2008-06-075

Moved by: Vleck
Seconded by: Hutson

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 21.30.02 of the Zoning Ordinance, as requested for the proposed Tim Horton's Restaurant with drive-up window and retail use, located on the southwest corner of Rochester and Vanderpool, in Section 22, within the B-2 zoning district, is hereby granted, subject to the following conditions:

1. The applicant shall receive a variance from the BZA for the 1-acre minimum lot size requirement for drive-thru restaurants in the B-2 district.
2. Provide a connecting sidewalk between the building perimeter sidewalk and the sidewalk on the south side of Vanderpool.
3. That the dumpster location will be re-configured as discussed in tonight's meeting and will be approved by the Planning Department.
4. That the landscape configuration around the dumpster location will also be re-configured as discussed in tonight's meeting and will be approved by the Planning Department.

Yes: All present (8)

Absent: Wright

MOTION CARRIED

OTHER ITEMS

7. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

8. PLANNING COMMISSION COMMENTS

Mr. Maxwell commented on outdoor seating at Ocean Prime and Granite City Food & Brewery restaurants.

Mr. Miller shared his experience at a Granite City Food & Brewery restaurant in Minnesota.

The Regular Meeting of the Planning Commission adjourned at 9:23 p.m.

Respectfully submitted,

Robert M. Schultz, Chair

Kathy L. Czarnecki, Recording Secretary

The Regular Meeting of the Troy City Planning Commission was called to order by Chair Schultz at 7:30 p.m. on June 10, 2008, in the Council Chambers of the Troy City Hall.

1. ROLL CALL

Present:

Michael W. Hutson
 Mark Maxwell
 Philip Sanzica
 Robert 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
 Bradley Raine, Student Representative
 Kathy Czarnecki, Recording Secretary

Chair Schultz welcomed Bradley Raine as the new student representative.

Resolution # PC-2008-06-071

Moved by: Vleck
 Seconded by: Strat

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-2008-06-072

Moved by: Tagle
 Seconded by: Maxwell

RESOLVED, To approve the amended Agenda.

Yes: All present (8)
 Absent: Wright

MOTION CARRIED

3. PUBLIC COMMENTS – Items not on the Agenda

There was no one present who wished to speak.

POSTPONED ITEM

4. PUBLIC HEARING – SPECIAL USE REQUEST (SU 357) – Proposed Granite City Food & Brewery Restaurant, South side of Big Beaver Road, East of Troy Center Drive, Section 28, O-S-C (Office Service Commercial) District

SITE PLAN APPROVAL (SP-206) – National City Center Parking Space Reduction, South side of Big Beaver Road, East of Troy Center Drive, Section 28, Zoned O-S-C (Office Service Commercial) District

Mr. Miller addressed the relationship between the proposed restaurant and the existing National City Center, formerly known as the Top of Troy. Mr. Miller commended the petitioner on the revisions made to the site plan which address concerns of the members expressed at the May Regular meeting. He addressed the plan in relation to the Big Beaver Road Corridor Study, the outdoor patio and parking. Mr. Miller indicated there is little, if any, risk involved with the proposed reduction of parking spaces, noting that there are parking spaces landbanked. The Planning Department recommends approval of the special use request and preliminary site plan as submitted.

Mr. Vleck said he would like to see the 9 parking spaces along Big Beaver Road removed so that the building would be open up more to Big Beaver Road.

The petitioner, James Butler of Professional Engineering Associates, 2430 Rochester Court, Troy, was present. Mr. Butler addressed the relationship of the proposed restaurant to Big Beaver Road; i.e., patio, walkway and pedestrian traffic. He stated the 9 parking spaces along Big Beaver Road are very critical to the restaurant business.

Mr. Strat commended the petitioner on the revised site plan. He said he would not vote in favor of the plan should the 9 parking spaces remain as proposed along Big Beaver Road. Mr. Strat encouraged a similar layout to that of the Ocean Prime restaurant.

Mr. Sanzica asked if valet parking would be available.

Wade Behm of Behm Consulting, Sioux Falls, South Dakota, was present. Mr. Behm said all parking is self-parking out the front door. He indicated the 9 parking spaces at the front of the restaurant are very critical to the restaurant business and operation.

Mr. Maxwell said he would prefer to see the 9 parking spaces removed also, and if that is not possible, to have the spaces appropriately screened.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Mr. Hutson agreed that the 9 parking spaces should be removed.

There was a brief discussion on the landscaping in relation to the patio and front parking spaces, and the traffic flow of a drop-off area.

Chair Schultz agrees that the parking system at Ocean Prime works well, and that he too would prefer to see the 9 parking spaces removed. But Chair Schultz said he respects the petitioner's request from a business perspective to keep the front parking spaces. He further noted that Granite City is at a different price point than Ocean Prime and valet parking is not available.

Tony Antone of Kojaian Management Corporation, 39400 Woodward Avenue, Bloomfield Hills, was present. Mr. Antone said the building was moved as far to the east as Granite City would allow for visibility reasons. He indicated the rotation of the building resulted in a good portion of the parking to be located in the back of restaurant, which is not an ideal situation. Mr. Antone said that condition did not exist when the building was pivoted the other way. He said every parking space removed from the front becomes more and more critical because so much has been taken already. Mr. Antone said the more you strip away, the less it works.

Mr. Vleck commended the petitioner's positive response to the Big Beaver Road Corridor Study, and was amenable to the petitioner's position that the 9 parking spaces are critical to the success of the business.

Mr. Antone asked for clarification on the landscaping.

Members discussed the intent of the landscaping, as follows:

- Screen view of cars and block car hoods from Big Beaver Road.
- Limit landscape height to less than 4 feet.
- Expose restaurant entrance, patio, trellis and foot traffic as much as possible.

Mr. Tagle commended the petitioner on the revised site plan and indicated his support. He said the petitioner fulfilled every request of the Planning Commission. Mr. Tagle said he too would prefer a greenbelt in front but he is sensitive to the petitioner's request to keep the front parking spaces. Mr. Tagle feels landscaping is not going to block a 30-foot high building.

Resolution # PC-2008-06-073

Moved by: Tagle
Seconded by: Sanzica

RESOLVED, The Planning Commission hereby approves a reduction in the total number of required parking spaces for the proposed Granite City Food & Brewery to 143, when a total of 178 spaces are required on the site based on the off-street parking space requirements for office uses, as per Article XL. This 35-space reduction meets the standards of Article 40.20.12; and,

BE IT FURTHER RESOLVED, The Planning Commission hereby approves a reduction in the total number of required parking spaces for the National City Center office building to 1,608, when a total of 2,343 spaces are required on the site based on the off-street parking space requirements for office uses, as per Article XL, as shown on Sheet P-2, Preliminary Site Plan. This 735-space reduction meets the standards of Article 40.20.12; and,

BE IT FURTHER RESOLVED, Cross-access and shared parking agreements shall be executed prior to Final Site Plan Approval, subject to the review and approval of the City Attorney; and,

BE IT FINALLY RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 26.30.05 of the Zoning Ordinance, as requested for the proposed Granite City Food & Brewery Restaurant, and Preliminary Site Plan Approval for the National City Center Parking Space Reduction, located on the south side of Big Beaver Road, east of Troy Center Drive, in Section 28, within the O-S-C (Office Service Commercial) zoning district, is hereby granted.

Yes: Maxwell, Sanzica, Schultz, Tagle, Ullmann, Vleck
No: Hutson, Strat
Absent: Wright

MOTION CARRIED

Mr. Strat said activity of the front door and the patio area are key points to the project, and that is the reason he voted against the motion.

Mr. Hutson said he somewhat agrees with Mr. Strat's comments. Mr. Hutson feels a promontory has been created if the site plan is viewed from above. He said the argument that customers must "go to the back 40" is not very viable, that there will be a lot of people behind the building, and he is not satisfied with the plan.

SPECIAL USE REQUESTS

5. **PUBLIC HEARING – SPECIAL USE REQUEST (SU 354-B)** – Proposed Autometric Collision, Automotive Repair in M-1, North side of Maplelawn, West of Crooks Road (1728 Maplelawn), Section 29 – Zoned M-1 (Light Industrial) District

Mr. Miller presented a summary of the Planning Department report on the proposed special use request and site plan approval, and reported it is the recommendation of City Management to approve the special use request and site plan as submitted.

The petitioner, Larry Smith of 580 S. Telegraph Road, Pontiac, was present. Mr. Smith said he is excited about locating in Troy. He said it would be a win-win situation for the collision shop and Somerset Pontiac GMC.

PUBLIC HEARING OPENED

No one was present to speak.

PUBLIC HEARING CLOSED

Chair Schultz addressed a concern with auto repair facilities placing “for sale” vehicles in front of the facilities. He asked the petitioner to have no visible cars for sale along Maplelawn.

Mr. Sanzica said he is in favor of the project and said the collision shop would be an asset to the City. He noted the collision shop owned by the petitioner, located on Orchard Lake Road and Telegraph, is very well maintained and aesthetically appealing.

Mr. Maxwell said he is in favor of the project. He commented favorably on the location and screening.

Mr. Strat agreed the collision shop would be an asset to Troy.

Chair Schultz addressed the previous Special Use approval granted at this location in relation to the storage of vehicles.

After a short discussion, it was determined that approval of the special use request before the Commission tonight would supersede the previous special use approval granted to store vehicles on site.

Chair Schultz asked the petitioner if he would prefer to (1) go forward with the special use request tonight and come back before the Board for an additional special use request to store vehicles on site; or (2) take no action on tonight’s special use request and come back before the Board with a special use request that would include both the collision repair shop and storage of vehicles.

Mr. Smith said he would like to proceed with the request this evening so they could move forward with site improvements. He said he would come back at a later date to request special use approval to store vehicles. Mr. Smith further stated that no vehicles would be offered for sale on the property.

Resolution # PC-2008-06-074

Moved by: Vleck

Seconded by: Strat

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 28.30.07 of the Zoning Ordinance, as requested for the proposed Autometric Collision, Automotive Repair in M-1, located on the north side of Maplelawn, west of Crooks, in Section 29, within the M-1 zoning district, is hereby granted, subject to the following condition:

1. No vehicles for sale will be located along Maplelawn.

Yes: All present (8)

Absent: Wright

MOTION CARRIED

6. **PUBLIC HEARING – SPECIAL USE REQUEST (SU 344-B)** – Proposed Tim Horton’s Restaurant with Drive-Up Window, Southwest corner of Rochester Road and Vanderpool (3339 Rochester Road proposed), Section 22 – Zoned B-2 (Community Business) and E-P (Environment Protection) Districts

Mr. Miller presented a summary of the Planning Department report on the proposed special use request and preliminary site plan approval, and reported it is the recommendation of City Management to approve the special use request and site plan with two conditions: (1) The applicant must receive a variance from the Board of Zoning Appeals (BZA) for the one-acre minimum lot size requirement for drive-thru restaurants in the B-2 district; and (2) The applicant must provide a connecting sidewalk between the building perimeter sidewalk and the sidewalk on the south side of Vanderpool.

Mr. Tagle addressed the size of the trash enclosure.

Mr. Maxwell addressed the location of a drive-thru restaurant next to retail space.

Mr. Miller said the Zoning Ordinance does not dictate size specifications for a trash enclosure. Further, he indicated there are no negative characteristics with respect to the drive-thru.

Mr. Strat commended the architect on the site plan, especially as relates to the storm water retention. He addressed the site plan with respect to concepts of the Big Beaver Road Corridor Study, specifically any type of outdoor activity.

Mr. Miller said an outdoor seating area of less than 20 seats could be approved administratively by the Building Department.

Mr. Vleck shared concern with discrepancies in the site plan submittal sheets, specifically the location of the dumpster. Mr. Vleck said he would like to see additional screening in the dumpster area.

Chair Schultz said there is substantial opportunity for additional landscaping.

Burt Kassab of 7125 Orchard Lake Road, West Bloomfield, was present. Mr. Kassab, managing partner of the property owner, provided a brief history of the property. Mr. Kassab detailed commitments to the site, such as no curb cuts on Vanderpool and extensive landscaping along Vanderpool and the E-P buffer zone. He said they have been in continuous contact with the neighbors and feel they have their support on this project. Mr. Kassab said the corporate office of Tim Horton's Restaurants is excited about being Troy's first. Mr. Kassab addressed the sidewalk on Vanderpool, outdoor seating, the restaurant's 24-hour operation, and prospective tenants of the retail space. He said the restaurant's maximum number of seats is 35.

Mr. Kassab announced that a representative from Tim Horton's Restaurants is present this evening.

Mr. Vleck said he would prefer to see a single trash enclosure. He addressed the trash enclosure location and, again, the discrepancies in the site plan sheets. Mr. Vleck noted that he is not opposed to the development.

Mr. Kassab said they are okay with a single trash enclosure, and are willing to work with the Planning Department on its location and size.

PUBLIC HEARING OPENED

Laura Balyeat of 965 Vanderpool, Troy, was present. Ms. Balyeat voiced her concern with the location of the dumpster and potential rats. She addressed the Rochester Road median and shared concern for school children in the area.

Chair Schultz said the Rochester Road median is not within the Commission's purview and directed Ms. Balyeat to the City's Engineering Department.

John Billinger of 943 Vanderpool, Troy, was present. Mr. Billinger is opposed to the proposed development. He distributed handouts to the members that include correspondence to City Council and the history of the site as relates to rezoning and

site plan application. Mr. Billinger addressed the wall near the E-P zone, the retail space, drive thru window and adherence to Zoning Ordinance requirements.

Richard Wiles of 975 Vanderpool, Troy, was present. Mr. Wiles addressed the dumpster location, drainage and drive-thru. He said he has no complaints about the proposed development as long as traffic is on Rochester Road and not Vanderpool. Mr. Wiles does not want a wall on Vanderpool.

Kim Antoine of 968 Vanderpool, Troy, was present. Mr. Antoine lives next door to the proposed development. He has no objection to the proposed development, but noted there could be a potential issue with the dumpster location.

PUBLIC HEARING CLOSED

Discussion continued to address the following:

- Dumpster; i.e., single/double capacity, location, trash removal operation, screening.
- Additional landscaping.
- Discrepancies on site plan sheets.
- Sidewalk waiver.
- Outdoor eating area with portable landscaping.

Mr. Kassab had no objections to providing a single enclosure and additional landscaping. He addressed the trash removal pickup times and operation. Mr. Kassab expressed willingness to work with the Planning Department on all concerns expressed this evening. He indicated they would like to proceed with site plan approval this evening to facilitate an anticipated store opening by the holiday season.

Ghassan Abdulnour, project architect, G.A.V. & Associates, 31471 Northwestern Highway, Farmington Hills, was present. Descriptive details were discussed on the site plan displayed on the easel as relates to the best location of the dumpster and landscaping.

Mr. Miller said he is comfortable going forward with site plan approval and working with the petitioner on revisions to the site plan. He agreed the revisions could be approved administratively.

Resolution # PC-2008-06-075

Moved by: Vleck
Seconded by: Hutson

RESOLVED, That Special Use Approval and Preliminary Site Plan Approval, pursuant to Section 21.30.02 of the Zoning Ordinance, as requested for the proposed Tim Horton's Restaurant with drive-up window and retail use, located on the southwest corner of Rochester and Vanderpool, in Section 22, within the B-2 zoning district, is hereby granted, subject to the following conditions:

1. The applicant shall receive a variance from the BZA for the 1-acre minimum lot size requirement for drive-thru restaurants in the B-2 district.
2. Provide a connecting sidewalk between the building perimeter sidewalk and the sidewalk on the south side of Vanderpool.
3. That the dumpster location will be re-configured as discussed in tonight's meeting and will be approved by the Planning Department.
4. That the landscape configuration around the dumpster location will also be re-configured as discussed in tonight's meeting and will be approved by the Planning Department.

Yes: All present (8)
 Absent: Wright

MOTION CARRIED

OTHER ITEMS

7. PUBLIC COMMENTS – Items on Current Agenda

There was no one present who wished to speak.

8. PLANNING COMMISSION COMMENTS

Mr. Maxwell commented on outdoor seating at Ocean Prime and Granite City Food & Brewery restaurants.

Mr. Miller shared his experience at a Granite City Food & Brewery restaurant in Minnesota.

The Regular Meeting of the Planning Commission adjourned at 9:23 p.m.

Respectfully submitted,



 Robert M. Schultz, Chair



 Kathy L. Czarniecki, Recording Secretary

A special meeting of the Animal Control Appeal Board was held on Wednesday, June 11, 2008 in Conference Room C of Troy City Hall, 500 West Big Beaver Road. Chairperson Jayne Saeger called the meeting to order at 7:30 p.m.

ROLL CALL:

PRESENT: Jayne Saeger, Chairperson
Al Petrulis, Vice-Chairperson
Patrick Carolan, Secretary
Kathleen Melchert
V. James Viola
Lt. Charles Pappas
PSA Stephen Vaillancourt
Christopher Forsyth, Assistant City Attorney
Pat Gladysz

Resolution to Approve Minutes of March 5, 2008 Meeting

Resolution #AC2008-06-003

Moved by Melchert

Seconded by Viola

RESOLVED, that the Minutes of the March 5, 2008 meeting of the Animal Control Appeal Board be approved.

Yes: 5
No: 0
Absent: None

Agenda Items

1. Carol Schilling and Deb Petersen-Brand, residing at 387 Ottawa, appeal the decision of the animal control officer rejecting the permit for a fourth dog on their property.

Present to answer questions from the Committee were Carol Schilling and Deb Petersen-Brand.

The Chairperson asked PSA Vaillancourt for a report of the situation. He stated that he responded to a complaint regarding too many dogs at 387 Ottawa. He explained the City Ordinance to the residents. He did not issue a citation.

Committee member Melchert questioned if the Americans with Disabilities Act exempted the resident from compliance with this Ordinance. Assistant City Attorney Forsyth stated he could not provide an opinion on this matter without further research.

Assistant City Attorney Forsyth read a portion of Chapter 90 of the City Ordinance:

Duties of Animal Control Appeal Board:

The Animal Control Appeal Board shall:

- (a) promulgate regulations regarding dangerous animal permits and domestic animal permits, and
- (b) interpret and determine the application of provisions contained in this Chapter as they relate to specific fact situations presented to the Animal Control Appeal Board, and
- (c) adjudicate appeals from an Animal Control Officer's decision regarding the issuance or denial of a permit for dangerous animals, domestic animals and wild animals, and
- (d) adjudicate appeals from an Animal Control Officer's decision regarding the revocation of a permit for dangerous animals, domestic animals or wild animals.

Mr. Forsyth further stated that in reviewing the definition of "dangerous animals, domestic animals, or wild animals" dogs are not included in those definitions. Thus, he stated that he is uncertain that this Board has the jurisdiction to hear this appeal. This is not an appeal from a dangerous animal permit, domestic animal permit, wild animal; it does not ask for an interpretation of a provision of this Ordinance. This really involves the City Ordinance stating "three dogs" and they want to keep "four dogs". This issue possibly belongs in the Court.

In response to the Board's question, Mr. Forsyth stated the following as options for action:

- (1) Grant the appeal, approve their request, and allow four dogs on the property
- (2) Deny the appeal based on the fact that the Board lacks jurisdiction to hear the appeal
- (3) Deny the appeal based on the City Ordinance

Lt. Pappas stated that he feels that the Board does not have the authority to supersede the criminal infraction.

The appellants made the following statements. The Great Dane "KD" is in training. Also, they have found a possible home for one of the "non-working" dogs in case the Board denies their appeal.

Neighbors that attended the meeting indicated that they understand the need for service dogs. However, they expressed concerns about the number of dogs in a residence and the safety of children in the area due to the size of a Great Dane.

Resolution #AC2008-06-004

Moved by Carolan

Seconded by Petrusis

RESOLVED, that the appeal of the decision of the animal control officer rejecting the permit for a fourth dog at 387 Ottawa be denied.

Yes: Saeger, Petrusis, Carolan, Viola

Abstain: Melchert

No: None

Absent: None

The next regular meeting is scheduled for September 3, 2008.

The meeting adjourned at 8:14 p.m.

Jayne Saeger, Chairperson

Patricia A. Gladysz, Secretary II

CALL TO ORDER

A meeting of the Troy Daze Festival Advisory Committee was held Tuesday, June 24, 2008 at the Troy Community Center at 7:05 pm.

ROLL CALL

Members Present: Mike Gonda
 Sandy Macknis
 Jeff Stewart
 Allison Miller
 Jim Hattan
 Bob Preston
 Sarah Wunderlich, student
 Jeff Super

City Staff Present: Cindy Stewart
 Bob Kowalski
 Jeff Biegler

Others: Karen Hattan
 Doris Schuchter
 Poncho Massaino

Absent: Bob Berk
 Dan O'Brien

Excuse Absent Members

RESOLUTION #TD-2008-06-16

Moved by Jeff Super

Seconded by Bob Preston

RESOLVED, that the Troy Daze Advisory Committee excuses Bob Berk and Dan O'Brien from the June 24, 2008 meeting.

Yes: All

No: None

MOTION CARRIED

Additions/Deletions to Agenda

None

Approval of Minutes from April 22, 2008

RESOLUTION #TD-2008-06-17

Motion by: Jeff Super

Seconded by: Jim Hattan

RESOLVED, that the minutes of April 22, 2008 are approved as submitted
MOTION CARRIED

New Business

a. Contract Updates:- Things are moving along; slowed down due to new financial system. But all new purchase orders will be entered July 7 and later.

b. 2008 Event Updates:

Booth Update: 61% of total booths sold & 4 food booths open. , Lynn Clark will be helping Bob with booths.

Shirts: Need to order next meeting, color is birch

Parade: Shir Tikvah is okay with 10 am parade start. Their people will be in before closing the streets.

Sponsors: Beaumont, Tringali, National City, WOW, MI Schools & Govt. Credit Union, Henry Ford Hospital, ITC Holdings. Rock Financial cannot be a sponsor this year. The mortgage industry is very bad. Comcast will not be in as a major sponsor.

Entertainment: All set, both stages full and under budget.

Special Needs Adults/Kids: Buscemi's will do pizza for both events. Kroger's will donate pop/water.

New Car Show: Contracts/ checks coming in slow.

Kids Corner: 10x10 tent on map. Entertainment all set, contracts are in.

Volunteers: Sandy went to all the schools and talked to the students. She has 40 applications in to date. She'll get more at student orientation. Student drop-off needs to be finalized. Mike, Bob and the Police will meet to determine drop off location

Pony Rides: Send a new contract to 2007 vendor. Sat/Sun only.

Signs: Need Jeff Biegler to order new ones.

Old Business

a. Fire Extinguisher Update:

Bob went to the Fire Extinguisher Co. owner and they will give us as many as we want, but we need to dispose of these ourselves. Cindy will check with SOCRRA to see if they will dispose of fire extinguishers.

b. Police and Fire Explorer Contracts:

Jeff Biegler sent the contracts to the Police and Fire Departments. He is waiting for a Purchase Order for one and the other has to go to Council for approval since it is over \$10,000. (July 21 meeting).

c. Park Changes:

Shelter closest to play structure will move farther west. It will have a 200 amp electrical service.

d. 50-50 Raffle:

They will have one inside and one outside booth plus area outside Entertainment. tent.

Public Comment

Member Comment - July 22 meeting at 7 pm - Wear blue shirts, photographer will be here to take photo for the Troy Daze Festival booklet.

Adjourn

RESOLUTION #TD-2008-04-15

Moved by Jim Hattan

Seconded by Bob Preston

RESOLVED, that the Troy Daze Advisory Committee Meeting is adjourned.

Yes: All

No: None

MOTION CARRIED

Meeting adjourned at 7:35 pm.

Bob Berk, Co-Chairperson

Cindy Stewart, Community Affairs Director

CHARTER REVISION COMMITTEE MINUTES - Draft**June 30, 2008**

A meeting of the Troy Charter Revision Committee was held June 30, 2008, at City Hall, 500 W. Big Beaver Road. Chairman Daniel Bliss called the Meeting to order at 3:03 PM.

ROLL CALL:

PRESENT: Lillian Barno, Maryann Bernardi, Daniel Bliss, Jerry E. Bloom, Shirley Kanoza, Cynthia A. Wilsher
ABSENT: Mark Solomon
ALSO PRESENT: City Attorney Lori Bluhm, City Clerk Tonni Bartholomew, Deputy City Clerk Barbara Pallotta

RESOLUTION TO EXCUSE MEMBER:

Resolution #CR-2008-06-006
 Moved by Kanoza
 Seconded by Wilsher

RESOLVED, That Member Solomon be **EXCUSED** from the meeting of June 30, 2008.

Yes: Barno, Bernardi, Bliss, Bloom, Kanoza, Wilsher
 No: None
 Absent: Solomon

MOTION CARRIED**APPROVAL OF MINUTES: May 22, 2007**

Resolution #CR-2008-06-007
 Moved by Kanoza
 Seconded by Barno

RESOLVED, That the Charter Revision Committee Minutes of May 22, 2008 are hereby **APPROVED** as presented.

Yes: Barno, Bernardi, Bliss, Bloom, Kanoza, Wilsher
 No: None
 Absent: Solomon

MOTION CARRIED**PROPOSED CHARTER AMENDMENTS:****SECTION 6.2(g) –VACANCIES IN ELECTED OFFICE**

Member Bernardi sees a contradiction in the proposed ballot language that was previously approved by the Committee.

Chair Bliss briefly reviewed the committee review process.

Proposed Resolution to Approve Proposed Ballot Language to Amend Section 6.2(g) – Vacancies in Elected Office – Troy City Charter

Resolution

Moved by Bliss

Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** the proposed ballot language to amend Section 6.2(g) – Vacancies In Elected Office of the Troy City Charter for referral to City Council as follows:

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE

Shall Section 6.2 of the Troy Charter, which discusses vacancies in elective office, be revised to allow members of Council, whose terms are expiring at the next municipal election, to file for an office other than their own without resigning from Council by deleting the wording of the current Section 6.2(g) in its entirety and inserting “Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign from their current Council position prior to the filing deadline of the municipal election.”?

YES ___ NO ___

A brief discussion continued on the proposed wording.

Vote on Resolution to Approve Proposed Ballot Language to Amend Section 6.2(g) – Vacancies in Elected Office – Troy City Charter

Resolution #CR-2008-06-008

Moved by Bliss

Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** the proposed ballot language to amend Section 6.2(g) – Vacancies In Elected Office of the Troy City Charter for referral to City Council as follows:

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE

Shall Section 6.2 of the Troy Charter, which discusses vacancies in elective office, be revised to allow members of Council, whose terms are expiring at the next municipal election, to file for an office other than their own without resigning from Council by deleting the wording of the current Section 6.2(g) in its entirety and inserting “Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign from

their current Council position prior to the filing deadline of the municipal election.”?

YES ___ NO ___

Yes: Barno, Bliss, Bloom, Wilsher
No: Bernardi, Bloom
Absent: Solomon

MOTION CARRIED

SECTION 9.16.5 – MILLAGE RATE LEVY LIMITATION

It was explained the reason this item is back before the Committee is due in part because members requested that the entire committee be present to review the proposed language. It was explained that the same initiatory petitions are immediately submitted to the Attorney General for approval upon validation of signatures. However, the Attorney General will only approve ballot language if it is in the form of a question. Four City Council members could approve a modification of the form of the proposed ballot language.

Vote on Resolution to Approve Proposed Ballot Language to Amend Section 9.16.5 – Millage Rate Levy Limitation – Troy City Charter

Resolution #CR-2008-06-009
Moved by Bloom
Seconded by Barno

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** the modification of the form of proposed ballot language to amend Section 9.16.5 – Millage Rate Levy Limitation of the Troy City Charter for referral to City Council proposed by City Administration as follows:

A PROPOSAL TO AMEND THE TROY CITY CHARTER BY ADDING SECTION 9.16.5 – MILLAGE RATE LEVY LIMITATION

Shall Section 9.16.5 regarding Millage Rate Levy Limitation, be added to the Troy City Charter as follows:

“Section 9.16.5 – Millage Rate Levy Limitation:

The Council shall not increase the millage rate imposed pursuant to Section 9.16 of this charter above a current rate actually imposed, levied, and collected unless the increased rate shall be first approved by a majority of the City electors voting on the question.”?

YES ___ NO ___

Yes: Barno, Bernardi, Bliss, Bloom, Kanoza, Wilsher
No: None
Absent: Solomon

MOTION CARRIED

PUBLIC COMMENT:

- Robert Gosselin -Questioned the validity of the opinion that the petition must be in the form of a question.
-Disagreed with comments made in regard to the circulation of petitions in an article in the Observer Eccentric.
- Audre Zembrzuski -Discussed the language in Section 6.2(g)-Vacancies In Elected Office of the Troy City Charter and how it impacted a former City Council Member and therefore disagrees with the action taken today in regard to the proposed ballot language.
- Edward Kempen -Expressed his appreciation for the hard work of City Staff and the Charter Revision Committee for being a part of the democratic process in bringing forward the issue from the petition to the voters.
- Frank Howrylak -Expressed his appreciation in the approval of the proposed ballot language for Section 9.16.5 – Millage Rate Levy Limitation.
-Disagreed with comments made in regard to the circulation of petitions in an article in the Observer Eccentric
- John Witt -Discussed the value and legitimacy of petitions as a means to place a question on the ballot.

ADJOURNMENT

Meeting **ADJOURNED** at 3:58 PM.

Daniel Bliss, Chair

Tonni L. Bartholomew, City Clerk

ELECTION COMMISSION MINUTES - Draft**June 30, 2008**

A meeting of the Troy Election Commission was held June 30, 2008, at City Hall, 500 W. Big Beaver Road. City Clerk Bartholomew called the Meeting to order at 8:10 AM.

ROLL CALL:

PRESENT: David Anderson, City Clerk
Tonni Bartholomew
ABSENT: Timothy Dewan

Minutes: April 18, 2008

Resolution #EC-2008-06-006
Moved by Anderson
Seconded by Bartholomew

RESOLVED, That the Minutes of April 18, 2008, are **APPROVED** as submitted.

Yes: Anderson, Bartholomew
No: None
Absent: Dewan

MOTION CARRIED

Approval of Election Inspector Assignments – Tuesday, August 5, 2008 Primary Election

Resolution #EC-2008-06-007
Moved by Anderson
Seconded by Bartholomew

RESOLVED, That the Election Inspectors for the Tuesday, August 5, 2008 Primary Election be **APPOINTED** as presented.

Yes: Anderson, Bartholomew
No: None
Absent: Dewan

MOTION CARRIED

Adjournment:

The meeting was adjourned at 8:11 AM.

Tonni L. Bartholomew, MMC
City Clerk

PERSONNEL BOARD MINUTES – Draft**July 2, 2008**

A Regular Meeting of the Troy Personnel Board was held Wednesday, July 2, 2008, at City Hall, 500 W. Big Beaver Road. Chair Nelson called the meeting to order at 7:35 AM.

ROLL CALL:

PRESENT: Member Laurie G. Huber
Chair Albert T. Nelson, Jr.
Member Susan Werpetinski

ABSENT: Member Deborah L. Baughman
Member Jayshree Shah

ALSO PRESENT: Phillip L. Nelson, City Manager
Brian P. Murphy, Assistant City Manager, Economic Dev. Services
Peggy E. Sears, Human Resources Director
Barbara A. Pallotta, Deputy City Clerk

Approval of Minutes of May 22, 2008

Resolution PB-#2008-07-012
Moved by Huber
Seconded by Werpetinski

RESOLVED, That the Personnel Board hereby **APPROVES** the minutes of Thursday, May 22, 2008 as presented.

Yes: Huber, Nelson, Werpetinski
No: None
Absent: Baughman, Shah

Old Business: None**New Business:**

Chair Nelson read the duties of the Personnel Board as they are outlined in Chapter 11 of the City Charter. Chair Nelson asked the Human Resource Director to define “classified” and “exempt” employees.

Ms. Sears explained that “classified” employees are non-exempt, non-represented employees such as first line supervisors, technical and professional employees. She continued by stating that an “Exempt” employee is exempt from overtime under the Fair Labor Standards Act.

Recommendations for Pay Plan for Classified Employees (FY 2008-2009)

Ms. Sears advised that City Council revisited how much to budget for Classified Employees and the proposed Pay Plan allows for a maximum 2.5% increase and that historically, a merit pay component has always been incorporated. The 2.5% increase being applied to

the pay ranges will allow employees to maintain their relative position within the range of their grade.

Chair Nelson asked how the City of Troy compares to other jurisdictions. Ms. Sears replied that the City of Troy is unique in that merit pay for performance is incorporated.

Member Huber questioned whether the merit process is of value.

Ms. Sears replied that in prior years the process had more value because the increases were more substantial. However, she believes there is still a value, employees look for their merit raise, and that if the process were discontinued, it could be difficult to reinstate.

Chair Nelson asked if the ratings were accurate. Ms. Sears and Mr. Murphy discussed that, while over the years, supervisors tend to become more generous in their evaluations, our employees are highly skilled and are exceptional performers overall. Ms. Sears added that they are currently reviewing a new evaluation process.

City Manager Nelson added that merit will become more meaningful as the new budgeting structure, *Budgeting for Outcomes (BFO)*, is implemented. He explained that each employee will play a role in how the City's objectives are set by participating in the process.

Chair Nelson questioned whether the proposed Pay Plan is consistent with the City's budget.

Ms. Sears replied that the proposed increase for Classified employees is less than increases for Union employees and is also less than what is authorized (in that the entire 2.5% could have been granted across the board) but administration supports the merit component.

Mrs. Werpetinski complimented Ms. Sears in regard to the role she played in reinstating the increases. Ms. Sears also credited a City Council Member for raising questions and the City Manager for his support.

Chair Nelson requested that the members of the Personnel Board receive any document that will assist them in their decision making process.

Vote on Recommendations for Pay Plan for Classified Employees (FY 2008-2009)

PB-2008-07-013

Moved by Huber

Seconded by Werpetinski

RESOLVED, That the Personnel Board hereby **APPROVES** the proposed recommendations for the *Pay Plan for Classified Employees (FY 2008-2009)* as submitted.

Yes: Huber, Nelson, Werpetinski
No: None
Absent: Baughman, Shah

Adjournment:

The meeting **ADJOURNED** at 8:00 AM.

Albert T. Nelson, Jr., Chairman

Barbara A. Pallotta, Deputy City Clerk

DATE: June 2, 2008
 TO: Phil Nelson, City Manager
 FROM: Mark Stimac, Director of Building & Zoning
 SUBJECT: Permits issued during the Month of May 2008

	NO.	VALUATION	PERMIT FEE
<u>INDUSTRIAL</u>			
Add/Alter	7	\$342,500.00	\$3,950.00
Sub Total	7	\$342,500.00	\$3,950.00
<u>COMMERCIAL</u>			
Add/Alter	30	\$2,182,052.00	\$22,090.00
Sub Total	30	\$2,182,052.00	\$22,090.00
<u>RESIDENTIAL</u>			
New	7	\$1,145,328.00	\$11,905.00
Add/Alter	29	\$203,590.00	\$4,015.00
Garage/Acc. Structure	5	\$60,400.00	\$1,095.00
Pool/Spa/Hot Tub	4	\$128,057.00	\$1,660.00
Repair	7	\$127,544.00	\$1,975.00
Fire Repair	1	\$32,000.00	\$435.00
Wreck	1	\$0.00	\$50.00
Sub Total	54	\$1,696,919.00	\$21,135.00
<u>TOWN HOUSE/CONDO</u>			
Add/Alter	3	\$6,500.00	\$185.00
Repair	1	\$15,000.00	\$265.00
Sub Total	4	\$21,500.00	\$450.00
<u>INSTITUTIONAL/HOSPITAL</u>			
Add/Alter	1	\$12,000.00	\$235.00
Sub Total	1	\$12,000.00	\$235.00
<u>MUNICIPAL</u>			
Add/Alter	2	\$102,065.00	\$0.00
Sub Total	2	\$102,065.00	\$0.00

MISCELLANEOUS

Signs	29	\$0.00	\$3,105.00
Fences	34	\$0.00	\$525.00

Sub Total	63		\$3,630.00
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TOTAL	161	\$4,357,036.00	\$51,490.00
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PERMITS ISSUED DURING THE MONTH OF MAY 2008

	NO.	PERMIT FEE
Mul. Dwel. Insp.	157	\$1,570.00
Cert. of Occupancy	35	\$1,628.05
Plan Review	88	\$2,885.50
Microfilm	38	\$316.00
Building Permits	161	\$51,490.00
Electrical Permits	163	\$11,470.00
Heating Permits	101	\$4,820.00
Air Cond. Permits	46	\$2,560.00
Plumbing Permits	68	\$5,016.00
Storm Sewer Permits	21	\$1,202.00
Sanitary Sewer Permits	17	\$576.00
Sewer Taps	11	\$2,272.00

TOTAL	906		\$85,805.55
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LICENSES & REGISTRATIONS ISSUED DURING MAY 2008

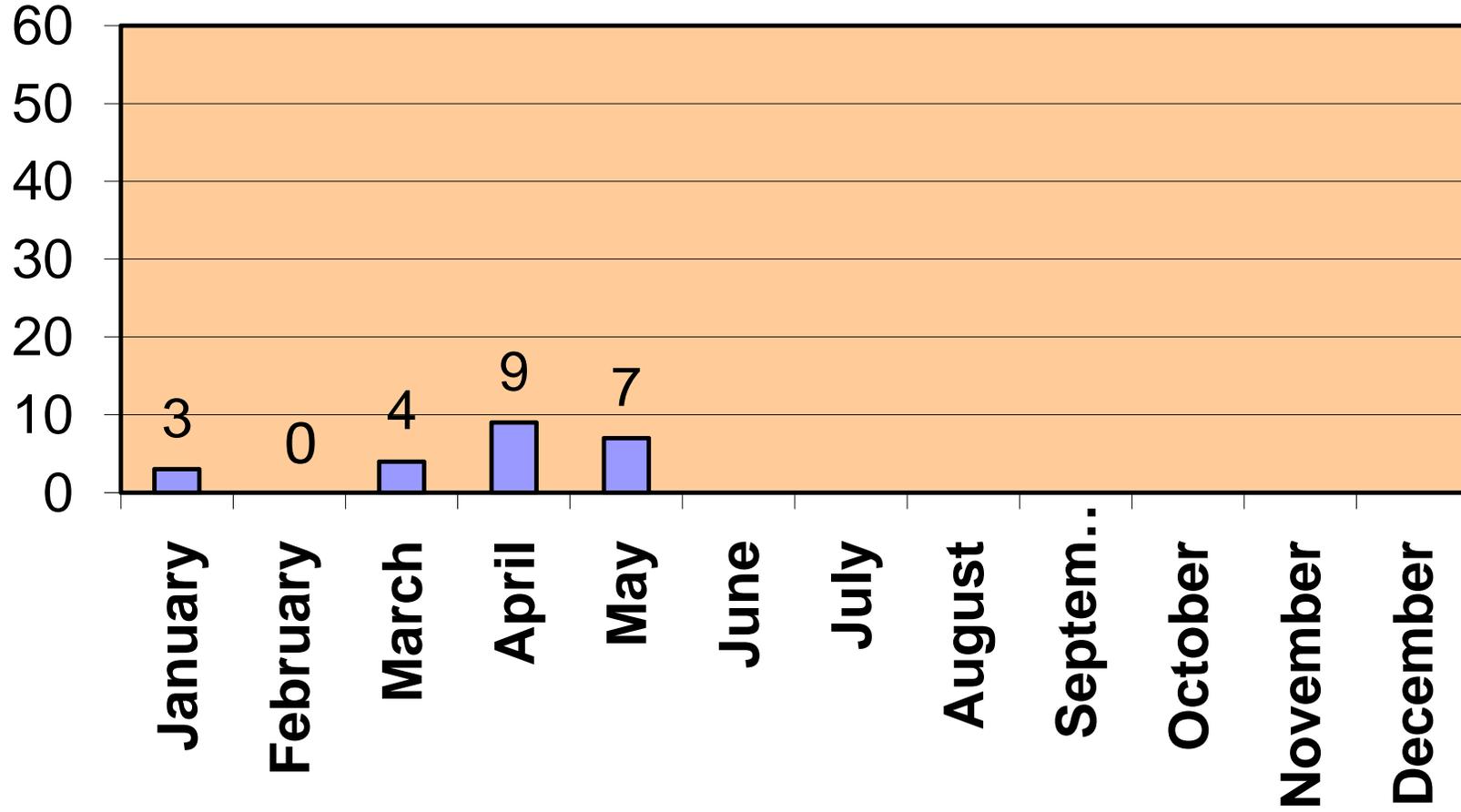
	NO.	LICENSE FEE
Mech. Contr.-Reg.	17	\$85.00
Elec. Contr.-Reg.	31	\$465.00
Master Plmb.-Reg.	29	\$145.00
Sign Inst. - Reg.	10	\$100.00
E. Sign Contr-Reg.	2	\$30.00
Fence Inst.-Reg.	4	\$40.00
Bldg. Contr.-Reg.	20	\$200.00
F.Alarm Contr.-Reg.	4	\$60.00

TOTAL	117		\$1,125.00
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BUILDING PERMITS ISSUED

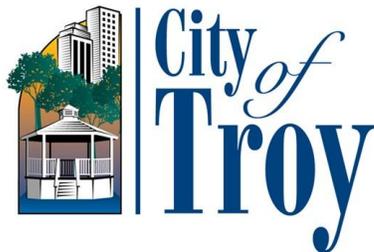
	<u>BUILDING PERMITS 2007</u>	<u>PERMIT VALUATION 2007</u>	<u>BUILDING PERMITS 2008</u>	<u>PERMIT VALUATION 2008</u>
JANUARY	119	\$7,595,008.00	71	\$4,678,432.00
FEBRUARY	101	\$8,056,092.00	81	\$5,464,681.00
MARCH	135	\$9,204,932.00	107	\$3,480,525.00
APRIL	140	\$4,844,929.00	141	\$10,518,298.00
MAY	170	\$11,201,261.00	161	\$4,357,036.00
JUNE	183	\$6,057,272.00	0	\$0.00
JULY	134	\$5,755,737.00	0	\$0.00
AUGUST	149	\$10,867,085.00	0	\$0.00
SEPTEMBER	151	\$15,498,043.00	0	\$0.00
OCTOBER	194	\$13,663,761.00	0	\$0.00
NOVEMBER	136	\$16,386,272.00	0	\$0.00
DECEMBER	102	\$4,572,214.00	0	\$0.00
TOTAL	1714	\$113,702,606.00	561	\$28,498,972.00

SINGLE FAMILY DWELLING PERMITS 2008



**BRIEF BREAKDOWN OF NON-RESIDENTIAL BUILDING PERMITS
ISSUED DURING THE MONTH OF MAY 2008**

Type of Construction	Builder or Company	Address of Job	Valuation
Commercial, Add/Alter	EMMES REALTY SERVICES	700 TOWER 220	215,000
Commercial, Add/Alter	DESALVIO CONSTRUCTION, CIN	300 E BIG BEAVER	105,327
Commercial, Add/Alter	TECHNICAL GROUP, INC.	1350 W MAPLE	200,000
Commercial, Add/Alter	NEMER TROY PLACE REALTY LLC	2855 COOLIDGE 216	142,500
Commercial, Add/Alter	IDC CONSTRUCTION LLC	850 TOWER ATRIUM	350,000
Commercial, Add/Alter	KIRCO CONSTRUCTION LLC	201 W BIG BEAVER 1420	200,000
Commercial, Add/Alter	SYNERGY GROUP INC	755 W BIG BEAVER 1700	118,825
Total Commercial, Add/Alter			1,331,652
Industrial, Add/Alter	COMFORT CRAFT CONST CO	1863 TECHNOLOGY	121,000
Total Industrial, Add/Alter			121,000
Records 9			Total Valuation: 1,452,652



CITY COUNCIL REPORT

June 23, 2008

TO: Phillip L. Nelson, City Manager
FROM: Beth Tashnick, Customer Solutions Director
SUBJECT: May, 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:

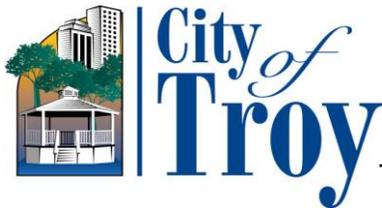
- There are no legal considerations associated with this item.

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

May, 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:	103
Requests Resolved:	100
Requests Unresolved:	3

Unresolved Detail:

- SR 30997 Tree replacement program - on list, but not yet completed
- SR 31290 Tree Inspection in process
- SR 31640 Bike trail issues still in review by Parks & Recreation

Service Requests/Inquiries Pertaining to Departments:

Building Inspection	13
City Clerk	24
Community Affairs	8
Customer Solutions	15
Department of Public Works	22
Engineering	2
Fire Department	1
Human Resources	1
Parks and Recreation	9
Police Department	1
Real Estate & Development	1
SOCRRA	1
Treasurer	5
Total	103

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 May, 2008 we were able to accomplish that goal by 79%. Of the 103 calls that were received by the Customer Solutions department, 82 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 web page is up and running. Go to [www.troymi.gov/Customer Solutions](http://www.troymi.gov/Customer%20Solutions) and take a look.

The City Clerk's Office staff has kindly agreed to become part of the Customer Solutions Network. On May 22nd, 2008 the Clerk's office staff took time out of their schedule to take part in a brief training session to review the procedures of the Customer Solutions department.

Customer Solutions, along with a few other departments throughout the city, is using the Hansen Service Request System to document interactions with customers. In order to track our contact with customers throughout all departments, Janice Hynes (DPW) and I will be conducting training sessions using Hansen to record and track complaints/service request issues. We are in the process of creating the procedure and training outline, and will begin training sessions in July, 2008.



CITY COUNCIL REPORT

June 25, 2008

TO: Phillip L. Nelson, City Manager

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

SUBJECT: Final Reporting – BidNet On-Line Auction Services – April and May 2008

Background

- Resolution #2004-02-075 established the auction fee of 5% and provided approval to use BidCorp with the provision that other on-line auction service options would be considered. BidNet moved forward and implemented the on-line surplus auction service for the MITN System (Michigan Inter-governmental Trade Network), which can be accessed through the City of Troy home web page. MITN is the official e-procurement website used by the City for posting bids, tabulations, quotations, and award information. It was a Purchasing goal that one e-procurement site would be operational for all functions.

Financial Considerations

- In compliance with Resolution #2004-02-075, final reporting is being presented for two (2) HT 600 handheld radios, one (1) Lochinvar boiler, one (1) fireplace, three (3) MT 1000 handheld radios, one (1) box of cords, one (1) Nikon FM2 camera, two (2) Zip drives, one (1) HP laserjet III, one (1) Spaulding propane hot patcher, one (1) Canon printer, one (1) Konica copier, one (1) HP deskjet 825c printer, one (1) MT 500 handheld radio, and one (1) file cabinet that were auctioned on-line through BidNet, the City's e-procurement website, and closed on April 27, 2008 and May 11, 2008.

June 25, 2008

To: Phillip Nelson, City Manager

Re: Final Reporting – BidNet On-Line Auction Services –April and May 2008

Financial Considerations - continued

Final sale amounts and fees are listed below:

DESCRIPTION	PROCEEDS	SUB-TOTAL	NET INCOME
April 08 –(Radios, Fireplace, Patcher, Camera, Printer, etc.)	\$ 1,669.00		
May 08 – (Printer, Copier, Radio, File Cabinet, Zip Drives, etc.)	\$ 100.00		
SUB-TOTAL:		\$1,769.00	
	FEES:		
5% - (Radios, Fireplace, Printers, File cabinet, Patcher, etc.)	(\$ 88.47)		
SUB-TOTAL:		(\$ 88.47)	
Sales Tax +6% (Radios, Fireplace, Printers, File cabinet, etc.)	\$106.14		
SUB-TOTAL:		\$106.14	
			\$ 1,786.67

Legal Considerations

- Farmington Hills, Michigan was the lead agency for the bid process for an on-line auction website. Resolution #2004-02-075.

Policy Considerations

- All bidders were given the opportunity to respond with their level of interest in the surplus auction process. (Goal II).

Options

- To report final results of April and May9 2008 auctions to City management.
- No action required



[MITN Auctions](#) |
 [National Auctions](#) |
 [Auctions Main Menu](#) |
 [HELP/FAQ](#) |
 [Contact Support](#) |
 [MITN Admin Menu](#)

Report for the City of Troy, MI

Detailed Report for Seller: ALL

Reported on 6/23/2008

From: 4/1/2008 To: 5/31/2008

Item ID	Date	Sale Amount	Tax Collected	Charge	Type of Fee	Auction Description	Seller
3088	4/27/2008	51.00	3.06	2.55	Sale	HT 600 Handheld Radios	Bockstanz
2836	4/27/2008	152.50	9.15	7.63	Sale	Lochinvar Boiler	Bockstanz
2928	4/27/2008	50.00	3.00	2.50	Sale	Fireplace	Bockstanz
3089	4/27/2008	66.00	3.96	3.30	Sale	MT 1000 Handheld Radios	Bockstanz
3090	4/27/2008	2.00	0.12	0.10	Sale	Box of cables and cords	Bockstanz
3076	4/27/2008	66.00	3.96	3.30	Sale	Nikon FM2 Camera	Bockstanz
3091	4/27/2008	1.00	0.06	0.05	Sale	Zip Drive	Bockstanz
3097	4/27/2008	20.50	1.23	1.03	Sale	Edmark - Touch Window	Bockstanz
3087	4/27/2008	10.00	0.60	0.50	Sale	HP Laserjet III	Bockstanz
3074	4/27/2008	1,250.00	75.00	62.50	Sale	Spaulding Propane Hot Patcher	Bockstanz
3079	5/11/2008	10.50	0.63	0.53	Sale	Canon Printer	Bockstanz
3095	5/11/2008	1.00	0.06	0.05	Sale	Quantum Battery - Camera Attachment	Bockstanz
3077	5/11/2008	46.00	2.76	2.30	Sale	Konica Copier	Bockstanz
3083	5/11/2008	5.00	0.30	0.25	Sale	HP Deskjet 825c Printer	Bockstanz
3096	5/11/2008	21.50	1.29	1.08	Sale	Motorola MT 500 Handheld Radio	Bockstanz
3092	5/11/2008	1.00	0.06	0.05	Sale	Zip Drive	Bockstanz
3129	5/11/2008	15.00	0.90	0.75	Sale	File Cabinet	Bockstanz

Total Sales Amount	Total Tax Collected	Total Amount Charged	Total Payments	Total Balance Due for the selected date range	Total Balance Due
\$1,769.00	\$106.14	\$88.47	\$0.00	\$88.47	\$1,963.61

Charles T Craft

From: Cynthia A Stewart
Sent: Tuesday, June 10, 2008 12:50 PM
To: Charles T Craft; Phillip L. Nelson
Subject: FW: Thanks.

From: David Easterbrook [mailto: [REDACTED]@amevertical.com]
Sent: Tuesday, June 10, 2008 12:25 PM
To: Cynthia A Stewart
Subject: Thanks.

Cindy:

I just wanted to thank the city for their response yesterday regarding traffic lights.....Even though nearly every light was out at every intersection I crossed to go home, I was home in the same amount of time. Traffic was very smooth, due to the presence of Troy Police Officers directing traffic. Troy is the best!

Thanks for making my life just a little bit easier!

Regards,

David Easterbrook



248-720-0245 Office

[REDACTED]
248-524-9803 Fax

cc: City Mgr
D/C Mace
Deacon Cummings
File
BB's

RECEIVED
Chief of Police
6/10/08 07:20

Charles T Craft

From: Moon, Andrea [REDACTED]
Sent: Thursday, June 12, 2008 3:55 PM
To: Charles T Craft
Cc: Phillip L. Nelson

To Charlie,

I teach at Martell school in Troy and live in Bloomfield Township. I wanted to thank you for assigning police officers to direct traffic after the horrible storm on Sunday night (9-8-08). I drive on Wattles and was very happy to see officers directing traffic on my way home from work on Monday. On the way to work, it really took a long time to wait at each intersection (being treated as a 4 way stop sign). I'm always a little nervous in those situations because many people don't follow the rules and just drive through the intersection. I felt much safer driving home with police officers keeping the traffic moving.

Thank you very much,
Andrea Moon, vocal music teacher: Martell School
(248) [REDACTED]
[REDACTED]
Bloomfield Hills, MI 48301

CC: City Mgr.
D/C Wayer
Division Commanders
File
BB's



U.S. Department of Homeland Security
UNITED STATES SECRET SERVICE

June 3, 2008

Patrick V. McNamara Building
477 Michigan Avenue, Suite 1000
Detroit, Michigan 48226

Troy Police Department
Chief of Police Charles Craft
500 West Big Beaver Rd.
Troy, Michigan 48084

Dear Chief Craft:

Please let me extend my gratitude to Lieutenant David Livingston of your department for his assistance during the visit of Presidential Candidate, Senator Barack Obama on June 2, 2008 to Troy, Michigan. He did a professional job and was a valuable asset to our protection team. As you know, without the assistance of the Troy Police Department, the Secret Service's task of providing a safe environment for Senator Obama would be impossible.

The Secret Service appreciates your expertise and service in helping to make this visit a success. Your participation and continued support are always greatly appreciated.

I look forward to working with you and other members of your agency in the future.

Sincerely,

Desmond Scanlon
Special Agent in Charge

cc: City Mgr
D/C Mayor
Deacon Comarublas
Lt. Livingston / File
BB

RECEIVED
Chief of Police
6/10/08 cr

J-3c



City of Troy

Charles T. Craft, Chief of Police
Troy Police Department
500 West Big Beaver Road
Troy, Michigan 48084

Office of the Chief of Police
248-524-3454

June 18, 2008

TO:	Lieutenant Charles Pappas	Officer Joseph Mairorano
	Lieutenant David Livingston	Officer Brian LaForest
	Sergeant Dan Daniel	Officer Timothy Garcher
	Sergeant John Schaufler	Officer Theresa Harrison
	Sergeant William Avery	Officer Susan Himrod
	Sergeant Joseph Haddad	Officer Michael Ersig
	Sergeant Joseph Falcon	Officer Brian Jones
	Sergeant Michael Szuminski	Officer James Feld
	Officer Christopher Swift	Officer Nicholas Pappas
	Officer Adam Sinutko	Officer Candace Rushton
	Officer Raymond Piper	Officer Neil Piltz
	Officer Jeffrey Strong	Officer Stephen Brazel
	Officer Peter Dungjen	Officer Carl Barton
	Officer Joseph Morgan	Officer Michael Geise
	Officer Matthew Redmond	Officer Michael Boussie
	Officer Jason Clark	Officer Antonio Cascioli
	Officer Nathan Gobler	Officer Janice Pokley
	Officer Stephen Brandimore	Officer Milton Stansbury
	Officer Scott Allan	Officer Kirk Linton
	Officer Daniel Langbeen	Officer Brian Warzecha
	Officer William Taylor	Officer Todd Michael
	Officer William Malik	Officer Brenna Yunkari
	Officer Melinda Weingart	Officer Kristine Maczka
	Officer Steven Zagacki	PSA Jackie Snedden

FROM: Chief Charles T. Craft *Charles T. Craft*

SUBJECT: Power Outage/Traffic Control Operations

I write to express my sincere appreciation for the work you did during the power outage resulting from the storm that occurred on June 8, 2008. I also want you to know that many community leaders and citizens have told me how grateful they are for the assistance you provided. Some commented that they weren't worried because they knew that Troy Police Officers do a great job, others told me how fortunate they were to live in a city that provided such great service.

Please know that upon becoming aware the scope of the situation, I knew the implications of what I would be asking you to do. Standing in the middle of moving (and sometimes less than observant) traffic and dealing with adverse weather conditions (it was hot, sunny, humid, and often raining) while wearing a reflective vest for long periods of time is tough and dangerous duty. I also knew that you would respond professionally and do an excellent job.

I am very proud of your performance, and it is extremely gratifying to see the pride and confidence those we serve have in the Troy Police Department. It is actions such as yours that make Troy PD the great department that is.

Again, thank you for a job well done.

CC: City Manager
D/C Mayer
Captains
Sergeant Redmond/TCOA
Officer Geise/TPOA
PSA Jason Strasz/MAP
Department personnel file
BB's

FRIENDS OF THE TROY PUBLIC LIBRARY

Post Office Box 33, Troy, Michigan 48099

F·R·I·E·N·D·S



of the TROY PUBLIC LIBRARY

RECEIVED

JUN 19 2008

CITY OF TROY
CITY MANAGER'S OFFICE

June 16, 2008

Casual for a Cause Team
Julie Hamilton, Chair
Purchasing Dept, City of Troy

Friends of the Troy Public Library was honored to be the April 08 recipient of "Casual for a Cause" funds and grateful for the resulting check for \$568.12, received at the June 2 City Council meeting.

The FTPL Board of Directors has allocated the donation to its Building Fund, which was established by FTPL to encourage the renovation or replacement of the current Troy Public Library's facility.

"Casual for a Cause" seems a wonderful way for City employees to earn the right to share two pleasures: camaraderie and comfort. How appropriate that the collected funds be directed toward increasing the Troy Public Library's ability to offer the same pleasures to its patrons and community!

Please let all City of Troy employees know how much their continuing support means to Friends of the Troy Public Library.

Sincerely,

A handwritten signature in cursive script that reads "Julie Sigler".

Julie Sigler
Treasurer, FTPLCc: Jeanne Stine, President, FTPL
Cathy Russ, Director, TPL

From: maweigand@aol.com [mailto:maweigand@aol.com]
Sent: Saturday, June 21, 2008 9:14 PM
To: Stuart J Alderman
Subject: Troy Baseball Fields

Dear Mr. Alderman:

I am writing to express not only my thanks, but those of all the parents and players on my two son's teams that play on the field at Flynn that you renovated earlier this year. Everyone has noticed the improvements. They're super.

All of the parents and players have been very vocal in expressing their approval of the work you've done, but I fear that they haven't followed through with writing or emailing you, Parks & Rec or the City Council to let them know how much they appreciate what your group has done.

So please, follow my instructions to forward this email to the head of your dept, the city manager and council, to let them know we all appreciate (and some of us write to express) your support for the kids.

Best regards,

Mark Weigand
Troy Hurricanes - U13
TBB parent and coach
350 Evaline Dr.
Troy, MI 48085-5508
(248) 613-3743
fax (248) 526-5050

[Get the Moviefone Toolbar](#). Showtimes, theaters, movie news, & more!

City of Troy
City Manager, Phil Nelson ✓
Engineering, Steve Vandette
Building, Mark Stimac
500 West Big Beaver
Troy, MI 48098

June 23, 2008

RECEIVED

JUN 25 2008

CITY OF TROY
CITY MANAGER'S OFFICE

Re: Charnwood Sewers

The sewer project in Charnwood Hills seems complete. The dust is settling, the noise is subdued. Through it all, one thing stood out clearly and that was the high caliber of the City's man on the job, Patrick. He was a complete professional working hand in hand with a contractor whose employees were conscientious and courteous.

The City was well represented and the residents in Charnwood were well served.

Thank you for having such quality people on the job looking out for us.

Sincerely,
Patricia Johnson

**WALSH[®]
COLLEGE**

OFFICE OF THE PRESIDENT

PHONE (248) 689-8282

FAX (248) 689-8338

3838 LIVERNOIS ROAD

P.O. BOX 7006

TROY, MI 48007-7006

June 23, 2008

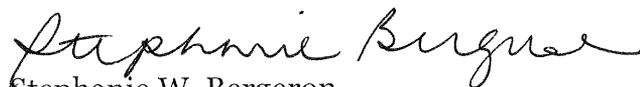
Charles T. Craft
Police Chief
City of Troy
500 W. Big Beaver Rd.
Troy, MI 48084

Dear Chief Craft:

Please accept my sincere appreciation for the excellent work by your officers in controlling traffic flow after the June 21 Commencement ceremonies. Their presence was extremely effective in assisting our graduates and guests exit the Zion Christian Church parking lot quickly and safely. Please convey my thanks to Captain Ed Murphy, Police Service Aide Jackie Snedden, and the officers who were assigned to the traffic detail.

Again, thank you for your consideration. Your recurring support of this event is deeply appreciated. If Walsh College can be of assistance to you in any way, please don't hesitate to contact me.

Sincerely,



Stephanie W. Bergeron
President

cc: City Mgr.
D/C Mgr.
CAPTAIN MURPHY'S FILE
PSA SNEDDEN'S FILE
BB'S



June 23, 2008

Ms. Carol K. Anderson
Parks and Recreation Director
City of Troy
3179 Livernois Rd.
Troy, MI 48083

RECEIVED

JUN 30 2008

**CITY OF TROY
CITY MANAGER'S OFFICE**

Dear Ms. Anderson:

Thank you for allowing Walsh College to borrow traffic cones for use at our commencement ceremony on June 21. They were useful in designating parking spaces for our special guests and saved the College considerable expense in purchasing or renting these items. As always, Jeff Biegler was extremely helpful in arranging delivery and pick-up of the cones. Please convey my appreciation to him and his staff.

Again, thank you for your consideration. Your recurring support of this event is deeply appreciated. If Walsh College can be of assistance to you in any way, please don't hesitate to contact me.

Sincerely,



Stephanie W. Bergeron
President

J-3i

Requirements for the Establishment of Boards Committees

K-01

BOARD/COMMISSION	1	2	3	4	5	6	7	8	9	10	11	12
Advisory Committee for Persons with Disabilities											R	
Advisory Committee for Senior Citizens				R								
Animal Control Appeals Board (Chapter 90)									R/O			
Board of Canvassers												S
Board of Review	C/S											
Board of Zoning Appeals (Chapter 39)				S/O								
Brownfield Redevelopment Authority				S/R								
Building Code Board of Appeals (Chapter 79)						R/O						
Cable Advisory Board		R							R		R	
Charter Revision Committee				R								
Civil Service Commission (Act 78)				S								
Downtown Development Authority (Chapter 78)									O/R/S			
Economic Development Corporation				S/R								
Election Commission	C											
Employee Retirement System Board of Trustees (Chapter 10)				O								O
Ethnic Issues Advisory Board									R			
Historic District Commission (Chapter 13)			O		O							
Historic District Study Committee (Chapter 13) - (Ad-hoc)												
Historical Commission (Chapter 12)							O					
Library Advisory Board (Chapter 9)				O								
Liquor Advisory Committee	R											
Local Development Finance Authority						R/S					R/S	
Municipal Building Authority	S/R											
Parks and Recreation Board (Chapter 27)				O			O		O			
Personnel Board (Chapter 11)				O								
Planning Commission (Chapter 39)												S/O/C
Retiree Health Care Benefits Plan & Trust				R								R
Traffic Committee (Chapter 35)	O											
Troy Daze Committee											R	
Youth Council						R						
C - Charter O - Ordinance R - Resolution S - State Statute												



Boards & Committees

Advisory Committee for Persons with Disabilities: The Advisory Committee for Persons with Disabilities was created on October 14, 1991. This nine regular member and three alternate member committee primarily advises City Council on areas of concern to persons with disabilities. City Council appoints members for three-year overlapping terms and the committee consists of three members with disabilities, three members in need of transportation and three members from the general populace.

City Liaison: Mitch Grusnick, Building & Zoning Department
(248) 524-3344

Meeting: 1st Wednesday of each month at 7:00 PM
Troy City Hall

Advisory Committee for Senior Citizens: The nine member committee, appointed by City Council for three-year terms, study and forward recommendations to the City Council and City Manager regarding facilities and services for Senior Citizens.

City Liaison: Carla Vaughn, Senior Recreation Supervisor
(248) 524-3484

Meeting: 1st Thursday of each month at 1:00 PM; except July & August
Troy Community Center

Animal Control Appeal Board: The five member Animal Control Board is referenced in Chapter 90-Animals of the Troy City Code and is appointed by the City Council for three-year terms. The Board meets semi-annually to interpret the rules and regulations outlined in the Animal Control Ordinance. Additionally, the Board considers appeals based on ordinance violation decisions of the Animal Control Officer.

City Liaison: Police Department
(248) 524-3477

Meeting: Semi-annually
Troy City Hall

Board of Canvassers: The Board of Canvassers is established in every city and township having more than five precincts, notwithstanding any statutory or charter provision, or any other rule or law to the contrary. The four members of the City of Troy's Board of Canvassers shall be qualified and registered electors of the City of Troy, and are appointed by City Council for four-year terms. Upon

appointment, members must file with the City Clerk an affidavit listing: name, home address, political party affiliation, date of birth, employment and statement of physical disability, if any, to be forwarded to the County Clerk for public inspection. A member of the Board of Canvassers must vacate office if at any time during the term of office the appointee or any member of the appointee's immediate family serves as an election inspector or becomes a candidate for any elective public office at an election to be canvassed by the Board of Canvassers. An appointee must also vacate office if serving as a member of the governing body of the unit for which the board is established. The majority of the Board of Canvassers shall not be composed of members of the same political party. The Board of Canvassers meets immediately following all City Elections to certify the accuracy of the election results.

City Liaison: Tonni L. Bartholomew, City Clerk
(248) 524-3316

Meeting: Subsequent to all City Elections
Troy City Hall

Board of Review: The Board of Review is established by the Home Rule City Act Section 117.27b and State Statute, MCL 211.28, and is referenced in Chapter 9-Taxation, Section 9 of the Troy City Charter. One-third of the three member single board is appointed by the Mayor with the consent of City Council during January of each year for a three year term beginning the first day of February in the year in which the appointment is made. City Council is charged with establishing the compensation of the members of the Board of Review. All members must reside in Troy and two thirds of the members must be Troy taxpayers. Appointees shall be selected based upon their knowledge of property values and the subjects of assessments and taxation. No member shall hold any other public office or public employment, except that of notary public or member of the armed forces. The Board reviews citizen appeals regarding assessed property values annually and will adjust the City Assessor's values if needed. Any Board of Review decision may be appealed to the Michigan Tax Tribunal. The Board of Review meets each year at City Hall, beginning on the Tuesday following the first Monday in March and for as many successive days as necessary until March 31. Prior to the final meeting of the Board of Review, the Board shall give notice to each owner of property whose property is added to the assessment roll.

City Liaison: Nino Licari, City Assessor
(248) 524-3311

Meeting: Annually in March
Troy City Hall

Board of Zoning Appeals: The Board shall consist of seven members appointed by the City Council. One member shall also be a member of the City Planning Commission with the appointment occurring annually. The City Council may also, at its discretion, appoint not more than two alternate members for the same term as regular members of the Board of Appeals, and one alternate representative to the Planning Commission who shall serve for the same one year term as the Planning Commission representative. Members of the Board of Zoning Appeals serve three-year terms. The members hear and determine appeals of any decisions of the City Building Inspector in the enforcement of the zoning ordinance within its jurisdiction.

City Liaison: Mark Stimac, Director of Building & Zoning
(248) 524-3344

Meeting: 3rd Tuesday of each month at 7:30 PM
Troy City Hall

Brownfield Redevelopment Authority (BRA): Pursuant to *Act 381, Public Acts of Michigan 1996*, the Troy City Council established the Brownfield Redevelopment on January 18, 1999 for the purpose of promoting the revitalization of distressed areas in the City. The board consists of not less than five nor more than nine members and serve for three year terms as appointed by their Chief Executive Officer subject to the approval of City Council.

City Liaison: Brian Murphy, Ass't City Mgr/Economic Development Services
(248) 524-3330

Meeting: 3rd Thursday of January, April, July & October @ 3:00 PM
Troy City Hall

Building Code Board of Appeals: Pursuant to Chapter 79-General Building Regulations of the Troy City Code, this five-person board, appointed by City Council for five year terms, consists of the Building Official, the Director of Public Works, the Fire Chief, a representative of the Oakland County Health Department, and a professional structural or civil engineer of architectural engineering experience. The board to hear appeals due to decisions made by City Building and Fire Officials for refusing to grant a modification of the provisions of the building regulation enacted by City Council, including but not limited to, the Basic National Building Code, the Existing Structure Code, the Fire Prevention Code, Electrical Code, Plumbing Code, Heating Code, Fence Ordinance, Sign Ordinance, but not including the Zoning Ordinance, covering the manner of construction or materials to be used in the erection, alteration or repair of a building or structure.

City Liaison: Mark Stimac, Director of Building & Zoning
(248) 524-3344

Meeting: 1st Wednesday of each month at 8:30 AM
Troy City Hall

Cable Advisory Committee: The seven-member Cable Advisory Committee is appointed for three-year terms by City Council. The committee serves as the advisory body to City Council on matters of cable television such as public access, rate regulations, citizen complaints, service, and any other matters referred by Council. The Committee will also have the opportunity to provide input to the ICCA (Intergovernmental Cable Communications Authority) through the City's representatives.

City Liaison: Cindy Stewart, Community Affairs Director
248) 524-1147

Meeting: Quarterly at 7:00 PM
Troy City Hall

Charter Revision Committee: The Charter Revision Committee consists of seven members appointed by City Council for three-year terms and meet as needed at City Hall. As an advisory committee, the Charter Revision Committee forwards their Charter revision recommendations to City Council for their consideration and possible placement on the ballot for adoption by the electors of the City of Troy.

City Liaison: Tonni L. Bartholomew, City Clerk
(248) 524-3316

Meeting: As needed
Troy City Hall

Civil Service Commission (Act 78): The three-member Civil Service Commission, established by the *Firemen and Policemen Civil Service System Act 78 of 1935*, meets at City Hall as needed. The Civil Service Commission consists of three members each serving for six-year terms. One member is appointed by the Mayor with City Council approval, the paid members of the fire and/or police department select a second member and the members of the Civil Service Commission select the third member. No person shall be eligible for appointment to this Commission who has not been a resident of Troy for a period of one year and an elector of Oakland County for a period of at least three years immediately preceding appointment. No commissioner shall hold any other elective office; nor shall any commissioner serve on any political committee or take an active part in the management of any political campaign. Not more than two of the commissioners at any one time may be members of the same political party. The Commission's charge is to provide a civil service system based upon examination and investigation as to merit, efficiency, and fitness for appointment, employment, and promotion of all full-time paid members of the Police and Fire departments. The Commission provides an avenue of appeal for disciplinary action involving time loss or discharge matters; approves test battery and qualification procedure for promotions and new hires; approves eligibility lists and disqualifications for full-time members of the Police and Fire departments. The Commission also establishes requirements for promotions and advancement

opportunities for full-time police and firefighter positions in addition to overseeing eligibility lists and serving as the appeal process for any disciplinary actions.

City Liaison: Tonni L. Bartholomew, City Clerk
(248) 524-3316

Meeting: As needed
Troy City Hall

Downtown Development Authority (DDA): The Downtown Development Authority, as established by *State Statute, Act 197 of 1975*, is composed of thirteen members of whom twelve members shall be appointed by the Mayor and subject to approval by a majority vote of the City Council for four-year terms. At least seven members of the Board must have a property interest in the Downtown Development District and the City of Troy's Mayor serves as the Board's thirteenth member. The DDA engages in long-range planning for the downtown area; land acquisition and improvement; building construction and improvement, and acquisition and improvement of public facilities for revitalizing the City of Troy's downtown area.

City Liaison: Brian Murphy, Ass't City Mgr/Economic Development Services
(248) 524-3330

Meeting: 3rd Wednesday of each month at 7:30 AM
Troy City Hall

Economic Development Corporation: Pursuant to *Act 338 of the Public Acts of 1974, MCL 125.1604*, the Economic Development Corporation provides the means for issuance of industrial revenue bonds to assist enterprises in locating and expanding in the City of Troy. The nine-member board of directors serves six-year terms and consists of not more than 3 of who shall be an officer or employee of the City of Troy.

City Liaison: Brian Murphy, Ass't City Mgr/Economic Development Services
(248) 524-3330

Meeting: Quarterly
Troy City Hall

Election Commission: The Election Commission, established by *Section 7.13 of the City Charter*, consists of the City Clerk, Chair of the Election Commission, and two qualified and registered electors of the City. The Council appoints the two members annually in January for a term of one year. The Election Commission oversees the appointment of the Board of Election Inspectors precinct assignments prior to each election, and has charge of all activities and duties required by Statute and the City Charter relating to the conduct of Elections in the City of Troy.

City Liaison: Tonni L. Bartholomew, City Clerk
(248) 524-3316

Meeting: As needed and prior to all elections
Troy City Hall

Employees Retirement System Board of Trustees: Pursuant to Chapter 10 of the Troy City Code, the Board of Trustees approves employee retirement requests, oversees retirement health care coverage, and manages pension investments. The Board consists of eight members including the City Manager and Assistant City Manager/Finance and a non-voting retiree from the Defined Benefit Plan. Six members serve for three-year terms, three of which are appointed by City Council and three are appointed by the membership.

City Liaison: John M. Lamerato, Ass't City Mgr/Finance & Administration
(248) 524-3330

Meeting: 2nd Wednesday of each month at 12:00 PM
Troy City Hall

Ethnic Issues Advisory Board: Troy City Council established the nine-member Ethnic Issues Advisory Board as an advisory body by resolution on March 18, 2002. The Ethnic Issues Advisory Board adopted the five following primary goals promoting education and multicultural exchange in an effort to achieve the enrichment of harmonious relationships and open communication within the City of Troy's diverse ethnic community: 1. Promote the City's diversity by showcasing individual cultures through programs, brochures and cable programming; 2. Establish a resource listing of regional associations and general information relating to the availability of specific local cultural activities, locations offering ethnic food or contact information for locating individual interpreters for the various ethnic groups; 3. Development and distribution of materials emphasizing the mission and goals of the Board, including, but not limited to, an ethnic directory for new residents and one or more brochures featuring the various ethnic populations in Troy; 4. Serve as an advisory body to the City Council on issues related to ethnicity; 5. Assist in the ongoing expansion of the EthniCity Festival through the encouragement of volunteerism among the various ethnic groups and provide continued support to the Troy Daze Festival, especially as it relates to the EthniCity program.

City Liaison: Cindy Stewart, Community Affairs Director
248) 524-1147

Meeting: 1st Tuesday of each month at 7:00 PM
Troy City Hall

Historic District Commission: The Historic District Commission, established by Chapter 13 of the City Code, consists of seven Troy residents. The Commission includes at least two persons chosen from a list submitted by the Troy Historical Society, one person nominated by the Troy Historical Commission, and one

architect duly registered in the State of Michigan. Commissioners are appointed by the City Council for three-year terms. The Commission must formulate a researched survey of each historical structure under Chapter 13, using the Michigan Historical Site Survey form as a guide, and accepting the work of interested volunteers. Site surveys should be kept as a part of the permanent records of the Commission at a place designated by the Commission. Using the list of structures prepared by the Historic Site Preservation Study Committee, and/or any other sites or structures brought to its attention, the Commission may recommend to the City Council that certain sites or structures be added to or deleted from the Historic Districts. Prior to taking action to amend Chapter 13 by the addition of a Historic District, the City Council shall first obtain a report and recommendation from the City Planning Commission.

City Liaison: Loraine Campbell, Museum Manager
(248) 524-3570

Meeting: 3rd Tuesday of each month at 7:30 PM; except July & August
Troy Museum

Historic District Study Committee: Before establishing, modifying or eliminating any Historic District, City Council shall appoint a Historic District Study Committee. The Committee shall contain a majority of persons who have demonstrated interest in or knowledge of historic preservation, and shall consist of at least one member of the Historic District Commission and shall contain representation from at least one other duly organized local historic preservation organization. The study committee is an ad hoc committee established to consider the establishment, modification or elimination of historic districts in specified areas as determined by City Council and then be dissolved. Duties of the committee are outlined in Chapter 13-Historic Preservation, Section 14. B, of the Troy City Code.

City Liaison: Loraine Campbell, Museum Manager
(248) 524-3570

Meeting: As needed
Troy Museum

Historical Commission: The Historical Commission, established by Chapter 12 of the Troy City Code, is a seven-member body appointed by City Council for three-year terms. The Commission was originally created to preserve the history of the City of Troy. The Historical Commission is also a policy making body and, with the approval of the City Manager, is responsible for the overall operation of the Troy Museum and Historic Village. The policies and responsibilities of the Historical Commission also pertain to additional buildings moved to the Historic Village located at 60 W. Wattles Road.

In general, it is the duty of the Historical Commission to establish policy with regard to the collection, arrangement, cataloguing and preservation of historical material including books, pamphlets, maps, charts, manuscripts, papers, records, and archives, paintings, statuary and other objects and materials relating to the history of the City of Troy and the surrounding area. The Commission will also establish policy for the procurement and preservation of narratives of the early residents of Troy, the collection of materials of every description relative to the history, longevity, literature, progress or decay of Indian tribes; collection, preparation, and resources of the early residents of this area, and to make available from time to time source materials and historical studies relative to and illustrative of the history of the area. The Commission has the authority, with the City Manager, to collect from the public offices in the City of Troy reproductions of any records, files, documents, books and papers which, in the opinion of the Commission, are of historical value.

City Liaison: Loraine Campbell, Museum Manager
(248) 524-3570

Meeting: 4th Tuesday of January, March, June, September & October
at 7:30 PM
Troy Museum

Library Advisory Board: The Library Advisory Board, established by Chapter 9 of the Troy City Code, advises the City Council in matters of policy, and the City Manager in matters of administration, with regard to the establishment, development, and operation of the library. The five-member Library Board is appointed by City Council to serve three-year terms. No member of the Board shall be employed by or be an official of the city. It is the duty of the Library Advisory Board to recommend by-laws, rules and regulations for the control and governing of the library system for consideration and action by the City Manager. The Board shall recommend a reasonable schedule of fines for the infringement of established rules and regulations, and a schedule of fees for the use of library services and facilities by non-Council. The Board, in the name of the City, may accept donations, contributions, and gifts, for either general or specific purposes, provided that all such donations, contributions, or gifts are to become the property of the City with full rights of disposal. The Board may recommend the purchase of books, periodicals, magazines, library equipment and supplies as deemed necessary and proper. The Board may also recommend contracts, rules, regulations, and conditions affecting relations between the Troy Public Library and other libraries in the area and in the State of Michigan for consideration and action by the City Council.

City Liaison: Cathy Russ, Library Director
(248) 524-3538

Meeting: 2nd Monday of each month at 7:30 PM
Troy Library

Liquor Advisory Board: The Liquor Committee, established by resolution in 1956, is a seven-member committee appointed by City Council to serve three-year terms. The committee reviews license applicants and complaints as requested by the Police Chief. Information regarding the liquor licensing policy may be obtained by contacting the City Clerk's Office.

City Liaison: Police Department
(248) 524-3477

Meeting: 2nd Monday of each month at 7:30 PM
Troy City Hall

Local Development Finance Authority (LDFA): The Local Development Finance Authority, as established by *The Local Development Financing Act, Act 281 of 1986, Section 125.2151*, is composed of five members and appointed for four-year terms by the Mayor subject to the approval of City Council. The appointees shall not be elected officials of the City Council. The Authority's primary objective is to encourage local development to prevent conditions of unemployment and to promote economic growth; to provide for the establishment of local development finance authorities and to prescribe their powers and duties; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to provide for the creation and implementation of development plans; to authorize the acquisition and disposal of interests in real and personal property; to permit the issuance of bonds and other evidences of indebtedness by an authority; to prescribe powers and duties of certain public entities and state officers and agencies; to reimburse authorities for certain losses of tax increment revenues; and to authorize and permit the use of tax increment financing. The LDFA meets as needed at City Hall.

City Liaison: Brian Murphy, Ass't City Mgr/Economic Development Services
(248) 524-3330

Meeting: As needed
Troy City Hall

Municipal Building Authority: Pursuant to the provisions of *Act 31, Public Acts of Michigan 1948 (First Extra Session)*, as amended, the Authority acquires, equips, furnishes, owns, improves, operates and maintains City buildings. The Authority executes contracts and provides for the issuance of revenue bonds. The five member board serves for three-year terms.

City Liaison: John M. Lamerato, Ass't City Mgr/Finance & Administration
(248) 524-3330

Meeting: 2nd Wednesday of each month at 12:00 PM
Troy City Hall

Parks and Recreation Board: The Parks and Recreation Board consists of ten members. Seven representatives serve at-large for three-year overlapping terms and are appointed by City Council. One representative from the Troy School Board of Education serves a one-year term and is nominated by the Board of Education. One representative serves a one-year term from the Troy Daze Committee and is nominated by the Troy Daze Committee. One representative serves a one-year term from the Advisory Committee for Senior Citizens and is nominated by the Advisory Committee. A student representative may be appointed for a one-year term by City Council and will serve as an ex-officio, non-voting member. The Parks and Recreation Director shall serve as an ex-officio, non-voting member and shall be responsible to the City Manager. The Board shall: 1. Recommend to the City Manager a budget providing for a parks and recreation program; 2. Recommend to the City Council policies for operating a parks and recreation program; 3. Recommend to the City Council a long-term capital improvements program for parks and recreation facilities, including the acquisition of park sites; 4. Promote activities that will benefit the City parks and recreation program, including the encouragement of organized team athletic programs.

City Liaison: Carol Anderson, Parks & Recreation Director
(248) 524-3484

Meeting: 3rd Thursday of each month at 7:00 PM
Troy Community Center

Personnel Board: Pursuant to Chapter 11 of the Troy City Code, the Personnel Board consists of five members appointed by City Council for three-year terms. The members of the Board shall be persons familiar with the application of merit principles to public employment. No member of the Board shall be employed by the City; or be a member of any local, state or national committee of a political party or an official or member of a committee in any partisan political club or organization, nor shall any member hold or be a candidate for any governmental elective office. Members of the Board shall serve without compensation, but funds will be provided for reasonable and necessary expenses. The Personnel Board shall advise the City Manager on matters of personnel policy and problems of personnel administration, including personnel rules, job classification and pay plans as they apply to classified employees. Members will represent the public interest in the improvement of personnel administration for classified employees. The Personnel Board elects its own chairperson.

City Liaison: Tonni L. Bartholomew, City Clerk
(248) 524-3316

Meeting: As needed
Troy City Hall

Planning Commission: Pursuant to Chapter 39 of the City of Troy Code of Ordinances, the Planning Commission consists of nine members appointed by the Mayor subject to the approval by a majority vote of the City Council elect for three-year terms. A non-voting student representative is also appointed. No members shall hold any other municipal office except that one of such member may be a member of the Board of Zoning Appeals. All members shall hold office until their successors are appointed. The Planning Commission shall have the powers and duties vested in it by the laws of the State of Michigan and the Ordinance Code of the City of Troy and shall consider and make its recommendations to the City Council on any matters referred to it by the City Council relating to such duties.

City Liaison: Mark Miller, Planning Director
(248) 524-3364

Regular Meetings: 2nd Tuesday of each month at 7:30 PM
Troy Council Chambers

Special Study Meetings: 1st & 4th Tuesday of each month at 7:30 PM
As needed
City Council Boardroom

Retiree Health Care Benefits Plan & Trust Board: Pursuant to the *Retiree Health Care Plan & Trust*, the Board of Trustees shall consist of eight trustees which shall be the same elected and appointed individuals that serve on the City of Troy Employees Retirement System Board of Trustees. The general administration, management and responsibility for the proper operation of the Trust and for making effective and construing the provisions of the Trust shall be vested in the Board of Trustees. The term of the appointed and elected Trustees are identical to and coincide respectively with the term of each Trustee serving as a trustee of the City of Troy Employees Retirement System Board of Trustees.

City Liaison: John M. Lamerato, Ass't City Mgr/Finance & Administration
(248) 524-3330

Meeting: 2nd Wednesday of each month at 12:00 PM
Troy City Hall

Traffic Committee: Pursuant to Chapter 35 of the City of Troy Code of Ordinances, the Traffic Committee consists of seven members for three-year terms. The Police Chief, Fire Chief and Traffic Engineer or their designated representative are ex-officio members of the Committee without voting privilege. The Traffic Committee's advisory powers pertain to proposed traffic regulations and traffic safety issues and advise the City Manager and City Council on amendments to Chapter 35. The Traffic Committee also holds public hearings for sidewalk variances from citizens requesting relief from the requirements of Chapter 34.

City Liaison: William Huotari, Deputy City Engineer
(248) 524-3379

Meeting: 3rd Wednesday of each month at 7:30 PM
Troy City Hall

Troy Daze Committee: The nine-member Troy Daze Committee is appointed by City Council for three-year terms and was established by resolution in 1988. The mission of the Troy Daze Committee is to coordinate the annual Magic of Fall/Troy Daze Festival scheduled for the second weekend after Labor Day. The Troy Daze Festival showcases the community by promoting the partnership between local community groups and businesses in an effort to provide a community event fostering community spirit that offers a weekend of family entertainment for Troy residents and its surrounding communities.

City Liaison: Cindy Stewart, Community Affairs Director
248) 524-1147

Meeting: 4th Tuesday of each month at 7:00 PM
Troy Community Center

Youth Council: Formed by City Council resolution on March 18, 2002, the Troy Youth Council (TYC) is the newest addition to the 26 advisory boards and commissions currently active in the City of Troy. Student Youth Council members are appointed by City Council for one-year terms and advise City Council on matters specifically related to the youth in Troy.

The goal of the Troy Youth Council is: 1. Address community issues through discussion and recommendations; 2. Encourage and promote the education of youth regarding city government and citizen participation; 3. Advise City Council on issues pertaining to the youth of Troy; and 4. Serve as youth ambassadors for the City of Troy.

City Liaison: Scott Mercer, Recreation Supervisor
(248) 524-3487

Meeting: 4th Wednesday of each month at 7:00 PM
Troy Community Center

Regular Meeting October 14, 1991

Vote on Amended Resolution #91-874

RESOLVED, that an Advisory Committee for Handicapped Persons is hereby created; and

BE IT FURTHER RESOLVED, that the Advisory Committee for Handicapped Persons shall consist of nine (9) members, appointed by the City Council for three year overlapping terms with the first terms having three to expire November 1, 1992, three to expire November 1, 1993 and three to expire November 1, 1994.

Yeas: All-6

Absent: Doyle

Change of Name of Advisory Committee for Handicapped Persons to Advisory Committee for Persons With Disabilities
C-12

Resolution #92-158
Moved by Pallotta
Supported by Schilling

RESOLVED, that the name of the Advisory Committee for Handicapped Persons is hereby changed to Advisory Committee for Persons With Disabilities.

Yeas: All-7

REPORTS AND COMMUNICATIONS

Boards and Committees D-1

Historical Commission January 8, 1992
Advisory Committee for Handicapped Persons February 5, 1992
Advisory Committee for Senior Citizens February 6, 1992
Employees' Retirement System
Board of Trustees February 12, 1992

Noted and Filed

Department Reports D-2

Noted and Filed

Michigan Municipal League Federal Information Bulletin Dated February 7, 19-92 -- D-3

Noted and Filed

Troy Medi-Go Report - January, 1992 D-4

Noted and Filed

Communication from Boys and Girls Club of Troy Regarding Funding for Mental Health Worker D-5

Noted and Filed

Report Regarding Police Department Decision Shooting Program D-6

Noted and Filed

Communication from Lynn Janes Bell Regarding Curbside Recycling D-7

Noted and Filed

Communication from Oakland County Department of Public Services, Animal Control Division Regarding 1992 Animal Care Center Rates for Boarding and Disposal D-8

Noted and Filed

Communication from Road Commission for Oakland County Regarding Status of Request for Traffic Signal on Livernois at Winchester D-9

Appointment of Alternate Members to the Advisory Committee for Persons with Disabilities

F-5

Resolution #2000-493
Moved by Howrylak
Seconded by Kaszubski

RESOLVED, That the membership of the Advisory Committee for Persons with Disabilities shall consist of nine (9) members, appointed by City Council for three-year overlapping terms and;

BE IT FURTHER RESOLVED, That three (3) of the members shall be persons with disabilities, three (3) shall be residents in need of transportation, and three (3) shall be from the general populace; and

BE IT FURTHER RESOLVED, That three (3) alternate members shall also be appointed by City Council for three-year overlapping terms with the first term to expire November 1, 2001, another to expire November 1, 2002, and the last to expire November 1, 2003 and

BE IT FURTHER RESOLVED, That the alternate members may be called on a rotating basis to sit as regular members of the committee in the absence of a regular member.

Yes: All-7

TABLED ITEMS - CONTINUEDREPORT ON HOUGHTON DRAIN

B-6

Mr. Sieloff discussed the erosion of his property on the ditch line of the Houghten drain.

Resolution #74-136
 Moved by Councilman Lynch
 Supported by Councilman Shaver

RESOLVED, that the City Manager is hereby authorized and directed to make repairs to the Houghten Drain behind the residence of Mr. Ken Sieloff, 4821 Belzair Drive, and that such repairs shall be made using General Funds of the City of Troy, and are not to exceed \$2,500.00.

Yeas: A11-7

REGULAR BUSINESSRESOLUTION APPEALING TO CONSUMERS POWER TO PROVIDE BEAUMONT HOSPITAL WITH NATURAL GAS

C-1

Resolution #74-137
 Moved by Councilman Molinar
 Supported by Councilman Lynch

RESOLVED, that the City Council of the City of Troy hereby appeals to the Consumers Power Company of Michigan to provide natural gas service for the Troy Beaumont Hospital.

Yeas: A11-7

REPORT AND RESOLUTION TO ESTABLISH ADVISORY COMMITTEE ON SENIOR CITIZEN'S
 SERVICES AND FACILITIES

C-2

Resolution #74-138
 Moved by Councilman Michaelson
 Supported by Councilman Pallotta

RESOLVED, that a committee be established to be known as the "Advisory Committee for Senior Citizens," and that the purpose of such a committee will be to study and make recommendations to the City Council and City Manager regarding facilities and services for Senior Citizens, including estimates of cost and sources of funds for said facilities and services which are to be administered by the City Manager and/or his subordinates pursuant to policies adopted by the Troy City Council; and

BE IT FURTHER RESOLVED, that the committee shall be comprised of five (5) members who shall be appointed by the City Council to serve without compensation for terms of three (3) years commencing April 30, 1974. Members of the committee can be removed at the pleasure of the City Council by a majority vote of the members elect. Vacancies occurring shall be filled for the unexpired term by the City Council.

BE IT FURTHER RESOLVED, that the committee be charged in its study and deliberations with coming to a final recommendation that best reflects the thinking and desires of the citizens of the City of Troy.

Yeas: A11-7

RECOMMENDATIONS OF TRAFFIC AND SAFETY COMMITTEE

C-3

Resolution #74-139
 Moved by Councilman Molinar
 Supported by Councilman Shaver

RESOLVED, that Traffic Control Order No. 74-1-P for the installation of "No Parking" signs on the north side of Hickory, is hereby approved.

Yeas: A11-7

TABLED ITEMS - CONTINUEDRESOLUTION CHANGING RULES OF PROCEDURE REGARDING THE NOMINATION AND APPOINTMENT OF MEMBERS TO BOARDS AND COMMITTEES

B-2

Resolution #74-1095
 Moved by Councilman Taucher
 Supported by Councilman Pallotta

RESOLVED, that Section 5 of the Rules of Procedure of the Troy City Council shall be amended to read as follows:

RULES OF PROCEDURE FOR THE CITY COUNCIL
 CITY OF TROY, MICHIGAN

5. Appointments

A. Troy City Council nominations and appointments to Boards, Commissions and Committees.

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

The Mayor or any Councilman desiring to nominate a person for appointment to a Board, Commission, or Committee shall submit such name in writing, along with a brief summary of background and personal data as to nominee's qualifications, except that such a resume shall not be required for the renomination of a current member, or if the Council unanimously agrees that a resume is not necessary. Resumes will be submitted on or before the time of nomination.

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

C. Appointments will be acted upon as "Regular Business" at the next regular meeting of the Council following nominations. Exceptions to this rule may be made by the Council during the meeting when nominations are made.

Upon request by any Councilman at the time of nominations, the nominating Councilman will request his nominee to appear at the following Council meeting when appointments are to be considered for possible action.

Yeas: All-7

REGULAR BUSINESS

RESOLUTION TO INCREASE NUMBER OF MEMBERS ON ADVISORY COMMITTEE FOR SENIOR CITIZENS

C-1

Resolution #74-1096
 Moved by Councilman Bookholder
 Supported by Councilman Molinar

RESOLVED, that the membership of the Advisory Committee for Senior Citizens is hereby increased from five members to nine members, whose terms will expire: Two (2) term - April 30, 1975; One (1) term - April 30, 1976 and One (1) term - April 30, 1977.

Yeas: All-7

CHAPTER 90 - ANIMALS

GENERAL REGULATIONS

1. Definitions. The following terms when used in this Chapter shall have the meanings set forth in this Section:

(1) Owner - Any person, group of persons, or a corporation who owns, harbors, keeps, or has a right of property in any animal.

(2) Person - Any individual, employee, corporation, co-partnership or association.

(3) At Large - Any animal shall be deemed at large when it is off the property of its owner and not under the reasonable control of a competent person.

(4) Reasonable Control - An animal is under restraint or reasonable control within the meaning of this Ordinance if it is controlled by a lead, if it is on or within a vehicle being driven or parked on the streets, or if is within the property limits of its owner or keeper, provided only that all of the above controls shall be exercised in a manner sufficient to restrain and prevent any danger to any person or property.

(5) Exposed to Rabies - An animal has been exposed to rabies within the meaning of this Ordinance if it has been bitten by, or exposed to, any animal known to be infected with rabies.

(6) Animal Control Officer (herein ACO) - The person or persons employed by the City of Troy as its enforcement officer(s).

(7) Animal Control Appeal Board (herein ACAB) - The ACAB shall consist of five (5) members appointed by the City Council for three (3) year overlapping terms.

(8) Animal - Any living creature, domestic or wild, excluding for the purpose of licensing, small caged household pets such as, but not limited to, parakeets and parrots, fish, household cats, insects, common store sold rodents and reptiles, or similar animals of a passive, undangerous nature.

(Rev. 11-19-73)

(9) Dangerous Animal - Any wild or exotic mammal, reptile or fowl which is not naturally tame or gentle but is of a wild nature or disposition and which, because of its size, vicious nature or other characteristics would constitute a danger to persons or property.

(10) Domestic Animal - Any animal not ferae nature, including, but not limited to horses, cows, steers, ponies, mules, donkeys, sheep, swine and goats. This category shall not include dogs which will be otherwise provided for in this Chapter.

(Rev. 11-19-73)

Chapter 90 - Animals

10. Permit Period. A permit, if not revoked, shall be valid for the life of the owner, provided only that a new permit shall be required at such time as the ownership of the animal is transferred by sale, gift or other type of conveyance within the City. Subtractions may be logged on the present permit at no charge. The permittee must notify the City within one week of any change of address for himself or the animals.

(Rev. 08-13-84)

11. Revocation of Permit. The Animal Control Officer may revoke any permit if the person holding the permit refuses or fails to comply with this Ordinance, the regulations promulgated by the Animal Control Board, or any State or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten (10) days thereafter remove from his premises or other premises in Troy, all animals being owned, kept, or harbored by such person and no part of the permit fee shall be refunded. The effective date of the revocation shall be postponed pending the outcome of any appeal to the Animal Control Appeal Board, which appeal must be filed within seven (7) days of the date of revocation.

12. Impounding. Unrestrained animals as described in this Chapter may be taken by the Animal Control Officer, Police Officer, or an Agency delegated by the Animal Control Officer and impounded at the Oakland County Animal Care Center, in a humane manner. Animals impounded shall be kept for not less than five (5) days unless reclaimed by their owners. Animals not claimed within five (5) days shall be humanely disposed of or made available for adoption by the Animal Control Officer or by an Agency delegated by him to exercise that Authority.

(Rev. 07-10-95)

13. Redemption from Pound. An owner reclaiming an impounded animal shall pay a fee in accordance with Chapter 60, Fees and Bonds of the City of Troy Code of Ordinances. The owner may also be proceeded against for violation of this chapter and his permit may be revoked.

(Rev. 03-17-03)

14. Enforcement. The provisions of this Ordinance shall be enforced by the Animal Control Officer of the City of Troy who shall have the right of inspection of an applicant's facilities both prior to and after the granting of a permit. All decisions of the Animal Control Officer with regard to the issuance or denial of a permit may be appealed to the Animal Control Appeal Board of the City of Troy.

15. Animal Control Appeal Board. There is hereby created an Animal Control Appeal Board. Said Board shall consist of five (5) members appointed by the City Council for three (3) year overlapping terms. The Animal Control Appeal Board shall annually elect from among its members a Chairman, a Vice Chairman and a Secretary. The Chairman shall preside over meetings of the Board and shall have voting privileges. The Vice Chairman shall have voting privileges and preside over meetings of the Board in the absence of the Chairman. The Secretary shall record and file with the City Clerk accurate and complete resolutions, rules and interpretations rendered by the Board. The jurisdiction of said Board shall be limited to interpretation and application of regulations contained in this Ordinance.

(Rev. 09-08-03)

TABLED ITEMSAMENDMENT TO THE ANIMAL CONTROL ORDINANCE

B-2

Mrs. Harriet Barnard questioned the method of issuing permits and asked that the late fee mentioned in the ordinance be clarified.

The Council discussed and made revisions in the proposed ordinance.

Resolution #73-669
 Moved by Councilman Taucher
 Supported by Councilman Molinar

RESOLVED, that an Ordinance to amend Chapter 90 of Title IX, Police Regulations, of the code of the City of Troy (Animal Control Ordinance) is hereby approved and a copy attached to and made a part of the original minutes.

Yeas: A11-6
 Absent: Lynch

REGULAR BUSINESSREQUEST FROM DETROIT EDISON COMPANY FOR AN EASEMENT ACROSS #4 FIRE STATION
 PROPERTY ON MAPLE ROAD

C-1

Resolution #73-670
 Moved by Councilman Taucher
 Supported by Councilman Michaelson

RESOLVED, that the request of the Detroit Edison Company for a power line easement across the front of the #4 Fire Station Site (Lot 14 of Maple Acres) on Maple Road, is hereby approved, and the Mayor and City Clerk are authorized to execute the right of way permit, a copy of which is attached to and made a part of the original minutes.

Yeas: A11-6
 Absent: Lynch

FINAL PAYMENT - LIVERNOIS ROAD STORM SEWER - PROJECT 71-P-8

C-2

Resolution #73-671
 Moved by Councilman Michaelson
 Supported by Councilman Molinar

RESOLVED, that the City Manager is hereby authorized to pay the final installment on Project 71-P-8, Livernois Road Storm Sewer, to Municipal Contractors Inc., in the amount of \$3,048.85.

Yeas: A11-6
 Absent: Lynch

13. Redemption from Pound. An owner reclaiming an impounded animal shall pay a fee as established by the City Council. The owner may also be proceeded against for violation of this Ordinance and his permit may be revoked.

14. Enforcement. The provisions of this Ordinance shall be enforced by the Animal Control Officer of the City of Troy who shall have the right of inspection of an applicant's facilities both prior to and after the granting of a permit. All decisions of the Animal Control Officer with regard to the issuance or denial of a permit may be appealed to the Animal Control Appeal Board of the City of Troy.

15. Animal Control Appeal Board. There is hereby created an Animal Control Appeal Board. Said Board shall consist of five (5) members appointed by the City Commission for three (3) year overlapping terms. The Animal Control Appeal Board shall annually elect from among its members a Chairman, a Vice Chairman and a Secretary. The Chairman shall preside over meetings of the Board and shall have voting privileges. The Vice Chairman shall have voting privileges and preside over meetings of the Board in the absence of the Chairman. The Secretary shall record and file with the City Clerk accurate and complete resolutions, rules and interpretations rendered by the Board. The jurisdiction of said Board shall be limited to interpretation and application of regulations contained in this Ordinance.

Appeals from the decisions of the Animal Control Officer to the Animal Control Appeal Board shall be filed at the office of the City Clerk on blank forms provided by the Clerk. Rulings and interpretations of the Animal Control Appeal Board shall be final. The Animal Control Officer shall enforce all rulings of said Board.

Dogs

16. Dog Licenses Required. It shall be unlawful for any person to own, keep, or harbor any dog six (6) months of age or over in the City of Troy, unless said dog is licensed as hereinafter provided; or to own, harbor, or keep any dog six (6) months of age or over that does not at all times wear a collar or harness with a metal tag attached as hereinafter provided.

17. License Applications. Individual dog licenses shall be issued by the City Clerk upon application and payment of the license fees provided in this Chapter. The application for a dog license shall be accompanied by a certificate signed by a veterinarian stating that said dog has been properly immunized against rabies. It shall be the duty of any person owning or harboring a dog on or before the 15th day of March of each year, or on or before the date any such dog becomes six (6) months of age, or within thirty (30) days after such person becomes a resident of the City of Troy, or within thirty (30) days after he becomes the owner of a dog six (6) months of age or more, to apply for a license; provided, that no person shall keep more than three (3) dogs of the age of six (6) months or over without first obtaining a kennel license from the State; further provided; that any person who runs a dog kennel that is properly licensed by the State need not apply for individual dog licenses under this Chapter. The applicant for a dog license shall give his full name and address and the age and description of the dog. If the applicant has become a resident of the City within thirty (30) days, or the owner of a dog within thirty (30) days, the applicant shall give the date of becoming a resident or acquiring a dog, as the case may be. All dog licenses hereafter issued shall expire on the 15th day of March in the year following their issuance.

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

168.30a Board of city or township canvassers; powers and duties; members, appointment, terms, notice; contract with county for services of board of county canvassers; cost.

Sec. 30a. (1) A 4-member board of canvassers is established in every city and township having more than 5 precincts, notwithstanding a statutory or charter provision, or other rule or law, to the contrary. All of the powers granted to and duties required by law to be performed by city and township boards of canvassers are granted to and required to be performed by the boards of city and township canvassers in cities and townships having more than 5 precincts. Members of the board of canvassers shall be appointed for terms of 4 years beginning the January 1 after their appointment. Members of the board of canvassers shall be notified of their appointment within 5 days after appointment by their city or township clerk.

(2) The city council or the township board of a city or township having more than 5 precincts may contract with the board of commissioners of the county in which all or the greater portion of the city or township's population resides to provide that the board of county canvassers of that county shall perform all the functions of the board of city or township canvassers. Financial arrangements of a contract with the board of commissioners may provide that the city or township shall bear all or part of the cost of the work of the county board of canvassers.

History: Add. 1963, 2nd Ex. Sess., Act 65, Imd. Eff. Dec. 27, 1963;—Am. 1968, Act 65, Eff. July 1, 1968;—Am. 2003, Act 302, Eff. Jan. 1, 2005.

Compiler's note: Section 3 of Act 65 of 1968 provides:

“This act shall take effect on July 1, 1968, except in any county with a population of 400,000 or more it shall take effect on July 1, 1970.”

Popular name: Election Code

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

168.30b Board of city or township canvassers; members, eligibility, affidavit; holding other office prohibited.

Sec. 30b. Members of the board shall be qualified and registered electors of the city or township in which they serve. No person shall be appointed to a board of canvassers unless such person shall have filed with the city or township clerk an affidavit on a form approved by the state bureau of elections containing at least the following information: name, home address, political party affiliation, date of birth, employment and statement of physical disability, if any. The city or township clerk shall notify the county clerk of the name, address and political affiliation of board members, and the county clerk shall maintain such record for public inspection. A member of the board of canvassers vacates his office if at any time during his term of office he or any member of his immediate family serves as an election inspector or becomes a candidate for any elective public office at an election to be canvassed by his board of canvassers or serves as a member of the governing body of the unit for which his board is established.

History: Add. 1963, 2nd Ex. Sess., Act 65, Imd. Eff. Dec. 27, 1963;—Am. 1968, Act 65, Eff. July 1, 1968.

Compiler's note: Section 3 of Act 65 of 1968 provides: "This act shall take effect on July 1, 1968, except in any county with a population of 400,000 or more it shall take effect on July 1, 1970."

Popular name: Election Code

STATE CONSTITUTION (EXCERPT)
CONSTITUTION OF MICHIGAN OF 1963

§ 7 Boards of canvassers.

Sec. 7. A board of state canvassers of four members shall be established by law. No candidate for an office to be canvassed nor any inspector of elections shall be eligible to serve as a member of a board of canvassers. A majority of any board of canvassers shall not be composed of members of the same political party.

History: Const. 1963, Art. II, § 7, Eff. Jan. 1, 1964.

Former constitution: See Const. 1908, Art. III, § 9.

Transfer of powers: See § 16.128.


[Home](#)
[Register](#)
[Why Register?](#)
[Login](#)
[New!](#)
[Help](#)

Navigation	
	Documents
	MCL Chapter Index
	Chapter 211
	Act 206 of 1893
	206-1893-BOARD-OF-REVIEW.
	Section 211.28

Section 211.28

THE GENERAL PROPERTY TAX ACT (EXCERPT) Act 206 of 1893

211.28 Board of review for township or **city; appointment, qualifications, and terms of members; vacancy; eligibility; quorum; adjournment; deciding questions; board of review committees; meetings; size, composition, and manner of appointment of board of review; alternate members; indorsement of assessment roll; duties and responsibilities contained in MCL 211.29.**

Sec. 28.

(1) Those electors of the township appointed by the township board shall constitute a board of review for the township. **At least 2/3 of the members shall be property taxpayers of the township.** Members appointed to the board of review shall serve for terms of 2 years beginning at noon on January 1 of each odd-numbered year. Each member of the board of review shall qualify by taking the constitutional oath of office within 10 days after appointment. The township board may fill any vacancy that occurs in the membership of the board of review. A member of the township board is not eligible to serve on the board or to fill any vacancy. A spouse, mother, father, sister, brother, son, or daughter, including an adopted child, of the assessor is not eligible to serve on the board or to fill any vacancy. A majority of the board of review constitutes a quorum for the transaction of business, but a lesser number may adjourn and a majority vote of those present shall decide all questions. At least 2 members of a 3-member board of review shall be present to conduct any business or hearings of the board of review.

(2) The township board may appoint 3, 6, or 9 electors of the township, who shall constitute a board of review for the township. If 6 or 9 members are appointed as provided in this subsection, the membership of the board of review shall be divided into board of review committees consisting of 3 members each for the purpose of hearing and deciding issues protested pursuant to section 30. Two of the 3 members of a board of review committee constitute a quorum for the transaction of the business of the committee. All meetings of the members of the board of review and committees shall be held during the same hours of the same day and at the same location.

(3) A township board may appoint not more than 2 alternate members

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[Calendars](#)
[Committee Bill Records](#)
[Committee Meetings](#)
[Concurrent Resolutions](#)
[Joint Resolutions](#)
[Journals](#)
[Legislators](#)
[Public Acts \(Signed Bills\)](#)
[Resolutions](#)
[Session Schedules](#)
[Basic Legislative Search](#)
[Adv Legislative Search](#)

Laws

[Freq Requests \(alpha\)](#)
[Freq Requests \(by topic\)](#)
[Basic MCL Search](#)
[Advanced MCL Search](#)
[Public Act MCL Search](#)
[Constitution Search](#)
[Chapter Index](#)
[Executive Orders](#)
[Historical Documents](#)
[MCL Tables](#)

Initiatives

[Initiatives](#)

Publications

[Publications](#)

Related Sites

[Related Sites](#)
[Legislative PDA Pages](#)
[Archived Sessions](#)

Syndication

[Bill Updates](#)

for the same term as regular members of the board of review. Each alternate member shall be a property taxpayer of the township. Alternate members shall qualify by taking the constitutional oath of office within 10 days after appointment. The township board may fill any vacancy that occurs in the alternate membership of the board of review. A member of the township board is not eligible to serve as an alternate member or to fill any vacancy. A spouse, mother, father, sister, brother, son, or daughter, including an adopted child, of the assessor is not eligible to serve as an alternate member or to fill any vacancy. An alternate member may be called to perform the duties of a regular member of the board of review in the absence of a regular member. An alternate member may also be called to perform the duties of a regular member of the board of review for the purpose of reaching a decision in issues protested in which a regular member has abstained for reasons of conflict of interest.

(4) The size, composition, and manner of appointment of the board of review of a city may be prescribed by the charter of a city. In the absence of or in place of a charter provision, the governing body of the city, by ordinance, may establish the city board of review in the same manner and for the same purposes as provided by this section for townships.

(5) A majority of the entire board of review membership shall indorse the assessment roll as provided in section 30. The duties and responsibilities of the board contained in section 29 shall be carried out by the entire membership of the board of review and a majority of the membership constitutes a quorum for those purposes.

History: 1893, Act 206, Eff. June 12, 1893 ;-- CL 1897, 3851 ;-- Am. 1901, Act 129, Eff. Sept. 5, 1901 ;-- CL 1915, 4022 ;-- CL 1929, 3416 ;-- Am. 1944, 1st Ex. Sess., Act 18, Imd. Eff. Feb. 19, 1944 ;-- CL 1948, 211.28 ;-- Am. 1964, Act 275, Eff. Aug. 28, 1964 ;-- Am. 1968, Act 84, Imd. Eff. June 4, 1968 ;-- Am. 1982, Act 539, Eff. Mar. 30, 1983 ;-- Am. 1984, Act 149, Imd. Eff. June 25, 1984 ;-- Am. 1993, Act 292, Imd. Eff. Dec. 28, 1993 ;-- Am. 2006, Act 143, Imd. Eff. May 22, 2006

Popular Name: Act 206

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CITY OF TROY CHARTER – CHAPTER 9 - TAXATION

as the same shall appear on the annual assessment and tax rolls of the City, shall be correct to and shall stand as of the tax day of the year to which they apply.

The assessment roll shall show separate figures for the values of the real estate, including buildings, and of personal property.

Section 9.8 - Notice of Change of Assessment by Assessor:

The Assessor shall give notice by first class mail to each owner of property which has been added to the assessment roll or the value of which has been increased or decreased on such roll. The notice shall be sent to the owner shown on the record of the Assessor's office, and shall be mailed not later than the 12th day of February of each year. Neither the failure of the Assessor to give such notice nor failure to receive the same shall invalidate any assessment roll or any assessment thereon.

Section 9.9 - Review of Assessments:

All assessments shall be subject to review by the Board of Review, which body shall be organized as hereinafter provided.

The Board of Review shall meet for the purpose of reviewing and correcting the assessment roll, at the place of meeting of the City Council, on the Tuesday following the first Monday of March, and on the second Monday of March, and continue in session during the day and the day following and shall meet in session for not less than six hours each day. On its own motion, or on sufficient cause being shown by any person, the Board of Review shall add to said roll the names of persons, and the description and value of properties both real and personal; shall correct all errors in names, descriptions, assessments and valuation; and shall do whatsoever else may be necessary to complete and correct the assessment roll according to the general laws of the state. The assessment roll as prepared by the Assessor, and as changed and corrected by the Board of Review shall stand as the assessment roll of the city. If, for any cause, a quorum of said Board does not meet during the days mentioned above, the roll prepared by the Assessor shall stand as if approved by the Board of Review.

Section 9.10 - Notice of Review of Assessments:

The Assessor shall give notice of the meetings of the Board of Review by publishing such notice at least two times in a newspaper of general circulation within the city, the first of which publications shall be not more than ten nor less than three days before the first day of review. Failure to give any of the notices herein specified shall not invalidate the assessment roll or any assessment therein contained.

Section 9.11 - Board of Review:

The Board of Review shall be composed of three, six, or nine members, as determined by resolution of the City Council, who shall be selected upon the basis of their knowledge of property values and of the subjects of assessments and taxation. No member of the Board shall hold any other public office or public employment, except that of notary public or member of the armed forces. The Mayor of the City, with the advice and consent of the Council, during January of each year, shall appoint one-third of the members of the Board of Review to serve for a three year term, which term shall begin on the first day of February in the year in which the appointment is made. The Council shall fix the compensation of the members of the Board of Review. The Board shall consist of committees of three members which may meet on alternate days or concurrently as determined by the Board.

Section 9.12 - Notice of Assessment Changes by Board of Review:

Prior to the final meeting of the Board of Review it shall give notice to each owner of property, whose property is added to the assessment roll, or the value of whose property is increased or decreased by the

THE HOME RULE CITY ACT (EXCERPT)
Act 279 of 1909

117.27b Board of review; appointment of members, functions.

Sec. 27b. When the charter of any city heretofore adopted provides that the city representatives on the board of supervisors of the county shall be members of the city's board of review or act in any other official capacity or perform any other official function, such city may provide by ordinance for the appointment of the members of the board of review of the city from the citizens of the city and for the filling of such other offices and the performance of such official functions heretofore filled or carried out by such city representatives in such manner as the legislative body of such city shall prescribe.

In the years 1969 and 1970 the legislative body of any city whose charter provides for a board of review consisting of appointed members of the county board of supervisors may appoint a board of review consisting of the same number as those now serving as appointed members consisting of electors resident in the city, to review the assessment roll according to law, notwithstanding the provision of any charter or law to the contrary.

History: Add. 1969, Act 2, Imd. Eff. Mar. 25, 1969.

Chapter 39 - Zoning Ordinance

43.00.00 ARTICLE XLIII BOARD OF ZONING APPEALS

43.10.00 CREATION AND MEMBERSHIP:

There is hereby established a Board of Zoning Appeals, which shall perform its duties and exercise its powers as provided in Section 5 Act 207 of Public Acts of 1921, as amended, and in a way that the objectives of this chapter shall be observed, public safety secured, and substantial justice done. The Board shall consist of seven (7) members appointed by the City Council, one (1) of whom shall be a member of the City Planning Commission with appointment occurring annually. The City Council may also, at its discretion, appoint not more than two (2) alternate members, for the same term as regular members of the Board of Appeals, and one (1) alternate to the Planning Commission representative who shall serve for the same one (1) year term as the Planning Commission representative. Alternate members shall function in accordance with the procedures established by Section 5 of Act 207 of Public Acts of 1921, as amended. The Board shall annually elect a Chairperson and Vice Chairperson. The compensation of the appointed members of the Board may be fixed by the City Council.

43.20.00 MEETINGS:

The Board of Zoning Appeals shall adopt rules of procedure. All meetings of the Board of Zoning Appeals shall be held at the call of the Chairperson and at times as the Board determines. All hearings conducted by the Board shall be open to the public. The Director of Building and Zoning, or his representative shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and official action. Four (4) members of the Board shall constitute a quorum for the conduct of its business. The Board shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to matters before it.

(Rev. 05-04-98)

43.30.00 APPEALS:

An appeal may be made to the Board of Appeals by any person or entity affected by a decision of the Director of Building and Zoning. The appeal shall be made by filing with the Director of Building and Zoning an application for hearing before the Board of Zoning Appeals specifying the grounds for appeal. The Director of Building and Zoning shall transmit to the Board all documents relating to the appeal.

(Rev. 05-04-98)

43.40.00 STAY:

An appeal stays the Director of Building and Zoning's decision until the Board makes a decision unless the Director of Building and Zoning certifies to the Board, after the appeal is filed, that a stay would cause imminent peril of life or property. If certification is made, the decision shall not be stayed unless ordered by the Board or the Circuit Court.

(Rev. 05-04-98)

CITY AND VILLAGE ZONING ACT (EXCERPT)
Act 207 of 1921

125.585 Board of appeals; rules governing procedure; appointment and terms of members; powers and duties of board; appeals; variances; remuneration; finality of decision; judicial review.

Sec. 5. (1) The legislative body of a city or village may act as a board of appeals upon questions arising under a zoning ordinance. The legislative body may establish rules to govern its procedure as a board of appeals. In the alternative, the legislative body may appoint a board of appeals consisting of not less than 5 members, each to be appointed for a term of 3 years. Appointments of the first members shall be for terms of 1, 2, and 3 years, respectively, so as nearly as possible to provide for the subsequent appointment of an equal number of members each year. After the initial appointments, each member shall hold office for the full 3-year term.

(2) Under procedures specified in the zoning ordinance, the legislative body of a city or village may appoint not more than 2 alternate members for the same term as regular members of the board of appeals. The alternate members may be called on a rotating basis as specified in the zoning ordinance to sit as regular members of the board of appeals in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member called shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the board of appeals.

(3) The board of appeals shall hear and decide appeals from and review any order, requirements, decision, or determination made by an administrative official or body charged with the enforcement of an ordinance adopted under this act. The board of appeals shall also hear and decide matters referred to the board or upon which the board is required to pass under an ordinance adopted under this act. For special land use and planned unit development decisions, an appeal may be taken to the board of appeals only if provided for in the zoning ordinance.

(4) In a city or village having a population of less than 1,000,000, the concurring vote of a majority of the members of the board is necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the board is required to pass under an ordinance, or to effect a variation in an ordinance except that a concurring vote of 2/3 of the members of the board is necessary to grant a variance from uses of land permitted in an ordinance. In a city having a population of 1,000,000 or more, the concurring vote of 2/3 of the members of the board is necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the board is required to pass under an ordinance, or to grant a variance in an ordinance.

(5) An appeal may be taken by a person aggrieved, or by an officer, department, board, or bureau of the city or village. In addition, a variance in an ordinance may be applied for and granted pursuant to section 4 of the uniform condemnation procedures act, 1980 PA 87, MCL 213.54, and this act. A board of rules or board of building appeals of a city or village may be enlarged to consist of not less than 5 members, and these may be appointed as the board of appeals as provided in this section.

(6) An appeal under this section shall be taken, within a time prescribed by the board of appeals by general rule, by filing, with the officer or body from whom the appeal is taken and with the board of appeals, a notice of appeal specifying the grounds for the appeal. The officer or body from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(7) An appeal under this section stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the board of appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would in the opinion of the officer or body cause imminent peril to life or property. If such a certification is filed, the proceedings shall only be stayed by a restraining order. A restraining order may be granted by the board of appeals or by the circuit court, on application, on notice to the officer or body from whom the appeal is taken and on due cause shown.

(8) The board of appeals shall fix a reasonable time for the hearing of the appeal and give notice of the appeal to the persons to whom real property within 300 feet of the premises in question is assessed, and to the occupants of single and 2-family dwellings within 300 feet. The notice shall be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll. If a tenant's name is not known, the term "occupant" may be used. Upon the hearing, a party may appear in person or by agent or by attorney.

(9) The board of appeals shall decide the appeal within a reasonable time. The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make an order, requirement, decision, or determination as in the board's opinion ought to be made in the premises, and to that end shall have all the powers of the officer or body from whom the appeal is taken. If there are practical difficulties or unnecessary hardship in carrying out the strict letter of the ordinance, the board of appeals may in passing upon appeals grant a variance in any of its rules or provisions relating to the construction, or structural changes in, equipment, or alteration of buildings or structures, or the use of land, buildings, or structures, so that the spirit of the ordinance shall be observed, public safety secured, and substantial justice done.

(10) The board of appeals may impose conditions upon an affirmative decision, as provided in section 4c(2). The legislative body of a city or village may authorize the remuneration of the members of the board for attendance at each meeting.

(11) The decision of the board of appeals is final. However, a person having an interest affected by the zoning ordinance may appeal to the circuit court. Upon appeal, the circuit court shall review the record and decision of the board of appeals to ensure that the decision meets all of the following requirements:

- (a) Complies with the constitution and laws of this state.
- (b) Is based upon proper procedure.
- (c) Is supported by competent, material, and substantial evidence on the record.
- (d) Represents the reasonable exercise of discretion granted by law to the board of appeals.

(12) If the court finds the record of the board of appeals inadequate to make the review required by this section, or that additional material evidence exists that with good reason was not presented to the board of appeals, the court shall order further proceedings before the board of appeals on conditions that the court considers proper. The board of appeals may modify its findings and decision as a result of the new proceedings, or may affirm the original decision. The supplementary record and decision shall be filed with the court.

(13) As a result of the review required by this section, the court may affirm, reverse, or modify the decision of the board of appeals.

History: 1921, Act 207, Imd. Eff. May 17, 1921;—CL 1929, 2637;—Am. 1941, Act 306, Eff. Jan. 10, 1942;—Am. 1947, Act 272, Eff. Oct. 11, 1947;—CL 1948, 125.585;—Am. 1952, Act 97, Eff. Sept. 18, 1952;—Am. 1968, Act 202, Eff. Nov. 15, 1968;—Am. 1973, Act 204, Imd. Eff. Jan. 11, 1974;—Am. 1978, Act 638, Eff. Mar. 1, 1979;—Am. 1979, Act 180, Eff. Mar. 18, 1980;—Am. 1986, Act 191, Imd. Eff. July 8, 1986;—Am. 2000, Act 20, Imd. Eff. Mar. 8, 2000.

Resolution Creating a Brownfield Redevelopment Authority, Designating Boundaries of the Brownfield Development Zone, and Providing for Other Related Matters C-5

Resolution #99-21
Moved by Pallotta
Seconded by Pryor

WHEREAS, the City Council is authorized by the provisions of Act 381, Public Acts of Michigan, 1996 ("Act 381") to create a brownfield redevelopment authority; and

WHEREAS, pursuant to Act 381, the City Council declared by resolution, on November 16, 1998, its intention to create and provide for a brownfield redevelopment authority; and

WHEREAS, pursuant to Act 381, the City Council is required to hold a public hearing on the establishment of a brownfield redevelopment authority and the designation of a brownfield redevelopment zone in which the brownfield redevelopment authority will exercise its powers; and

WHEREAS, notice of the public hearing has been published twice in a newspaper of general circulation in the City of Troy so that a citizen, taxpayer, official from a taxing jurisdiction whose millage may be subject to capture or property owner of the City of Troy has a right to be heard in regard to the establishment of the brownfield redevelopment authority and boundaries of the proposed zone; and

WHEREAS, on January 18, 1999, the City Council conducted a public hearing on the proposed brownfield redevelopment authority and the designation of the proposed authority district; and

WHEREAS, not more that 30 days have passed since the public hearing,

NOW, THEREFORE BE IT RESOLVED THAT:

1. Definitions. The terms used in this resolution shall have the same meaning as given to them in Act 381 or as hereinafter in this section provided unless the context clearly indicates to the contrary. As used in this resolution:

"Act 381" means Act 381, Public Acts of Michigan, 1996.

"Authority" means the City of Troy Brownfield Redevelopment Authority created by this resolution.

"Board" means the governing body of the Authority.

"Chief Executive Officer" means the Mayor of the City of Troy.

"City" means the City of Troy, County of Oakland, Michigan.

"Zone" means the brownfield redevelopment zone designated by this resolution as now existing or hereafter amended, and within which the Authority shall exercise its powers.

2. Determination of Necessity; Purpose. The City Council hereby determines that it is necessary for the best interests of the public to create a public body corporate which shall operate to promote the revitalization of environmentally distressed areas in the City, pursuant to Act 381.

3. Creation of Authority. There is hereby created pursuant to Act 381 brownfield redevelopment authority for the City. The Authority shall be a public body corporate and shall be known and exercise its powers under title of the "City of Troy Brownfield Redevelopment Authority". The Authority may adopt a seal, may sue and be sued in any court of this State and shall possess all the powers necessary to carry out the purpose of its incorporation as provided by this resolution and Act 381. The enumeration of a power in this resolution or in Act 381 shall not be construed as a limitation upon the general powers of the Authority.
4. Termination. Upon completion of its purposes, the Authority may be dissolved by resolution of the City Council.
5. Description of Zone. The Zone shall consist of the territory in the City described in Exhibit A, attached hereto and made a part hereof, subject to such changes as may hereinafter be made pursuant to this resolution and Act 381. All of the property described in Exhibit A was included in the description of the proposed boundaries contained in the published notice of the public hearing.
6. Board. The Authority shall be under the supervision and control of the Board. The Board shall consist of not less than 5 nor more than 9 persons appointed by the Chief Executive Officer subject to the approval of the City Council. Of the initial members appointed, an equal number, as near as practicable, shall be appointed for 1 year, 2 years, and 3 years. Thereafter, each member shall serve for a term of 3 years. A member shall hold office until the member's successor is appointed and qualified. An appointment to fill a vacancy shall be made by the Chief Executive Officer for the unexpired term only. Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses. Before assuming the duties of office, a member shall qualify by taking and subscribing to the oath of office provided in section 1 of Article XI of the Michigan Constitution of 1963. The members of the Board shall elect 1 of their membership as chairperson and another as vice-chairperson. Subject to the approval of the City Council, the Board shall adopt bylaws for the regulation of its affairs and the conduct of its business.
7. Director of Authority. Subject to the approval of the City Council, the Board may employ and fix the compensation of a Director of the Authority, and such Director shall furnish a bond in the penal sum of fifty thousand dollars (\$50,000) payable to the Authority for the use and benefit of the Authority and filed with the City Clerk.
8. Powers of Authority. Except as specifically otherwise provided in this resolution, the Authority shall have all powers provided by law subject to the limitations imposed by law and herein.
9. Fiscal Year; Adoption of Budget.
 - (a) The fiscal year of the Authority shall begin on July 1st of each year and end on June 30th of the following year, or such other fiscal year as may hereafter be adopted by the Authority.
 - (b) The Authority shall prepare and approve annually a budget for the operation of the Authority for the ensuing fiscal year. The budget shall be prepared in the manner and shall contain the information required of municipal departments. Funds of the City shall not be included in the budget of the Authority except those funds authorized in Act 381 or by the City Council of the City.
 - (c) The Authority will not capture local K through 12 school revenue for any public school

district serving the City.

- (d) The Authority shall submit annually to the City Council and the State Tax Commission a financial report on the status of activities of the Authority. The report shall include all of the following:
 - (i) The amount and source of tax increment revenues received.
 - (ii) The amount and purpose of expenditures of tax increment revenues.
 - (iii) The amount of principal and interest on all outstanding indebtedness.
 - (iv) The initial taxable value of all eligible property subject to the brownfield plan.
 - (v) The captured taxable value realized by the Authority.
 - (vi) Information concerning any transfer of ownership of or interest in each eligible property within the Zone.

- 10. Local Site Remediation Revolving Fund. Pursuant to Act 381, the Authority may establish a local site remediation revolving fund which may be used only to pay the costs of eligible activities on eligible property that is located within the Zone.
- 11. Recording and Filing. The City Clerk shall file a certified copy of the resolution with the Michigan Secretary of State promptly after its adoption.
- 12. Repealer. All resolutions and parts of resolutions in conflict herewith are hereby repealed.

Yes: All-7

INCOMPATIBLE PUBLIC OFFICES (EXCERPT)
Act 566 of 1978

15.183 Public officer or employee as member of governing board of institution of higher education; member of school board as superintendent of schools; public officer or employee as member of board of tax increment finance authority, downtown development authority, or a local development finance authority; applicability; eligibility; conflict of interest; breach of duty; public officer or employee of community mental health services program.

Sec. 3. (1) Section 2 does not prohibit a public officer's or public employee's appointment or election to, or membership on, a governing board of an institution of higher education. However, a public officer or public employee shall not be a member of governing boards of more than 1 institution of higher education simultaneously, and a public officer or public employee shall not be an employee and member of a governing board of an institution of higher education simultaneously.

(2) Section 2 does not prohibit a member of a school board of 1 school district from being a superintendent of schools of another school district.

(3) Section 2 does not prohibit a public officer or public employee of a city, village, township, school district, community college district, or county from being appointed to and serving as a member of the board of a tax increment finance authority under the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830, a downtown development authority under 1975 PA 197, MCL 125.1651 to 125.1681, a local development finance authority under the local development financing act, 1986 PA 281, MCL 125.2151 to 125.2174, or a brownfield redevelopment authority under the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2672.

(4) Section 2 does not do any of the following:

(a) Prohibit public officers or public employees of a city, village, township, or county having a population of less than 25,000 from serving, with or without compensation, as emergency medical services personnel as defined in section 20904 of the public health code, 1978 PA 368, MCL 333.20904.

(b) Prohibit public officers or public employees of a city, village, township, or county having a population of less than 25,000 from serving, with or without compensation, as a firefighter in that city, village, township, or county if that firefighter is not any of the following:

(i) A full-time firefighter.

(ii) A fire chief.

(iii) A person who negotiates with the city, village, township, or county on behalf of the firefighters.

(c) Limit the authority of the governing body of a city, village, township, or county having a population of less than 25,000 to authorize a public officer or public employee to perform, with or without compensation, other additional services for the unit of local government.

(5) This section does not relieve a person from otherwise meeting statutory or constitutional qualifications for eligibility to, or the continued holding of, a public office.

(6) This section does not allow or sanction activity constituting conflict of interest prohibited by the constitution or laws of this state.

(7) This section does not allow or sanction specific actions taken in the course of performance of duties as a public official or as a member of a governing body of an institution of higher education that would result in a breach of duty as a public officer or board member.

(8) Section 2 does not prohibit a public officer or public employee of a community mental health services program as defined in section 100a of the mental health code, 1974 PA 258, MCL 330.1100a, from serving as a public officer or public employee of a separate legal or administrative entity created by 2 or more community mental health services programs under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, a joint board or commission created under 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536, or a regional entity created under section 204b of the mental health code, 1974 PA 258, MCL 330.1204b, whether or not the separate legal or administrative entity, joint board or commission, or regional entity may enter into contracts or agreements with 1 or more of the community mental health services programs.

History: 1978, Act 566, Imd. Eff. Dec. 29, 1978;—Am. 1984, Act 72, Imd. Eff. Apr. 18, 1984;—Am. 1992, Act 10, Imd. Eff. Mar. 10, 1992;—Am. 1994, Act 317, Imd. Eff. Oct. 6, 1994;—Am. 2000, Act 455, Imd. Eff. Jan. 9, 2001;—Am. 2004, Act 110, Imd. Eff. May 20, 2004.

BROWNFIELD REDEVELOPMENT FINANCING ACT
Act 381 of 1996

AN ACT to authorize municipalities to create a brownfield redevelopment authority to facilitate the implementation of brownfield plans; to create brownfield redevelopment zones; to promote the revitalization, redevelopment, and reuse of certain property, including, but not limited to, tax reverted, blighted, or functionally obsolete property; to prescribe the powers and duties of brownfield redevelopment authorities; to permit the issuance of bonds and other evidences of indebtedness by an authority; to authorize the acquisition and disposal of certain property; to authorize certain funds; to prescribe certain powers and duties of certain state officers and agencies; and to authorize and permit the use of certain tax increment financing.

History: 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2003, Act 259, Imd. Eff. Jan. 5, 2004.

The People of the State of Michigan enact:

125.2651 Short title.

Sec. 1. This act shall be known and may be cited as the "brownfield redevelopment financing act".

History: 1996, Act 381, Eff. Sept. 16, 1996.

125.2652 Definitions.

Sec. 2. As used in this act:

(a) "Additional response activities" means response activities identified as part of a brownfield plan that are in addition to baseline environmental assessment activities and due care activities for an eligible property.

(b) "Authority" means a brownfield redevelopment authority created under this act.

(c) "Baseline environmental assessment" means that term as defined in section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(d) "Baseline environmental assessment activities" means those response activities identified as part of a brownfield plan that are necessary to complete a baseline environmental assessment for an eligible property in the brownfield plan.

(e) "Blighted" means property that meets any of the following criteria:

(i) Has been declared a public nuisance in accordance with a local housing, building, plumbing, fire, or other related code or ordinance.

(ii) Is an attractive nuisance to children because of physical condition, use, or occupancy.

(iii) Is a fire hazard or is otherwise dangerous to the safety of persons or property.

(iv) Has had the utilities, plumbing, heating, or sewerage permanently disconnected, destroyed, removed, or rendered ineffective so that the property is unfit for its intended use.

(v) Is tax reverted property owned by a qualified local governmental unit, by a county, or by this state. The sale, lease, or transfer of tax reverted property by a qualified local governmental unit, county, or this state after the property's inclusion in a brownfield plan shall not result in the loss to the property of the status as blighted property for purposes of this act.

(vi) Is property owned or under the control of a land bank fast track authority under the land bank fast track act, whether or not located within a qualified local governmental unit. Property included within a brownfield plan prior to the date it meets the requirements of this subdivision to be eligible property shall be considered to become eligible property as of the date the property is determined to have been or becomes qualified as, or is combined with, other eligible property. The sale, lease, or transfer of the property by a land bank fast track authority after the property's inclusion in a brownfield plan shall not result in the loss to the property of the status as blighted property for purposes of this act.

(f) "Board" means the governing body of an authority.

(g) "Brownfield plan" means a plan that meets the requirements of section 13 and is adopted under section 14.

(h) "Captured taxable value" means the amount in 1 year by which the current taxable value of an eligible property subject to a brownfield plan, including the taxable value or assessed value, as appropriate, of the property for which specific taxes are paid in lieu of property taxes, exceeds the initial taxable value of that eligible property. The state tax commission shall prescribe the method for calculating captured taxable value.

(i) "Chief executive officer" means the mayor of a city, the village manager of a village, the township supervisor of a township, or the county executive of a county or, if the county does not have an elected county executive, the chairperson of the county board of commissioners.

(j) "Department" means the department of environmental quality.

(k) "Due care activities" means those response activities identified as part of a brownfield plan that are

necessary to allow the owner or operator of an eligible property in the plan to comply with the requirements of section 20107a of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20107a.

(l) "Eligible activities" or "eligible activity" does not include activities related to multisource commercial hazardous waste disposal wells as that term is defined in section 62506a of the natural resources and environmental protection act, 1994 PA 451, MCL 324.62506a, but means 1 or more of the following:

(i) Baseline environmental assessment activities.

(ii) Due care activities.

(iii) Additional response activities.

(iv) For eligible activities on eligible property that was used or is currently used for commercial, industrial, or residential purposes that is in a qualified local governmental unit, or that is owned or under the control of a land bank fast track authority, and is a facility, functionally obsolete, or blighted, and except for purposes of section 38d of the single business tax act, 1975 PA 228, MCL 208.38d, the following additional activities:

(A) Infrastructure improvements that directly benefit eligible property.

(B) Demolition of structures that is not response activity under section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(C) Lead or asbestos abatement.

(D) Site preparation that is not response activity under section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(E) Assistance to a land bank fast track authority in clearing or quieting title to, or selling or otherwise conveying, property owned or under the control of a land bank fast track authority.

(v) Relocation of public buildings or operations for economic development purposes with prior approval of the Michigan economic development authority.

(vi) For eligible activities on eligible property that is a qualified facility that is not located in a qualified local governmental unit and that is a facility, functionally obsolete, or blighted, the following additional activities:

(A) Infrastructure improvements that directly benefit eligible property.

(B) Demolition of structures that is not response activity under section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(C) Lead or asbestos abatement.

(D) Site preparation that is not response activity under section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(m) "Eligible property" means property for which eligible activities are identified under a brownfield plan that was used or is currently used for commercial, industrial, or residential purposes that is either in a qualified local governmental unit and is a facility, functionally obsolete, or blighted or is not in a qualified local governmental unit and is a facility, and includes parcels that are adjacent or contiguous to that property if the development of the adjacent and contiguous parcels is estimated to increase the captured taxable value of that property or tax reverted property owned or under the control of a land bank fast track authority. Eligible property includes, to the extent included in the brownfield plan, personal property located on the property. Eligible property does not include qualified agricultural property exempt under section 7ee of the general property tax act, 1893 PA 206, MCL 211.7ee, from the tax levied by a local school district for school operating purposes to the extent provided under section 1211 of the revised school code, 1976 PA 451, MCL 380.1211.

(n) "Facility" means that term as defined in section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(o) "Fiscal year" means the fiscal year of the authority.

(p) "Functionally obsolete" means that the property is unable to be used to adequately perform the function for which it was intended due to a substantial loss in value resulting from factors such as overcapacity, changes in technology, deficiencies or superadequacies in design, or other similar factors that affect the property itself or the property's relationship with other surrounding property.

(q) "Governing body" means the elected body having legislative powers of a municipality creating an authority under this act.

(r) "Infrastructure improvements" means a street, road, sidewalk, parking facility, pedestrian mall, alley, bridge, sewer, sewage treatment plant, property designed to reduce, eliminate, or prevent the spread of identified soil or groundwater contamination, drainage system, waterway, waterline, water storage facility, rail line, utility line or pipeline, or other similar or related structure or improvement, together with necessary easements for the structure or improvement, owned or used by a public agency or functionally connected to similar or supporting property owned or used by a public agency, or designed and dedicated to use by, for the benefit of, or for the protection of the health, welfare, or safety of the public generally, whether or not used by

a single business entity, provided that any road, street, or bridge shall be continuously open to public access and that other property shall be located in public easements or rights-of-way and sized to accommodate reasonably foreseeable development of eligible property in adjoining areas.

(s) "Initial taxable value" means the taxable value of an eligible property identified in and subject to a brownfield plan at the time the resolution adding that eligible property in the brownfield plan is adopted, as shown either by the most recent assessment roll for which equalization has been completed at the time the resolution is adopted or, if provided by the brownfield plan, by the next assessment roll for which equalization will be completed following the date the resolution adding that eligible property in the brownfield plan is adopted. Property exempt from taxation at the time the initial taxable value is determined shall be included with the initial taxable value of zero. Property for which a specific tax is paid in lieu of property tax shall not be considered exempt from taxation. The state tax commission shall prescribe the method for calculating the initial taxable value of property for which a specific tax was paid in lieu of property tax.

(t) "Land bank fast track authority" means an authority created under the land bank fast track act.

(u) "Local taxes" means all taxes levied other than taxes levied for school operating purposes.

(v) "Municipality" means all of the following:

(i) A city.

(ii) A village.

(iii) A township in those areas of the township that are outside of a village.

(iv) A township in those areas of the township that are in a village upon the concurrence by resolution of the village in which the zone would be located.

(v) A county.

(w) "Owned or under the control of" means that a land bank fast track authority has 1 or more of the following:

(i) An ownership interest in the property.

(ii) A tax lien on the property.

(iii) A tax deed to the property.

(iv) A contract with this state or a political subdivision of this state to enforce a lien on the property.

(v) A right to collect delinquent taxes, penalties, or interest on the property.

(vi) The ability to exercise its authority over the property.

(x) "Qualified facility" means a landfill facility area of 140 or more contiguous acres that is located in a city and that contains a landfill, a material recycling facility, and an asphalt plant that are no longer in operation.

(y) "Qualified local governmental unit" means that term as defined in the obsolete property rehabilitation act, 2000 PA 146, MCL 125.2781 to 125.2797.

(z) "Qualified taxpayer" means that term as defined in sections 38d and 38g of the single business tax act, 1975 PA 228, MCL 208.38d and 208.38g.

(aa) "Remedial action plan" means a plan that meets both of the following requirements:

(i) Is a remedial action plan as that term is defined in section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(ii) Describes each individual activity to be conducted to complete eligible activities and the associated costs of each individual activity.

(bb) "Response activity" means that term as defined in section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(cc) "Specific taxes" means a tax levied under 1974 PA 198, MCL 207.551 to 207.572; the commercial redevelopment act, 1978 PA 255, MCL 207.651 to 207.668; the enterprise zone act, 1985 PA 224, MCL 125.2101 to 125.2123; 1953 PA 189, MCL 211.181 to 211.182; the technology park development act, 1984 PA 385, MCL 207.701 to 207.718; the obsolete property rehabilitation act, 2000 PA 146, MCL 125.2781 to 125.2797; the neighborhood enterprise zone act, 1992 PA 147, MCL 207.771 to 207.786; or that portion of the tax levied under the tax reverted property clean title act that is not required to be distributed to a land bank fast track authority.

(dd) "Tax increment revenues" means the amount of ad valorem property taxes and specific taxes attributable to the application of the levy of all taxing jurisdictions upon the captured taxable value of each parcel of eligible property subject to a brownfield plan and personal property located on that property. Tax increment revenues exclude ad valorem property taxes specifically levied for the payment of principal of and interest on either obligations approved by the electors or obligations pledging the unlimited taxing power of the local governmental unit, and specific taxes attributable to those ad valorem property taxes. Tax increment revenues attributable to eligible property also exclude the amount of ad valorem property taxes or specific taxes captured by a downtown development authority, tax increment finance authority, or local development

finance authority if those taxes were captured by these other authorities on the date that eligible property became subject to a brownfield plan under this act.

(ee) "Taxable value" means the value determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

(ff) "Taxes levied for school operating purposes" means all of the following:

(i) The taxes levied by a local school district for operating purposes.

(ii) The taxes levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906.

(iii) That portion of specific taxes attributable to taxes described under subparagraphs (i) and (ii).

(gg) "Work plan" means a plan that describes each individual activity to be conducted to complete eligible activities and the associated costs of each individual activity.

(hh) "Zone" means, for an authority established before June 6, 2000, a brownfield redevelopment zone designated under this act.

History: 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2000, Act 145, Imd. Eff. June 6, 2000;—Am. 2002, Act 254, Imd. Eff. May 1, 2002;—Am. 2003, Act 259, Imd. Eff. Jan. 5, 2004;—Am. 2003, Act 277, Imd. Eff. Jan. 8, 2004;—Am. 2005, Act 101, Imd. Eff. July 22, 2005.

125.2653 Brownfield redevelopment authority; establishment; exercise of powers; alteration or amendment of boundaries; authority as public body corporate; written agreement with county.

Sec. 3. (1) A municipality may establish 1 or more authorities. Except as provided in subsection (4), an authority with zones established before the effective date of the amendatory act that added subsection (2) shall exercise its powers within its designated zones. Except as provided in subsection (4), an authority established after the effective date of the amendatory act that added subsection (2) shall exercise its powers over any eligible property located in the municipality.

(2) An authority with zones established before the effective date of the amendatory act that added this subsection may alter or amend the boundaries of those zones if the authority holds a public hearing on the alteration or amendment using the procedures under section 4(2), (3), and (4).

(3) The authority shall be a public body corporate that may sue and be sued in a court of competent jurisdiction. The authority possesses all the powers necessary to carry out the purpose of its incorporation. The enumeration of a power in this act is not a limitation upon the general powers of the authority. The powers granted in this act to an authority may be exercised whether or not bonds are issued by the authority.

(4) An authority established by a county shall exercise its powers with respect to eligible property within a city, village, or township within the county only if that city, village, or township has concurred with the provisions of a brownfield plan that apply to that eligible property within the city, village, or township.

(5) A city, village, or township including a city, village, or township that is a qualified local governmental unit may enter into a written agreement with the county in which that city, village, or township is located to exercise the powers granted to that specific city, village, or township under this act.

History: 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2000, Act 145, Imd. Eff. June 6, 2000.

125.2654 Resolution by governing body; adoption; notice; public hearing; proceedings establishing authority; presumption of validity; exercise as essential governmental function; implementation or modification of plan.

Sec. 4. (1) A governing body may declare by resolution adopted by a majority of its members elected and serving its intention to create and provide for the operation of an authority.

(2) In the resolution of intent, the governing body shall set a date for holding a public hearing on the adoption of a proposed resolution creating the authority. Notice of the public hearing shall be published twice in a newspaper of general circulation in the municipality, not less than 20 nor more than 40 days before the date of the hearing. The notice shall state the date, time, and place of the hearing. At that hearing, a citizen, taxpayer, official from a taxing jurisdiction whose millage may be subject to capture under a brownfield plan, or property owner of the municipality has the right to be heard in regard to the establishment of the authority.

(3) Not more than 30 days after the public hearing, if the governing body intends to proceed with the establishment of the authority, the governing body shall adopt, by majority vote of its members elected and serving, a resolution establishing the authority. The adoption of the resolution is subject to all applicable statutory or charter provisions with respect to the approval or disapproval by the chief executive or other officer of the municipality and the adoption of a resolution over his or her veto. This resolution shall be filed with the secretary of state promptly after its adoption.

(4) The proceedings establishing an authority shall be presumptively valid unless contested in a court of competent jurisdiction within 60 days after the filing of the resolution with the secretary of state.

(5) The exercise by an authority of the powers conferred by this act shall be considered to be an essential governmental function and benefit to, and a legitimate public purpose of, the state, the authority, and the municipality or units.

(6) If the board implements or modifies a brownfield plan that contains a qualified facility, the governing body shall mail notice of that implementation or modification to each taxing jurisdiction that levies ad valorem property taxes in the municipality. Not more than 60 days after receipt of that notice, the governing body of a taxing jurisdiction levying ad valorem property taxes that would otherwise be subject to capture may exempt its taxes from capture by adopting a resolution to that effect and filing a copy with the clerk of the municipality in which the qualified facility is located. The resolution takes effect when filed with that clerk and remains effective until a copy of a resolution rescinding that resolution is filed with that clerk.

History: 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2000, Act 145, Imd. Eff. June 6, 2000;—Am. 2005, Act 101, Imd. Eff. July 22, 2005.

125.2655 Designation of board by governing body; membership; trustees; applicability of subsection (2); election of chairperson, vice-chairperson, and other officers; oath; procedural rules; meetings; special meetings; removal of member; records open to public; quorum.

Sec. 5. (1) Each authority shall be under the supervision and control of a board chosen by the governing body. Subject to subsection (2), the governing body may by majority vote designate 1 of the following to constitute the board:

(a) The board of directors of the economic development corporation of the municipality established under the economic development corporations act, 1974 PA 338, MCL 125.1601 to 125.1636.

(b) The trustees of the board of a downtown development authority established under 1975 PA 197, MCL 125.1651 to 125.1681.

(c) The trustees of the board of a tax increment financing authority established under the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830.

(d) The trustees of the board of a local development financing authority established under the local development financing act, 1986 PA 281, MCL 125.2151 to 125.2174.

(e) Not less than 5 nor more than 9 persons appointed by the chief executive officer of the municipality subject to the approval of the governing body. Of the initial members appointed, an equal number, as near as practicable, shall be appointed for 1 year, 2 years, and 3 years. A member shall hold office until the member's successor is appointed and qualified. Thereafter, each member shall serve for a term of 3 years. An appointment to fill a vacancy shall be made by the chief executive officer of the municipality for the unexpired term only. Members of the board shall serve without compensation, but shall be reimbursed for reasonable actual and necessary expenses.

(2) The governing body of a municipality in which a board described in subsection (1)(b), (c), or (d) has been established shall designate the trustees of 1 of those boards to constitute the board. This subsection shall only apply in the event a board described in subsection (1)(b), (c), or (d) is authorized under subsection (1) to serve as the board of the authority.

(3) The members shall elect 1 of their membership as chairperson and another as vice-chairperson. The members may designate and elect other officers of the board as they consider necessary.

(4) Before assuming the duties of office, a member shall qualify by taking and subscribing to the oath of office provided in section 1 of article XI of the state constitution of 1963.

(5) The board shall adopt rules governing its procedure and the holding of regular meetings, subject to the approval of the governing body. Special meetings may be held when called in the manner provided in the rules of the board. Meetings of the board shall be open to the public, in accordance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

(6) After notice and an opportunity to be heard, a member of the board appointed under subsection (1)(e) may be removed before the expiration of his or her term for cause by the governing body. Removal of a member is subject to review by the circuit court.

(7) All financial records of an authority shall be open to the public under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(8) A majority of the members of the board appointed and serving shall constitute a quorum. Action may be taken by the board at a meeting upon a vote of the majority of the members present.

History: 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2000, Act 145, Imd. Eff. June 6, 2000.

125.2656 Appointment or employment of director, treasurer, secretary, personnel, and consultants; assistance provided by municipality; retirement and insurance programs.

Sec. 6. (1) The board may employ and fix the compensation of a director of the authority, subject to the approval of the governing body creating the authority. The director shall serve at the pleasure of the board. A member of the board is not eligible to hold the position of director. Before entering upon the duties of the office, the director shall take and subscribe to the oath of office provided in section 1 of article XI of the state constitution of 1963 and shall furnish bond by posting a bond in the sum specified in the resolution establishing the authority. The bond shall be payable to the authority for the use and benefit of the authority, approved by the board, and filed with the clerk of the municipality. The premium on the bond shall be considered an operating expense of the authority, payable from funds available to the authority for expenses of operation. The director shall be the chief officer of the authority. Subject to the approval of the board, the director shall supervise and be responsible for the preparation of plans and the performance of the functions of the authority in the manner authorized by this act. The director shall attend the meetings of the board and shall render to the board and to the governing body a regular report covering the activities and financial condition of the authority. If the director is absent or disabled, the board may designate a qualified person as acting director to perform the duties of the office. Before entering upon the duties of the office, the acting director shall take and subscribe to the oath of office referenced in this subsection and furnish bond as required of the director. The director shall furnish the board with information or reports governing the operation of the authority, as the board requires.

(2) The board may appoint or employ and fix the compensation of a treasurer who shall keep the financial records of the authority and who, together with the director, if a director is appointed, shall approve all vouchers for the expenditure of funds of the authority. The treasurer shall perform other duties as may be delegated by the board and shall furnish bond in an amount as prescribed by the board.

(3) The board may appoint or employ and fix the compensation of a secretary who shall maintain custody of the official seal and of records, books, documents, or other papers not required to be maintained by the treasurer. The secretary shall attend meetings of the board and keep a record of its proceedings and shall perform other duties as may be delegated by the board.

(4) The board may employ and retain personnel and consultants as considered necessary by the board, including legal counsel to advise the board in the proper performance of its duties and to represent the authority in actions brought by or against the authority.

(5) Upon request of the authority, the municipality may provide assistance to the authority in the performance of its powers and duties.

(6) The employees of an authority may be eligible to participate in municipal retirement and insurance programs of the municipality as if they were civil service employees on the same basis as civil service employees.

History: 1996, Act 381, Eff. Sept. 16, 1996.

125.2657 Powers of authority; determining captured taxable value; transfer of municipality funds to authority.

Sec. 7. (1) An authority may do 1 or more of the following:

- (a) Adopt, amend, and repeal bylaws for the regulation of its affairs and the conduct of its business.
- (b) Incur and expend funds to pay or reimburse a public or private person for costs of eligible activities attributable to an eligible property.
- (c) As approved by the municipality, incur costs and expend funds from the local site remediation revolving fund created under section 8 for purposes authorized in that section.
- (d) Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties, including, but not limited to, lease purchase agreements, land contracts, installment sales agreements, and loan agreements.
- (e) On terms and conditions and in a manner and for consideration the authority considers proper or for no monetary consideration, own, mortgage, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests in the property, that the authority determines are reasonably necessary to achieve the purposes of this act, and grant or acquire licenses, easements, and options with respect to the property.
- (f) Acquire, maintain, repair, or operate all devices necessary to ensure continued eligible activities on eligible property.
- (g) Accept grants and donations of property, labor, or other things of value from a public or private source.
- (h) Incur costs in connection with the performance of its authorized functions, including, but not limited to, administrative costs and architect, engineer, legal, or accounting fees.
- (i) Study, develop, and prepare the reports or plans the authority considers necessary to assist it in the exercise of its powers under this act and to monitor and evaluate the progress under this act.

(j) Procure insurance against loss in connection with the authority's property, assets, or activities.

(k) Invest the money of the authority at the authority's discretion in obligations determined proper by the authority, and name and use depositories for its money.

(l) Make loans, participate in the making of loans, undertake commitments to make loans and mortgages, buy and sell loans and mortgages at public or private sale, rewrite loans and mortgages, discharge loans and mortgages, foreclose on a mortgage, commence an action to protect or enforce a right conferred upon the authority by a law, mortgage, loan, contract, or other agreement, bid for and purchase property that was the subject of the mortgage at a foreclosure or other sale, acquire and take possession of the property and in that event compute, administer, pay the principal and interest on obligations incurred in connection with that property, and dispose of and otherwise deal with the property, in a manner necessary or desirable to protect the interests of the authority.

(m) Borrow money and issue its bonds and notes under the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, in anticipation of collection of tax increment revenues.

(n) Do all other things necessary or convenient to achieve the objectives and purposes of the authority, this act, or other laws that relate to the purposes and responsibilities of the authority.

(2) The authority shall determine the captured taxable value of each parcel of eligible property. The captured taxable value of a parcel shall not be less than zero.

(3) A municipality may transfer the funds of the municipality to an authority or to another person on behalf of the authority in anticipation of repayment by the authority.

History: 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2000, Act 145, Imd. Eff. June 6, 2000;—Am. 2002, Act 413, Imd. Eff. June 3, 2002.

125.2658 Local site remediation revolving fund.

Sec. 8. (1) An authority may establish a local site remediation revolving fund. A local site remediation revolving fund shall consist of money available under section 13(5) and may also consist of money appropriated or otherwise made available from public or private sources. An authority shall separately account for money deposited to the fund that is directly derived from tax increment revenues levied for school operating purposes.

(2) The local site remediation revolving fund may be used only to pay the costs of eligible activities on eligible property that is located within the municipality.

(3) An authority or a municipality on behalf of an authority may incur an obligation for the purpose of funding a local site remediation revolving fund.

History: 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2000, Act 145, Imd. Eff. June 6, 2000.

125.2659 Authority as instrumentality of political subdivision.

Sec. 9. The authority shall be considered an instrumentality of a political subdivision for purposes of Act No. 227 of the Public Acts of 1972, being sections 213.321 to 213.332 of the Michigan Compiled Laws.

History: 1996, Act 381, Eff. Sept. 16, 1996.

125.2660 Taking, transfer, and use of private property.

Sec. 10. A municipality may transfer private property taken under the uniform condemnation procedures act, Act No. 87 of the Public Acts of 1980, being sections 213.51 to 213.77 of the Michigan Compiled Laws, to the authority for use as authorized in the brownfield plan, on terms and conditions it considers appropriate. The taking, transfer, and use shall be considered necessary for public purposes and for the benefit of the public.

History: 1996, Act 381, Eff. Sept. 16, 1996.

125.2661 Financing sources of authority activities.

Sec. 11. The activities of the authority shall be financed from 1 or more of the following sources:

(a) Contributions, contractual payments, or appropriations to the authority for the performance of its functions or to pay the costs of a brownfield plan of the authority.

(b) Revenues from a property, building, or facility owned, leased, licensed, or operated by the authority or under its control, subject to the limitations imposed upon the authority by trusts or other agreements.

(c) Subject to the limitations imposed under sections 8, 13, and 15, 1 or both of the following:

(i) Tax increment revenues received under a brownfield plan established under sections 13 and 14.

(ii) Proceeds of tax increment bonds and notes issued under section 17.

(d) Proceeds of revenue bonds and notes issued under section 12.

(e) Revenue available in the local site remediation revolving fund for the costs described in section 8.

(f) Money obtained from all other sources approved by the governing body of the municipality or otherwise authorized by law for use by the authority or the municipality to finance activities authorized under this act.

History: 1996, Act 381, Eff. Sept. 16, 1996.

125.2662 Bonds and notes of authority.

Sec. 12. (1) The authority may borrow money and issue its negotiable revenue bonds or notes to finance all or part of the costs of eligible activities or of another activity of the authority under this act. Revenue bonds and notes issued under this section are subject to the revenue bond act of 1933, 1933 PA 94, MCL 141.101 to 141.140. The costs that may be financed by the issuance of revenue bonds or notes may include the costs of purchasing, acquiring, constructing, improving, enlarging, extending, or repairing property in connection with an activity authorized under this act; engineering, architectural, legal, accounting, or financial expenses; the costs necessary or incidental to the borrowing of money; interest on the bonds or notes during the period of construction; a reserve for payment of principal and interest on the bonds or notes; and a reserve for operation and maintenance until sufficient revenues have developed. The authority may secure the bonds and notes by mortgage, assignment, or pledge of the property and all money, revenues, or income received in connection with the property.

(2) A pledge made by the authority shall be valid and binding from the time the pledge is made. The money or property pledged by the authority immediately shall be subject to the lien of the pledge without a physical delivery, filing, or further act. The lien of a pledge shall be valid and binding as against parties having claims in tort, contract, or otherwise against the authority, irrespective of whether the parties have notice of the lien. Filing of the resolution, the trust agreement, or another instrument by which a pledge is created is not required.

(3) Bonds or notes issued under this section shall be exempt from all taxation in this state except estate and transfer taxes, and the interest on the bonds or notes shall be exempt from all taxation in this state, notwithstanding that the interest may be subject to federal income tax.

(4) Unless otherwise provided by a majority vote of the members of its governing body, the municipality shall not be liable on bonds or notes of the authority issued under this section and the bonds or notes shall not be a debt of the municipality.

(5) The bonds and notes of the authority may be invested in by the state treasurer and all other public officers, state agencies and political subdivisions, insurance companies, banks, savings and loan associations, investment companies, and fiduciaries and trustees, and may be deposited with and received by the state treasurer and all other public officers and the agencies and political subdivisions of this state for all purposes for which the deposit of bonds or notes is authorized. The authority granted by this section is supplemental and in addition to all other authority granted by law.

History: 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2002, Act 413, Imd. Eff. June 3, 2002.

125.2663 Brownfield plan; provisions.

Sec. 13. (1) Subject to section 15, the board may implement a brownfield plan. The brownfield plan may apply to 1 or more parcels of eligible property whether or not those parcels of eligible property are contiguous and may be amended to apply to additional parcels of eligible property. Except as otherwise authorized by this act, if more than 1 parcel of eligible property is included within the plan, the tax increment revenues under the plan shall be determined individually for each parcel of eligible property. Each plan or an amendment to a plan shall be approved by the governing body of the municipality and shall contain all of the following:

(a) A description of the costs of the plan intended to be paid for with the tax increment revenues or, for a plan for eligible properties qualified on the basis that the property is owned or under the control of a land bank fast track authority, a listing of all eligible activities that may be conducted for 1 or more of the eligible properties subject to the plan.

(b) A brief summary of the eligible activities that are proposed for each eligible property or, for a plan for eligible properties qualified on the basis that the property is owned or under the control of a land bank fast track authority, a brief summary of eligible activities conducted for 1 or more of the eligible properties subject to the plan.

(c) An estimate of the captured taxable value and tax increment revenues for each year of the plan from each parcel of eligible property, or from all eligible properties qualified on the basis that the property is owned or under the control of a land bank fast track authority, and in the aggregate. The plan may provide for the use of part or all of the captured taxable value, including deposits in the local site remediation revolving

fund, but the portion intended to be used shall be clearly stated in the plan. The plan shall not provide either for an exclusion from captured taxable value of a portion of the captured taxable value or for an exclusion of the tax levy of 1 or more taxing jurisdictions unless the tax levy is excluded from tax increment revenues in section 2(cc), or unless the tax levy is excluded from capture under section 15.

(d) The method by which the costs of the plan will be financed, including a description of any advances made or anticipated to be made for the costs of the plan from the municipality.

(e) The maximum amount of note or bonded indebtedness to be incurred, if any.

(f) The duration of the brownfield plan, which shall not exceed the lesser of the period authorized under subsections (4) and (5) or 30 years.

(g) An estimate of the impact of tax increment financing on the revenues of all taxing jurisdictions in which the eligible property is located.

(h) A legal description of each parcel of eligible property to which the plan applies, a map showing the location and dimensions of each eligible property, a statement of the characteristics that qualify the property as eligible property, and a statement of whether personal property is included as part of the eligible property. If the project is on property that is functionally obsolete, the taxpayer shall include, with the application, an affidavit signed by a level 3 or level 4 assessor, that states that it is the assessor's expert opinion that the property is functionally obsolete and the underlying basis for that opinion.

(i) Estimates of the number of persons residing on each eligible property to which the plan applies and the number of families and individuals to be displaced. If occupied residences are designated for acquisition and clearance by the authority, the plan shall include a demographic survey of the persons to be displaced, a statistical description of the housing supply in the community, including the number of private and public units in existence or under construction, the condition of those in existence, the number of owner-occupied and renter-occupied units, the annual rate of turnover of the various types of housing and the range of rents and sale prices, an estimate of the total demand for housing in the community, and the estimated capacity of private and public housing available to displaced families and individuals.

(j) A plan for establishing priority for the relocation of persons displaced by implementation of the plan.

(k) Provision for the costs of relocating persons displaced by implementation of the plan, and financial assistance and reimbursement of expenses, including litigation expenses and expenses incident to the transfer of title, in accordance with the standards and provisions of the uniform relocation assistance and real property acquisition policies act of 1970, Public Law 91-646.

(l) A strategy for compliance with 1972 PA 227, MCL 213.321 to 213.332.

(m) A description of proposed use of the local site remediation revolving fund.

(n) Other material that the authority or governing body considers pertinent.

(2) The percentage of all taxes levied on a parcel of eligible property for school operating expenses that is captured and used under a brownfield plan and all tax increment finance plans under 1975 PA 197, MCL 125.1651 to 125.1681, the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830, or the local development financing act, 1986 PA 281, MCL 125.2151 to 125.2174, shall not be greater than the combination of the plans' percentage capture and use of all local taxes levied for purposes other than for the payment of principal of and interest on either obligations approved by the electors or obligations pledging the unlimited taxing power of the local unit of government. This subsection shall apply only when taxes levied for school operating purposes are subject to capture under section 15.

(3) Except as provided in this subsection and subsections (5), (15), and (16), tax increment revenues related to a brownfield plan shall be used only for costs of eligible activities attributable to the eligible property, the captured taxable value of which produces the tax increment revenues, including the cost of principal of and interest on any obligation issued by the authority to pay the costs of eligible activities attributable to the eligible property, and the reasonable costs of preparing a work plan or remedial action plan for the eligible property, including the actual cost of the review of the work plan or remedial action plan under section 15. For property owned or under the control of a land bank fast track authority, tax increment revenues related to a brownfield plan may be used for eligible activities attributable to any eligible property owned or under the control of the land bank fast track authority, the cost of principal of and interest on any obligation issued by the authority to pay the costs of eligible activities, the reasonable costs of preparing a work plan or remedial action plan, and the actual cost of the review of the work plan or remedial action plan under section 15. Tax increment revenues captured from taxes levied by this state under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, or taxes levied by a local school district shall not be used for eligible activities described in section 2(l)(iv)(E).

(4) Except as provided in subsection (5), a brownfield plan shall not authorize the capture of tax increment revenue from eligible property after the year in which the total amount of tax increment revenues captured is equal to the sum of the costs permitted to be funded with tax increment revenues under this act.

(5) A brownfield plan may authorize the capture of additional tax increment revenue from an eligible property in excess of the amount authorized under subsection (4) during the time of capture for the purpose of paying the costs permitted under subsection (3), or for not more than 5 years after the time that capture is required for the purpose of paying the costs permitted under subsection (3), or both. Excess revenues captured under this subsection shall be deposited in the local site remediation revolving fund created under section 8 and used for the purposes authorized in section 8. If tax increment revenues attributable to taxes levied for school operating purposes from eligible property are captured by the authority for purposes authorized under subsection (3), the tax increment revenues captured for deposit in the local site remediation revolving fund also may include tax increment revenues attributable to taxes levied for school operating purposes in an amount not greater than the tax increment revenues levied for school operating purposes captured from the eligible property by the authority for the purposes authorized under subsection (3). Excess tax increment revenues from taxes levied for school operating purposes for eligible activities authorized under subsection (15) by the Michigan economic growth authority shall not be captured for deposit in the local site remediation revolving fund.

(6) An authority shall not expend tax increment revenues to acquire or prepare eligible property, unless the acquisition or preparation is an eligible activity.

(7) Costs of eligible activities attributable to eligible property include all costs that are necessary or related to a release from the eligible property, including eligible activities on properties affected by a release from the eligible property. For purposes of this subsection, "release" means that term as defined in section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(8) Costs of a response activity paid with tax increment revenues that are captured pursuant to subsection (3) may be recovered from a person who is liable for the costs of eligible activities at an eligible property. This state or an authority may undertake cost recovery for tax increment revenue captured. Before an authority or this state may institute a cost recovery action, it must provide the other with 120 days' notice. This state or an authority that recovers costs under this subsection shall apply those recovered costs to the following, in the following order of priority:

(a) The reasonable attorney fees and costs incurred by this state or an authority in obtaining the cost recovery.

(b) One of the following:

(i) If an authority undertakes the cost recovery action, the authority shall deposit the remaining recovered funds into the local site remediation fund created pursuant to section 8, if such a fund has been established by the authority. If a local site remediation fund has not been established, the authority shall disburse the remaining recovered funds to the local taxing jurisdictions in the proportion that the local taxing jurisdictions' taxes were captured.

(ii) If this state undertakes a cost recovery action, this state shall deposit the remaining recovered funds into the revitalization revolving loan fund established under section 20108a of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20108a.

(iii) If this state and an authority each undertake a cost recovery action, undertake a cost recovery action jointly, or 1 on behalf of the other, the amount of any remaining recovered funds shall be deposited pursuant to subparagraphs (i) and (ii) in the proportion that the tax increment revenues being recovered represent local taxes and taxes levied for school operating purposes, respectively.

(9) Approval of the brownfield plan or an amendment to a brownfield plan shall be in accordance with the notice and approval provisions of this section and section 14.

(10) Before approving a brownfield plan for an eligible property, the governing body shall hold a public hearing on the brownfield plan. Notice of the time and place of the hearing shall be given by publication twice in a newspaper of general circulation designated by the municipality, the first of which shall be not less than 20 or more than 40 days before the date set for the hearing.

(11) Notice of the time and place of the hearing on a brownfield plan shall contain all of the following:

(a) A description of the property to which the plan applies in relation to existing or proposed highways, streets, streams, or otherwise.

(b) A statement that maps, plats, and a description of the brownfield plan are available for public inspection at a place designated in the notice and that all aspects of the brownfield plan are open for discussion at the public hearing required by this section.

(c) Any other information that the governing body considers appropriate.

(12) At the time set for the hearing on the brownfield plan required under subsection (10), the governing body shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference to the brownfield plan. The governing body shall make and preserve a record of the public hearing, including all data presented at the hearing.

(13) Not less than 20 days before the hearing on the brownfield plan, the governing body shall provide notice of the hearing to the taxing jurisdictions that levy taxes subject to capture under this act. The authority shall fully inform the taxing jurisdictions about the fiscal and economic implications of the proposed brownfield plan. At that hearing, an official from a taxing jurisdiction with millage that would be subject to capture under this act has the right to be heard in regard to the adoption of the brownfield plan.

(14) The authority shall not enter into agreements with the taxing jurisdictions and the governing body of the municipality to share a portion of the captured taxable value of an eligible property. Upon adoption of the plan, the collection and transmission of the amount of tax increment revenues as specified in this act shall be binding on all taxing units levying ad valorem property taxes or specific taxes against property located in the zone.

(15) Except as provided by subsection (18), if a brownfield plan includes the capture of taxes levied for school operating purposes or the use of tax increment revenues related to a brownfield plan for the cost of eligible activities attributable to more than 1 eligible property that is adjacent and contiguous to all other eligible properties covered by the development agreement, whether or not the captured taxes are levied for school operating purposes, approval of a work plan by the Michigan economic growth authority before January 1, 2008 to use school operating taxes and a development agreement between the municipality and an owner or developer of eligible property are required if the revenues will be used for infrastructure improvements that directly benefit eligible property, demolition of structures that is not response activity under part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142, lead or asbestos abatement, or site preparation that is not response activity under section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101. The eligible activities to be conducted described in this subsection shall be consistent with the work plan submitted by the authority to the Michigan economic growth authority. The department's approval is not required for the capture of taxes levied for school operating purposes for eligible activities described in this subsection.

(16) The limitations of section 15(1) upon use of tax increment revenues by an authority shall not apply to the following costs and expenses:

(a) In each fiscal year of the authority, \$75,000.00 for the following purposes for tax increment revenues attributable to local taxes:

(i) Reasonable and actual administrative and operating expenses of the authority.

(ii) Baseline environmental assessments, due care activities, and additional response activities related directly to work conducted on prospective eligible properties prior to approval of the brownfield plan.

(b) Reasonable costs of preparing a work plan or remedial action plan or the cost of the review of a work plan for which tax increment revenues may be used under section 13(3).

(17) A brownfield authority may reimburse advances, with or without interest, made by a municipality under section 7(3), a land bank fast track authority, or any other person or entity for costs of eligible activities with any source of revenue available for use of the brownfield authority under this act and may enter into agreements related to those reimbursements. A reimbursement agreement for these purposes and the obligations under that reimbursement agreement shall not be subject to section 12 or the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(18) If a brownfield plan includes the capture of taxes levied for school operating purposes, approval of a work plan by the Michigan economic growth authority in the manner required under section 15(14) to (16) is required in order to use tax increment revenues attributable to taxes levied for school operating purposes for purposes of eligible activities described in section 2(l)(iv)(E) for 1 or more parcels of eligible property. The work plan to be submitted to the Michigan economic growth authority under this subsection shall be in a form prescribed by the Michigan economic growth authority. The eligible activities to be conducted and described in this subsection shall be consistent with the work plan submitted by the authority to the Michigan economic growth authority. The department's approval is not required for the capture of taxes levied for school operating purposes for eligible activities described in this section.

History: 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2000, Act 145, Imd. Eff. June 6, 2000;—Am. 2002, Act 727, Imd. Eff. Dec. 30, 2002;—Am. 2003, Act 259, Imd. Eff. Jan. 5, 2004;—Am. 2005, Act 101, Imd. Eff. July 22, 2005.

125.2664 Brownfield plan as public purpose; determination; amendments to plan; validity of procedure, notice, and findings; presumption.

Sec. 14. (1) Not less than 10 days after notice of the proposed brownfield plan is provided to the taxing jurisdictions, the governing body shall determine whether the plan constitutes a public purpose. If the governing body determines that the plan does not constitute a public purpose, the governing body shall reject the plan. If the governing body determines that the plan constitutes a public purpose, the governing body may then approve or reject the plan, or approve it with modification, by resolution, based on the following

considerations:

- (a) Whether the plan meets the requirements of section 13.
 - (b) Whether the proposed method of financing the costs of eligible activities is feasible and the authority has the ability to arrange the financing.
 - (c) Whether the costs of eligible activities proposed are reasonable and necessary to carry out the purposes of this act.
 - (d) Whether the amount of captured taxable value estimated to result from adoption of the plan is reasonable.
- (2) Except as provided in this subsection, amendments to an approved brownfield plan must be submitted by the authority to the governing body for approval or rejection following the same notice necessary for approval or rejection of the original plan. Notice is not required for revisions in the estimates of captured taxable value or tax increment revenues.
- (3) The procedure, adequacy of notice, and findings with respect to purpose and captured taxable value shall be presumptively valid unless contested in a court of competent jurisdiction within 60 days after adoption of the resolution adopting the brownfield plan. An amendment, adopted by resolution, to a conclusive plan shall likewise be conclusive unless contested within 60 days after adoption of the resolution adopting the amendment. If a resolution adopting an amendment to the plan is contested, the original resolution adopting the plan is not therefore open to contest.

History: 1996, Act 381, Eff. Sept. 16, 1996.

125.2665 Prohibited conduct; work plan or remedial action plan; documents to be submitted for approval; factors to be considered in plan review; written request pertaining to baseline environmental assessment activities or due care activities; additional response activities; reimbursement of costs to review work plan or remedial action plan; report; distribution of remaining funds; use of school operating taxes.

Sec. 15. (1) An authority shall not do any of the following:

- (a) For eligible activities not described in section 13(15), use taxes levied for school operating purposes captured from eligible property unless the eligible activities to be conducted on the eligible property are eligible activities under part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142, consistent with a work plan or remedial action plan approved by the department after July 24, 1996 and before January 1, 2008.
- (b) For eligible activities not described in section 13(15), use funds from a local site remediation revolving fund that are derived from taxes levied for school operating purposes unless the eligible activities to be conducted are eligible activities under part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142, consistent with a work plan or remedial action plan that has been approved by the department after July 24, 1996.
- (c) Use funds from a local site remediation revolving fund created pursuant to section 8 that are derived from taxes levied for school operating purposes for the eligible activities described in section 13(15) unless the eligible activities to be conducted are consistent with a work plan approved by the Michigan economic growth authority.
- (d) Use taxes captured from eligible property to pay for eligible activities conducted before approval of the brownfield plan except for costs described in section 13(16).
- (e) Use taxes levied for school operating purposes captured from eligible property for response activities that benefit a party liable under section 20126 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20126, except that a municipality that established the authority, for taxes levied after 2004, may use taxes levied for school operating purposes captured from eligible property for response activities associated with a landfill.
- (f) Use taxes captured from eligible property to pay for administrative and operating activities of the authority or the municipality on behalf of the authority except for costs described in section 13(16) and for the reasonable costs for preparing a work plan or remedial action plan for the eligible property, including the actual cost of the review of the work plan or remedial action plan under this section.

(2) To seek department approval of a work plan under subsection (1)(a) or (b) or remedial action plan, the authority shall submit all of the following for each eligible property:

- (a) A copy of the brownfield plan.
- (b) Current ownership information for each eligible property and a summary of available information on proposed future ownership, including the amount of any delinquent taxes, interest, and penalties that may be due.
- (c) A summary of available information on the historical and current use of each eligible property,

including a brief summary of site conditions and what is known about environmental contamination as that term is defined in section 20101 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101.

(d) Existing and proposed future zoning for each eligible property.

(e) A brief summary of the proposed redevelopment and future use for each eligible property.

(f) A separate work plan or remedial action plan, or part of a work plan or remedial action plan, for each eligible activity to be undertaken.

(3) Upon receipt of a request for approval of a work plan or remedial action plan under subsection (2) that pertains to baseline environmental assessment activities or due care activities, or both, or a portion of a work plan or remedial action plan that pertains to only baseline environmental assessment activities or due care activities, or both, the department shall provide 1 of the following written responses to the requesting authority within 60 days:

(a) An unconditional approval.

(b) A conditional approval that delineates specific necessary modifications to the work plan or remedial action plan, including, but not limited to, individual activities to be added or deleted from the work plan or remedial action plan and revision of costs.

(c) If the work plan or remedial action plan lacks sufficient information for the department to respond under subdivision (a) or (b), a letter stating with specificity the necessary additions or changes to the work plan or remedial action plan to be submitted before a plan will be considered by the department.

(4) In its review of a work plan or remedial action plan, the department shall consider all of the following:

(a) Whether the individual activities included in the work plan or remedial action plan are sufficient to complete the eligible activity.

(b) Whether each individual activity included in the work plan or remedial action plan is required to complete the eligible activity.

(c) Whether the cost for each individual activity is reasonable.

(5) If the department fails to provide a written response under subsection (3) within 60 days after receipt of a request for approval of a work plan or remedial action plan that pertains to baseline environmental assessment activities or due care activities, or both, the authority may proceed with the baseline environmental assessment activities or due care activities, or both, as outlined in the work plan or remedial action plan as submitted for approval. Except as provided in subsection (6), baseline environmental assessment activities or due care activities, or both, conducted pursuant to a work plan or remedial action plan that was submitted to the department for approval but for which the department failed to provide a written response under subsection (3) shall be considered approved for the purposes of subsection (1).

(6) The department may issue a written response to a work plan or remedial action plan that pertains to baseline environmental assessment activities or due care activities, or both, more than 60 days but less than 6 months after receipt of a request for approval. If the department issues a written response under this subsection, the authority is not required to conduct individual activities that are in addition to the individual activities included in the work plan or remedial action plan as it was submitted for approval and failure to conduct these additional activities shall not affect the authority's ability to capture taxes under subsection (1) for the eligible activities described in the work plan or remedial action plan initially submitted under subsection (5). In addition, at the option of the authority, these additional individual activities shall be considered part of the work plan or remedial action plan of the authority and approved for purposes of subsection (1). However, any response by the department under this subsection that identifies additional individual activities that must be carried out to satisfy the baseline environmental assessment or due care requirements, or both, of part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142, must be satisfactorily completed for the baseline environmental assessment or due care activities, or both, to be considered acceptable for the purposes of compliance with part 201 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20101 to 324.20142.

(7) If the department issues a written response under subsection (6) to a work plan or remedial action plan that pertains to baseline environmental assessment activities or due care activities, or both, and if the department's written response modifies an individual activity proposed by the work plan or remedial action plan of the authority in a manner that reduces or eliminates a proposed response activity, the authority must complete those individual activities included in the baseline environmental assessment or due care activities, or both, in accordance with the department's response in order for that portion of the work plan or remedial action plan to be considered approved for purposes of subsection (1), unless 1 or more of the following conditions apply:

(a) Obligations for the individual activity have been issued by the authority, or by a municipality on behalf of the authority, to fund the individual activity prior to issuance of the department's response.

(b) The individual activity has commenced or payment for the work has been irrevocably obligated prior to issuance of the department's response.

(8) It shall be in the sole discretion of an authority to propose to undertake additional response activities at an eligible property under a brownfield plan. The department shall not require a work plan or remedial action plan for either baseline environmental assessment activities or due care activities, or both, to include additional response activities.

(9) The department may reject the portion of a work plan or remedial action plan that includes additional response activities and may consider the level of risk reduction that will be accomplished by the additional response activities in determining whether to approve or reject the work plan or remedial action plan or a portion of a plan.

(10) The department's approval or rejection of a work plan under subsection (1)(a) or (b) or remedial action plan for additional response activities is final.

(11) The authority shall reimburse the department for the actual cost incurred by the department or a contractor of the department to review a work plan under subsection (1)(a) or (b) or remedial action plan under this section. Funds paid to the department under this subsection shall be deposited in the cost recovery subaccount of the cleanup and redevelopment fund created under section 20108 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20108.

(12) The department shall submit a report each year on or before March 1 to each member of the legislature that contains all of the following:

(a) A compilation and summary of all the information submitted under subsection (2).

(b) The amount of revenue this state would have received if taxes levied for school operating purposes had not been captured under this section for the previous calendar year.

(c) The amount of revenue each local governmental unit would have received if taxes levied for school operating purposes had not been captured under this section for the previous calendar year.

(13) To seek Michigan economic growth authority approval of a work plan under subsection (1)(c) or section 13(15), the authority shall submit all of the following for each eligible property:

(a) A copy of the brownfield plan.

(b) Current ownership information for each eligible property and a summary of available information on proposed future ownership, including the amount of any delinquent taxes, interest, and penalties that may be due.

(c) A summary of available information on the historical and current use of each eligible property.

(d) Existing and proposed future zoning for each eligible property.

(e) A brief summary of the proposed redevelopment and future use for each eligible property.

(f) A separate work plan, or part of a work plan, for each eligible activity described in section 13(15) to be undertaken.

(g) A copy of the development agreement required under section 13(15), which shall include, but is not limited to, a detailed summary of any and all ownership interests, monetary considerations, fees, revenue and cost sharing, charges, or other financial arrangements or other consideration between the parties.

(14) Upon receipt of a request for approval of a work plan, the Michigan economic growth authority shall provide 1 of the following written responses to the requesting authority within 65 days:

(a) An unconditional approval that includes an enumeration of eligible activities and a maximum allowable capture amount.

(b) A conditional approval that delineates specific necessary modifications to the work plan, including, but not limited to, individual activities to be added or deleted from the work plan and revision of costs.

(c) A denial and a letter stating with specificity the reason for the denial. If a work plan is denied under this subsection, the work plan may be subsequently resubmitted.

(15) In its review of a work plan under subsection (1)(c) or section 13(15), the Michigan economic growth authority shall consider the following criteria to the extent reasonably applicable to the type of activities proposed as part of that work plan when approving or denying a work plan:

(a) Whether the individual activities included in the work plan are sufficient to complete the eligible activity.

(b) Whether each individual activity included in the work plan is required to complete the eligible activity.

(c) Whether the cost for each individual activity is reasonable.

(d) The overall benefit to the public.

(e) The extent of reuse of vacant buildings and redevelopment of blighted property.

(f) Creation of jobs.

(g) Whether the eligible property is in an area of high unemployment.

(h) The level and extent of contamination alleviated by or in connection with the eligible activities.

- (i) The level of private sector contribution.
 - (j) The cost gap that exists between the site and a similar greenfield site as determined by the Michigan economic growth authority.
 - (k) If the developer or projected occupant of the new development is moving from another location in this state, whether the move will create a brownfield.
 - (l) Whether the financial statements of the developer, landowner, or corporate entity indicate that the developer, landowner, or corporate entity is financially sound and that the project of the developer, landowner, or corporate entity that is included in the work plan is economically sound.
 - (m) Other state and local incentives available to the developer, landowner, or corporate entity for the project of the developer, landowner, or corporate entity that is included in the work plan.
 - (n) Any other criteria that the Michigan economic growth authority considers appropriate for the determination of eligibility or for approval of the work plan.
- (16) If the Michigan economic growth authority fails to provide a written response under subsection (14) within 65 days after receipt of a request for approval of a work plan, the eligible activities shall be considered approved and the authority may proceed with the eligible activities described in section 13(15) as outlined in the work plan as submitted for approval.
- (17) The Michigan economic growth authority's approval of a work plan under section 13(15) is final.
- (18) The authority shall reimburse the Michigan economic growth authority for the actual cost incurred by the Michigan economic growth authority or a contractor of the Michigan economic growth authority to review a work plan under this section.
- (19) The Michigan economic growth authority shall submit a report each year on or before March 1 to each member of the legislature that contains all of the following:
- (a) A compilation and summary of all the information submitted under subsection (13).
 - (b) The amount of revenue this state would have received if taxes levied for school operating purposes had not been captured under this section for the previous calendar year.
 - (c) The amount of revenue each local governmental unit would have received if taxes levied for school operating purposes had not been captured under this section for the previous calendar year.
- (20) All taxes levied for school operating purposes that are not used for eligible activities consistent with a work plan approved by the department or the Michigan economic growth authority or for the payment of interest under section 13 and that are not deposited in a local site remediation revolving fund shall be distributed proportionately between the local school district and the school aid fund.
- (21) An authority shall not use taxes levied for school operating purposes captured from eligible property for eligible activities for a qualified facility.

History: 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2000, Act 145, Imd. Eff. June 6, 2000;—Am. 2002, Act 727, Imd. Eff. Dec. 30, 2002;—Am. 2003, Act 283, Imd. Eff. Jan. 8, 2004;—Am. 2005, Act 101, Imd. Eff. July 22, 2005.

125.2666 Tax increment revenues; transmission to authority; expenditure; reversion of surplus funds; abolishment of plan; financial status report; collection of financial reports by department and state tax commission.

Sec. 16. (1) The municipal and county treasurers shall transmit tax increment revenues to the authority not more than 30 days after tax increment revenues are collected.

(2) The authority shall expend the tax increment revenues received only in accordance with the brownfield plan. All surplus funds not deposited in the local site remediation revolving fund of the authority under section 13(5) shall revert proportionately to the respective taxing bodies, except as provided in section 15(20). The governing body may abolish the plan when it finds that the purposes for which the plan was established are accomplished. However, the plan shall not be abolished until the principal and interest on bonds issued under section 17 and all other obligations to which the tax increment revenues are pledged have been paid or funds sufficient to make the payment have been segregated.

(3) The authority shall submit annually to the governing body and the state tax commission a financial report on the status of the activities of the authority. The report shall include all of the following:

- (a) The amount and source of tax increment revenues received.
- (b) The amount and purpose of expenditures of tax increment revenues.
- (c) The amount of principal and interest on all outstanding indebtedness.
- (d) The initial taxable value of all eligible property subject to the brownfield plan.
- (e) The captured taxable value realized by the authority.
- (f) Information concerning any transfer of ownership of or interest in each eligible property.
- (g) All additional information that the governing body or the state tax commission considers necessary.

(4) The state tax commission shall collect the financial reports submitted under subsection (3), compile and analyze the information contained in those reports, and submit annually a report based on that information to all of the following standing committees of the legislature:

(a) In the house of representatives, the committees responsible for natural resource management, conservation, environmental protection, and taxation.

(b) In the senate, the committees responsible for natural resource management, conservation, environmental protection, and taxation.

History: 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2000, Act 145, Imd. Eff. June 6, 2000.

125.2667 Authorization, issuance, and sale of tax increment bonds and notes.

Sec. 17. (1) By resolution of its board, the authority may authorize, issue, and sell its tax increment bonds and notes, subject to the limitations set forth in this section, to finance the purposes of a brownfield plan. The bonds or notes shall be payable in the manner and upon the terms and conditions determined, or within the parameters specified, by the authority in the resolution authorizing issuance of the bonds or notes. The resolution authorizing the bonds shall create a lien on the tax increment revenues and other revenues pledged by the resolution that shall be a statutory lien and shall be a first lien subject only to liens previously created. The resolution may provide the terms upon which additional bonds or notes may be issued of equal standing and parity of lien as to the tax increment revenues and other revenues pledged under the resolution.

(2) The municipality, by majority vote of the members of its governing body, may make a limited tax pledge to support the authority's tax increment bonds or notes or, if authorized by the voters of the municipality, may pledge its unlimited tax full faith and credit for the payment of the principal of and interest on the authority's tax increment bonds or notes.

(3) The bonds or notes issued under this section shall be secured by 1 or more sources of revenue identified in section 7 as sources of financing of activities of the authority, as provided by resolution of the authority.

(4) The bonds and notes of the authority may be invested in by the state treasurer and all other public officers, state agencies and political subdivisions, insurance companies, banks, savings and loan associations, investment companies, and fiduciaries and trustees, and may be deposited with and received by the state treasurer and all other public officers and the agencies and political subdivisions of this state for 1 or more of the purposes for which the deposit of bonds or notes is authorized. The authority granted by this section is supplemental and in addition to all other authority granted by law.

(5) The bonds and notes issued under this section are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, except section 503 of the revised municipal finance act, 2001 PA 34, MCL 141.2503.

(6) For bonds issued under this act, the first principal amount maturity date or mandatory redemption date shall be not later than 5 years after the date of issuance and some principal amount shall mature or be subject to mandatory redemption in each subsequent year of the term of the bond.

History: 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2002, Act 413, Imd. Eff. June 3, 2002.

Compiler's note: The following communication was received:

“September 12, 1999
The Honorable John Engler
Capitol Building
Lansing, Michigan
Subject: PA 381 of 1996
Dear Governor Engler:

A review of the Senate and House Journals has revealed an error in Enrolled Senate Bill 923, which was filed with the Secretary of State on July 24, 1996, and assigned Public Act No. 381 of 1996. The bill presented to the Governor on July 17, 1996, did not accurately reflect what was agreed to by both houses of the Legislature. Specifically, Section 17, subsection (1), the third sentence incorrectly stated:

'The terms of the municipal finance act, Act No. 202 of the Public Acts of 1943, apply to bonds issued under this section.'

The sentence agreed to by both houses is:

'Except for the requirement of the municipal finance act, Act No. 202 of the Public Acts of 1943, being sections 131.1 to 139.3 of the Michigan Compiled Laws, that the authority receive the approval or an exception from approval from the department of treasury prior to the issuance of bonds under this subsection, the terms of Act No. 202 of the Public Acts of 1943 shall not apply to bonds issued under this section.'

Therefore, we are presenting a correct Enrolled Senate Bill 923 for your signature and filing with the Secretary of State. Upon filing, the defective Enrolled Senate Bill 923 will be replaced with the correct Enrolled Senate Bill 923 and assigned the same public act number. The effective date of the Public Act No. 381 of 1996 will be the date the correct bill is filed.

This procedure ensures the integrity of the process while providing notification to the public. We apologize for any inconvenience this may have caused you or the citizens of the state of Michigan. If you have any questions, please feel free to contact us.

Sincerely,
Carol Morey Viventi Melvin J. DeStigter
Secretary of the Senate Clerk of the House of Representatives
cc: Candice S. Miller, Secretary of State”

125.2668 Operating budget.

Sec. 18. (1) The authority shall prepare and approve a budget for the operation of the authority for the ensuing fiscal year. The budget shall be prepared in the manner and contain the information required of municipal departments. Funds of a municipality shall not be included in the budget of the authority except those funds authorized in this act or by the governing body of the municipality.

(2) The governing body of a municipality may assess a reasonable pro rata share of the funds for the cost of handling and auditing the funds of the authority, other than those committed for designated purposes, which cost shall be paid annually by the authority under an appropriate item in its budget.

History: 1996, Act 381, Eff. Sept. 16, 1996.

125.2669 Dissolution of authority; distribution of tax revenues and interest.

Sec. 19. (1) An authority that completes the purposes for which it was organized shall be dissolved by resolution of the governing body. Except as provided in subsection (2), the property and assets of the authority remaining after the satisfaction of the obligations of the authority shall belong to the municipality or to an agency or instrumentality designated by resolution of the municipality.

(2) Tax increment revenues and the interest earned on tax increment revenues shall be distributed as provided under section 16(2).

History: 1996, Act 381, Eff. Sept. 16, 1996;—Am. 2000, Act 145, Imd. Eff. June 6, 2000.

125.2670 Enforcement proceedings.

Sec. 20. The state tax commission may institute proceedings to compel enforcement of the requirements of this act.

History: 1996, Act 381, Eff. Sept. 16, 1996.

125.2671 Taxes levied before December 31, 1996.

Sec. 21. An authority shall not capture tax increment revenues from taxes levied before December 31, 1996.

History: 1996, Act 381, Eff. Sept. 16, 1996.

125.2672 Conditional effective date.

Sec. 22. This act shall not take effect unless Senate Bill No. 919 of the 88th Legislature is enacted into law.

History: 1996, Act 381, Eff. Sept. 16, 1996.

M.C.L.A. 125.2672

(i) If an authority undertakes the cost recovery action, the authority shall deposit the remaining recovered funds into the local site remediation fund created pursuant to section 8, if such a fund has been established by the authority. If a local site remediation fund has not been established, the authority shall disburse the remaining recovered funds to the local taxing jurisdictions in the proportion that the local taxing jurisdictions' taxes were captured.

(ii) If this state undertakes a cost recovery action, this state shall deposit the remaining recovered funds into the revitalization revolving loan fund established under section 20108a of the natural resources and environmental protection act, 1994 PA 451, MCL 324.20108a.

(iii) If this state and an authority each undertake a cost recovery action, undertake a cost recovery action jointly, or 1 on behalf of the other, the amount of any remaining recovered funds shall be deposited pursuant to subparagraphs (i) and (ii) in the proportion that the tax increment revenues being recovered represent local taxes and taxes levied for school operating purposes, respectively.

(9) Approval of the brownfield plan or an amendment to a brownfield plan shall be in accordance with the notice and approval provisions of this section and section 14. [FN4]

(10) Before approving a brownfield plan for an eligible property, the governing body shall hold a public hearing on the brownfield plan. By resolution, the governing body may delegate the public hearing process to the authority or to a subcommittee of the governing body subject to final approval by the governing body. Notice of the time and place of the hearing shall be given by publication twice in a newspaper of general circulation designated by the municipality, not less than 10 or more than 40 days before the date set for the hearing.

(11) Notice of the time and place of the hearing on a brownfield plan shall contain all of the following:

(a) A description of the property to which the plan applies in relation to existing or proposed highways, streets, streams, or otherwise.

(b) A statement that maps, plats, and a description of the brownfield plan are available for public inspection at a place designated in the notice and that all aspects of the brownfield plan are open for discussion at the public hearing required by this section.

(c) Any other information that the governing body considers appropriate.

(12) At the time set for the hearing on the brownfield plan required under subsection (10), the governing body shall ensure that interested persons have an opportunity to be heard and that written communications with reference to the brownfield plan are received and considered. The governing body shall ensure that a record of the public hearing is made and preserved, including all data presented at the hearing.

(13) Not less than 10 days before the hearing on the brownfield plan, the governing body shall provide notice of the hearing to the taxing jurisdictions that levy taxes subject to capture under this act. The authority shall fully inform the taxing jurisdictions about the fiscal and economic implications of the proposed brownfield plan. At that hearing, an official from a taxing jurisdiction with millage that would be subject to capture under this act has the right to be heard in regard to the adoption of the brownfield plan. Not less than 10 days before the hearing on the brownfield plan, the governing body shall provide notice of the hearing to the department if the brownfield plan involves the use of taxes levied for school operating purposes to pay for eligible activities that require the approval of a work plan by the department under section 15(1)(a) and the Michigan economic growth authority, or its designee, if the brownfield plan involves the use of taxes levied for school operating purposes to pay for eligible activities subject to subsection (15) or

Chapter 79 - General Building Regulations

116.2 Membership of Board. The Board of Appeals shall consist of the following:
1. The Building Official. 2. The Director of Public Works. 3. The Fire Chief. 4. Representative of the Oakland County Health Department. 5. Professional structural or civil engineer of architectural engineering experience, who shall be appointed by the City Council for a period of five (5) years.

(Rev. 7/23/01)

116.2.1 Absence of Members. During absence of a member by reason of disability or disqualification, the City Council shall designate a qualified substitute.

(Rev. 7/23/01)

116.2.2 Compensation of Board of Appeals. Compensation of appointed members of the board shall be determined by the City Council.

(Rev. 7/23/01)

116.3 Public Hearing. All hearings shall be public; and the appellant, his representative, the official of the municipality and any other person whose interests may be affected by the matter on appeal, shall be given an opportunity to be heard; it shall be the rule in cases heard for variance to Chapter 83, Fences, to notify all owners of record or property within 300 feet of the premise in question, such notices to be delivered personally or by mail addressed to the respective owners at the address given in the last assessment roll. The Board may require any party applying to the Board for relief to give such notice to other interested parties as it shall prescribe.

(Rev. 7/23/01)

ARTICLE 25

MECHANICAL CODE

2500.0 Adoption of Code by Reference. Pursuant to the provisions of Section 3 (k) of Act 279 of 1909 State of Michigan, as amended, Michigan Compiled Laws 117.3(k) and the Michigan Mechanical Code is adopted herein by reference by the City of Troy for the purpose of governing the requirements for the design and installation of H.V.A.C. systems in building in the City of Troy. Complete and printed copies of the Michigan Mechanical Code are available for public use and inspection at the office of the City Clerk.

(Rev. 7/23/01)

June 21, 1968

To: Paul York, City Manager
From: Fred W. Stanley, Chief Building Inspector
Subject: Board of Appeals for BOCA and Sign Ordinance

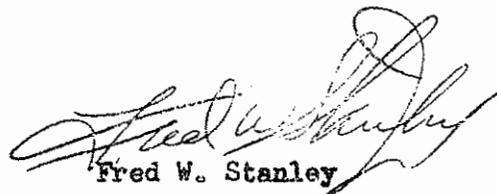
As requested, we have surveyed several communities in the surrounding area to determine what they do for a Building Board of Appeals.

Attached is a copy of that survey.

We have also reviewed the proposed amendments to Section 128 of the BOCA Code and submit the following as alternates for Sections 128.21 and 128.22:

Section 128.21 Membership of Board. - The Board of Appeals shall consist of the following: 1. The Building Official. 2. The Director of Public Works. 3. The Fire Chief. 4. Representative of the Oakland County Health Department. 5. Professional structural or civil engineer of architectural engineering experience, who shall be appointed by the City Commission for a period of five (5) years.

Section 128.22 Delete in Toto.


Fred W. Stanley

FWS/jb

VISITORS

(3)

No one wished to be heard.

OLD BUSINESS

BOARD OF APPEALS FOR BOCA & SIGN ORDINANCE

(4)

Resolution #68-532
By Commissioner Taucher
Supported by Commissioner Jones

RESOLVED, that an ordinance to amend Sections 128.1, 128.21, 128.23, and 128.3, and delete Sections 128.22, 128.43 and 128.53 of Title VIII of Chapter 79, of the Code of the City of Troy, a copy of which is attached to and made a part of the original minutes, is hereby approved.

Yeas: All-6
Nays: None
Absent: Houghten

PROPOSED POLICY CHANGES RE DRAINAGE REGULATIONS

(5)

Resolution #68-533
By Commissioner Taucher
Supported by Commissioner Gratopp

RESOLVED, that an ordinance to amend Sections 8.182, 8.184, 8.185 and 8.188 of Chapter 80, Title VIII of the Code of the City of Troy, is hereby approved.

Yeas: All-6
Nays: None
Absent: Houghten

Resolution #68-534
By Commissioner Taucher
Supported by Commissioner Gratopp

RESOLVED, that an ordinance to amend Sections 113.6 and 118, and to add a new section, designated as Section 121.7, of Chapter 79, Title VIII of the Code of the City of Troy, is hereby approved.

Yeas: All-6
Nays: None
Absent: Houghten

NOMINATIONS TO CHARTER REVISION COMMITTEE

C-7

To appear on the Agenda for October 18, 1982

RESOLUTION TO CREATE CATV ADVISORY COMMITTEE

C-8

Resolution #82-1425
Moved by Husk
Supported by Liebrecht

RESOLVED, That the City Council consider the creation of a CATV Advisory Committee; and

BE IT FURTHER RESOLVED, That the duties and responsibilities of said committee are to advise the City Council as to the following:

- A. Planning for public access by:
 - I) Formation of public access corporation
 - II) Structure, duties and responsibilities of public access advisory committee(s).
- B. New technologies in CATV as to:
 - I) State of development for implementation.
 - II) Moderation or implementation by franchisee.
- C. Requests for rate changes which may be requested after the initial rates of the first years as guaranteed.
- D. Quality of service.
- E. Additional subjects requested by City Council.

BE IT FURTHER RESOLVED, That the membership of the Committee shall consist of representatives of the following five (5) interest groups, plus four (4) persons having a broad committee interest and without allegiance or affiliation with the same interests:

- 1) Municipal Services
 - a) Public Safety
 - b) Library
 - c) Parks and Recreation
 - d) Public Services, water meter reading, traffic monitoring and control
 - e) Public meetings and special events
 - f) Citizens surveys
- 2) Educational:
 - a) Elementary
 - b) Secondary
 - c) College
- 3) Business and Economic
- 4) Religious
- 5) Cultural:
 - a) Arts Council
 - b) Theatrical groups

BE IT FINALLY RESOLVED, That the terms of the members shall initially be three (3) for one (1) year, three (3) for two (2) years and three (3) for three (3) years so that after the initial appointments have expired there will be staggered terms of three (3) years; the deadline for submitting resumes shall be December 15, 1982, and consideration will not be given to persons currently serving on other boards or committees.

Yeas: All-6
Absent: Taucher

~~_____~~

CITY OF TROY
Cable Advisory Committee
Minutes of March 24, 1983

The initial meeting of the Troy Cable Advisory Committee was called to order at 7:35 p.m. by Frank Gerstenecker, City Manager.

Roll Call:

Present:	D. Marine	D. Spencer
	M. Gholz	J. Dubeck
	M. Roche	W. Semple
	C. Patrick	R. Kowalski
	D. Hicks	F. Gerstenecker
	M. Chester	

Absent: None

Visitors: None

Mr. Gerstenecker and Mr. Kowalski reviewed the purpose of the committee, its charge from the City Council based on the Council resolution establishing the Committee and the Committee's relationship to the Intergovernmental Cable Communications Authority (I.C.C.A.) and the proposed Oakland County Cable Communications Commission (O.C.4).

The Committee serves as the advisory body to City Council in matters of cable television such as public access, rate regulations, citizen complaints and service and any other matters referred by Council. The Committee will have the opportunity to provide input to the ICCA through the City's representatives, Mr. Gerstenecker and Mr. Kowalski. The Committee will have input to OC4 through its representative which will be appointed by City Council.

Establishment of regular meeting date - The Committee discussed its meeting requirements and decided to establish the third Wednesday of each month as its regular meeting date with special meetings as necessary to conduct business. Regular meetings will be held at 7:30 p.m. in the City Hall.

Election of Officers - After considerable discussion it was determined that before electing officers the Committee should establish bylaws and rules of procedure. Members Hicks, Chester, Patrick and Spencer volunteered to serve as bylaws committee to prepare a draft of the bylaws for presentation at the regular April meeting. Mr. Kowalski will gather sample bylaws of other cities for use by the bylaws committee. The bylaws committee will appoint their own temporary chairman to serve until the bylaws are adopted.

Staff support - Mr. Gerstenecker explained that Mr. Kowalski would serve as staff liaison for the committee and that requests for information from City staff, other cities or other sources should be directed through Mr. Kowalski.

Media contacts - The Committee discussed who should be the committee's spokesman and it was decided that the Committee would allow their minutes to speak for them rather than any individual.

Requests for information -

Educational session - The Committee requested that a meeting be held with a representative of Tribune United for the purpose of

RESOLVED, That the Public Hearing scheduled for September 28, 1987 to consider the request from Northfield Hills Corporate Park is hereby cancelled and a new hearing is established for September 14, 1987.

Yeas: All-7

REGULAR BUSINESS

NOMINATIONS TO BOARDS AND COMMITTEES: (a) HISTORIC DISTRICT COMMISSION, (b) CATV COMMITTEE, (c) ANIMAL CONTROL APPEAL BOARD, (d) PARKS AND RECREATION BOARD

C-1

(a) Historic District Commission

To appear next week.

(b) CATV Committee

Resolution #87-1013
Moved by Taucher
Supported by Husk

8-17-87

RESOLVED, That the membership of this committee is hereby decreased to seven (7) in number with the vacant term ending February 28, 1988.

Yeas: All-7

(c) Animal Control Appeal Board

Mayor Pro-Tem Liebrecht nominated Harriet Barnard and Jayne Saeger for reappointment.

Resolution #87-1014
Moved by Husk
Supported by Schilling

RESOLVED, That the Rules of Procedure are hereby waived and Harriet Barnard and Jayne Saeger are hereby reappointed to serve as members of the Animal Control Appeal Board for three year terms with said terms to expire on September 30, 1990.

Yeas: All-7

(c) Parks and Recreation Board

Mayor Pro-Tem Liebrecht nominated Lloyd Stage for reappointment.

~~PRIVATE AGREEMENTS: (a) TROY CORNER SHOPPING CENTER, 10-60 WEST SQUARE LAKE ROAD - DRIVEWAYS AND ACCELERATION/DECELERATION LANES - PROJECT 87.909.3 (b) C.F. STINSON, INC., 601 STEPHENSON - STORM SEWER - PROJECT 87.303.3, (c) STANDARD FEDERAL BANK, 2401 WEST BIG BEAVER - ROADWAY TO FIRE STATION, DECELERATION LANE AT BIG BEAVER, SIDEWALK AT BIG BEAVER, 12" WATER MAIN, STORM SEWER EXTENSION~~

A-2

~~(a) Troy Corner Shopping Center - 10 - 60 West Square Lake Road - Driveways and Acceleration/Deceleration Lanes - Project 87.909.3~~

~~Resolution #87-1015
Moved by Husk
Supported by Pallotta~~

~~RESOLVED, That the Private Agreement between the City of Troy and Troy Corner Shopping Center for the installation of driveways and acceleration/deceleration lanes to serve 10-60 West Square Lake Road, Project 87.909.3 is hereby approved and the Mayor and City Clerk are authorized to execute the documents, a copy of which shall be attached to the original minutes of this meeting.~~

~~Yeas: All-7~~

George Yeokum
Cass' Mkt.

200
\$ 5.60
.35

\$1980.11

Kenower, MacArthur

4700.00
\$6680.11

Yeas: All-7
Nays: None
Absent: None

Resolution #57-207

Moved by Commissioner Gray, Supported by Commissioner Yeokum that Commission Meeting time be changed to 7:30 p.m. instead of 8:00 p.m., effective April 28, 1957.

Yeas: All-7
Nays: None
Absent: None

Suggested that each Commissioner place 1 name in the hat and that 5 names be drawn by the Manager and those 5 names be approved as Charter Revision Members.

Norman Barnard, Ben Jones, Gerald Scofield, Donald Lance,
Clarence Long

Resolution #57-208

Moved by Commissioner Ford, supported by Commissioner Yeokum, that these five men be appointed as Charter Revision Commission and to appoint their own Chairmen.

Yeas: All-7
Nays: None
Absent: None

Resolution #57-209

Moved by Commissioner Ford, supported by Commissioner Gray, that Sunnycrest Sub-division #2 be returned to Wilican for re-consideration of size of lots, to give history of this plat as when received and whether approved under Ordinance #22 or #23. What should be the effective date of Ordinance #23? To secure legal advice, if necessary, due to City Attorney representing this company in previous issues.

Yeas: All-7
Nays: None
Absent: None

Resolution #57-210

Moved by Commissioner Lowe, supported by Commissioner Sutermeister that Insurance Committee and City Manager recommend an Insurance Councilor and to make recommendation to City Commission for further consideration.

Yeas: All-7
Nays: None
Absent: None

Resolution #57-211

Moved by Commissioner Gray, supported by Commissioner Ford, that request of Mr. Hendrixson for church in:

City Clerk

Charter Revision Committee

Minutes of May 9, 1957

Present: Lance, Long, Jones, Barnard, Hutson, Costello, Lukins,
Scofield.

Absent: None

Election: Ben Jones, Chairman
Gerald Scofield, Secretary

Procedure: 1. Five(5) voting members
2. Mayor, City Manager, Attorney are members
in advisory capacity only.

Suggested that changes in the Charter be made in writing by:

- a. City Commission
- b. City Manager
- c. General public

Suggestions presented at the next meeting for consideration and study.

Motion made that the Secretary record the minutes and after approval of committee, file a copy with the City Clerk as public record.

Motion made that there will be two (2) meetings a month. Time of meeting 8 P.M. to be held on the first and third Wednesday.

Motion made that three (3) members constitute a quorum.

Motion made that Charter Revision Committee complete its work by November 6, 1957.

The meeting was adjourned at 9:30 P.M.

Respectfully submitted

Gerald Scofield
Secretary

HOW THE CHARTER REVISION COMMITTEE WORKED

A committee to recommend amendments to the Charter was a new thing in Troy. There was no previous experience to draw on, no tried and true course to follow. We were faced with suggestions from one extreme to the other. "Scrap the whole thing and start over," said some, while others indicated that "The Charter is o.k. as it is."

Our approach was first to find out exactly what the people in Troy wanted changed. We began by asking you, the Mayor and Commissioners, for suggested changes. We reasoned that you had lived closer to the Charter than any of us, that you would know its weaknesses and loop holes. We asked the City Attorney, the City Manager and his staff to point out portions of the Charter that were not working, or to make suggestions that would make our City operate more efficiently. Realizing that the interest in Troy's Charter is not confined to City Hall, we asked all of Troy to make suggestions. Private citizens, home owners' groups, clubs and associations were invited to participate. The local papers advertised our requests for suggested changes. Our only requirement was that the request be in writing.

As each proposal came in, copies were made for each member of the committee and one was filed with the City Clerk for public records. Recommendations were discussed as they came to us.

There are five members of the committee. In addition, the Mayor or a Commissioner, the City Manager and the City Attorney sat in as ex-officio members. All meetings were open to the public and to the press. Every person who submitted a request was invited to a meeting when his suggestion was being discussed.

The committee obtained a certified copy of the original Charter to be sure that we were not discussing printing mistakes. Legal questions were referred to the City Attorney for a written opinion. Each of us received a copy for study and a copy was filed with the City Clerk. Where changes pertained to existing fields of city government, representatives of those offices met with us. The Election Commission, Justice of the Peace, Treasurer, as well as the City Manager, have been represented at our meetings when proposals were being discussed that would be of particular concern to them.

We have checked with the members of the original charter committee to ask why they put certain phrases the way they did. Charters of other cities have been checked to see how they handled particular situations.

We have constantly reminded one another that our committee has but one purpose, and that is to recommend to the City Commission any change that we think will improve our Charter. It is not our job to determine what will be on the ballot, or to speculate on what will be politically popular.

With this approach, we have gone through every request made to our committee, nineteen in all. Every proposal made is being turned over to you, the City Commission, along with our recommendation concerning it. Our recommendation is accompanied by a written summary of the reasons we do or do not favor a change. It is our understanding that you will hold further public meetings before determining what shall appear on the ballot.

Actually, we are recommending few changes. This is certainly a tribute to those who originally wrote the Charter. We continually found sections, paragraphs, and phrases that were specifically put in to protect the public. There are blocks to malpractice in office, checks to prevent group favoritism, safe-guards against railroading the public. We find these things good and want to keep them. We also want to add others as they become apparent.

We hope this approach meets with your approval and that it may be of use to similar committees in the future.

CHARTER REVISION COMMITTEE

Amendment to Resolution #57-208
Amendment #61-440
By Commissioner McAvoy
Supported by Commissioner Carey

WHEREAS, Resolution No. 57-208 of the City of Troy establishes the Charter Revision Committee for said City and provides that appointments to such Committee shall be made by the City Commission of the City of Troy; and

WHEREAS, the City Commission deems it necessary to increase the number of members of the Charter Revision Committee in order to better accomplish the purposes of said Committee;

NOW, THEREFORE, BE IT RESOLVED, that the members of the Charter Revision Committee shall be seven (7) in number and shall be selected by a majority vote of the City Commission. The members of the Committee shall serve for a term of three (3) years. Two (2) members shall be selected to serve a term that shall expire April 1, 1962; two (2) members shall be selected to serve a term that shall expire April 1, 1963; and three (3) members shall be selected to serve a term that shall expire April 1, 1964. All members selected after the above date shall serve for a term of three (3) years.

Yeas: All-7
Nays: None
Absent: None

4/24/61

NOW, THEREFORE, BE IT RESOLVED, that Resolution No. 57-208 of the City of Troy is hereby amended to provide that all appointments to the Charter Revision Committee shall be for a three (3) year term and made by a majority vote of the City Commission commencing with the appointments for the January, 1962, terms.

Yeas: All-6
Nays: None
Absent: Huber

*See Res 60-440
Amending
April 1*

The following are members of the Charter Revision Committee:

Norman Barnard for 3-year term expires 1/1/64.
Ben Jones for 2-year term expires 1/1/63.
Donald Lance for 2-year term expires 1/1/63.
Marcelle Long for 1-year term expires 1/1/62.
Donald S. Stoddard for 1-year term expires 1/1/62.

FIREMEN AND POLICEMEN CIVIL SERVICE SYSTEM
Act 78 of 1935

AN ACT to establish and provide a board of civil service commissioners in cities, villages, and municipalities having full-time paid members in the fire or police departments, or both; to provide a civil service system based upon examination and investigation as to merit, efficiency, and fitness for appointment, employment, and promotion of all full-time paid members appointed in the fire and police departments and respective cities, villages, and municipalities; to regulate the transfer, reinstatement, suspension, and discharge of officers, fire fighters, and police officers; to prescribe penalties and provide remedies; and to repeal acts and parts of acts.

History: 1935, Act 78, Imd. Eff. May 24, 1935;—Am. 1945, Act 287, Imd. Eff. May 25, 1945;—Am. 1951, Act 15, Eff. Sept. 28, 1951;—Am. 1986, Act 155, Imd. Eff. July 3, 1986;—Am. 1998, Act 199, Eff. Mar. 23, 1999.

Popular name: Police and Fire Civil Service Act

The People of the State of Michigan enact:

38.501 Fire and police department civil service commissions; creation.

Sec. 1. Within 30 days after this act shall take effect there may be created a civil service commission in each city, village or municipality of any population whatsoever having a fire and/or police department, any of the members of which are full paid by said city, village or municipality.

History: 1935, Act 78, Imd. Eff. May 24, 1935;—Am. 1945, Act 287, Imd. Eff. May 25, 1945;—CL 1948, 38.501.

Popular name: Police and Fire Civil Service Act

38.502 Civil service commission; membership, appointment, terms; election of president.

Sec. 2. The civil service commission shall consist of 3 members, 1 of whom shall be appointed by the principal elected officer of the city, village or municipality with the approval of the legislative body; and he shall serve for a period of 6 years from the date of his appointment. The second member of the commission shall be selected by the paid members of the fire and/or police department and he shall serve for a period of 4 years from the date of his appointment; a majority vote of the members of the fire and/or police department shall be necessary to select such member. The third member of the commission shall be selected by the aforesaid members of the commission and he shall serve for a period of 2 years from the date of his appointment. Thereafter all appointments shall be made for a period of 6 years each; each commissioner to serve until his successor is appointed and qualified by the appointing power hereinbefore designated.

The 3 members of the commission shall together elect 1 of their number to act as president of the commission, who shall serve for 1 year. Each year thereafter the commissioners shall elect 1 of their number, president, the member so elected to serve 1 year.

History: 1935, Act 78, Imd. Eff. May 24, 1935;—Am. 1945, Act 287, Imd. Eff. May 25, 1945;—CL 1948, 38.502;—Am. 1951, Act 15, Eff. Sept. 28, 1951;—Am. 1957, Act 43, Eff. Sept. 27, 1957.

Popular name: Police and Fire Civil Service Act

38.503 Civil service commission; members, qualifications.

Sec. 3. No person shall be appointed a member of said commission who is not a citizen of the United States and who has not been a resident of said city, village or municipality for a period of 1 year and an elector of said county for a period of at least 3 years immediately preceding such appointment. No commissioner shall hold any other elective office, place or position under the United States, state of Michigan, or any city, county or other political subdivision thereof; nor shall any commissioner serve on any political committee or take any active part in the management of any political campaign. Not more than 2 of the said commissioners, at any 1 time, shall be adherents of the same political party.

History: 1935, Act 78, Imd. Eff. May 24, 1935;—CL 1948, 38.503;—Am. 1949, Act 271, Eff. Sept. 23, 1949.

Popular name: Police and Fire Civil Service Act

38.504 Civil service commission; vacancies, removal, petition, hearing.

Sec. 4. In event that any commissioner of said civil service commission shall cease to be a member thereof by virtue of death, removal or other cause, a new commissioner shall be appointed to fill out the unexpired term of said commissioner within 10 days after said commissioner shall have ceased to be a member of said commission. Such appointment shall be made by the officer or body who in the first instance appointed the commissioner who is no longer a member of the commission. The mayor or principal executive officer shall at any time remove any commissioner for incompetency, dereliction of duty, malfeasance in office or any

other good cause, which shall be stated in writing and made a part of the records of the commission, and a copy of the removal shall be served on said commissioner forthwith: Provided, however, That once the mayor or principal executive officer has to remove any commissioner, such removal shall be temporary only and shall be in effect for a period of 10 days. If at the end of said period of 10 days the said commissioner shall fail to make answer thereto, he shall be deemed removed, otherwise the mayor shall file in the office of the clerk of the circuit court of said county a petition setting forth in full the reason for said removal and praying for the confirmation by said circuit court of the action of the mayor in so removing the said commissioner. A copy of said petition, in writing, shall be served upon the commissioner so removed simultaneously with its filing in the office of the clerk of the circuit court and shall have precedence on the docket of the said court and shall be heard by said court as soon as the removed commissioner shall demand. All rights hereby vested in said circuit court may be exercised by the judge thereof during a vacation. In event that no term of court is being held at the time of filing of said petition, and the judge thereof cannot be reached in the county wherein the petition was filed, said petition shall be heard at the next succeeding term of said circuit court, whether regular or special, and the commissioner so suspended shall remain suspended until a hearing is had upon the petition of the mayor. The court, or the judge thereof, in vacation, shall hear and decide upon said petition. The contestant, against whom the decision of the court or judge thereof, in vacation, shall be rendered, shall have the right of appearing in person and by counsel and presenting his defense and to petition the supreme court for a review of the decision of the circuit court, or the judge thereof in vacation, as in chancery cases. In event that the mayor shall fail to file this petition in the office of the clerk of the circuit court, as hereinbefore provided, within 10 days after the removal of said commissioner, such commissioner shall immediately resume his position as a member of the civil service commission.

History: 1935, Act 78, Imd. Eff. May 24, 1935;—CL 1948, 38.504;—Am. 1949, Act 271, Eff. Sept. 23, 1949.

Popular name: Police and Fire Civil Service Act

38.505 Civil service commission; clerk.

Sec. 5. The city clerk or city recorder of any city, village or municipality under the terms of this act shall “ex officio” be clerk of the civil service commission and shall supply to the commission without extra compensation all necessary clerical and stenographic services for the work of the civil service commission.

History: 1935, Act 78, Imd. Eff. May 24, 1935;—CL 1948, 38.505.

Popular name: Police and Fire Civil Service Act

38.506 Fire and police civil service; eligibility for permanent appointment.

Sec. 6. For the benefit of the public service and to prevent delay, injury, or interruption therein by reason of the enactment of this act, all persons holding a position in the fire and/or police department, including the chief thereof, when this act takes effect, who shall have served in such position for a period of at least 6 months last past continuously, are hereby declared eligible for permanent appointment under civil service to the offices, places, positions or employments which they shall then hold, respectively, without examination or other act on their part, and not on probation; and every such person is hereby automatically adopted and inducted permanently into civil service, into such office, place, position or employment which such person then holds as completely and effectually to all intents and purposes as if such person had been permanently appointed thereto under civil service after examination and investigation: Provided, however, That any employee with less than 6 months' service shall be classed as probationer under this act.

History: 1935, Act 78, Imd. Eff. May 24, 1935;—Am. 1943, Act 173, Eff. July 30, 1943;—Am. 1945, Act 287, Imd. Eff. May 25, 1945;—CL 1948, 38.506;—Am. 1951, Act 15, Eff. Sept. 28, 1951.

Popular name: Police and Fire Civil Service Act

38.507 Appointments and promotions; competitive examinations; provisions applicable to appointment, reinstatement, promotion, or discharge; applicability of section.

Sec. 7. Appointments to and promotions in all paid fire or police departments, or both of cities, villages, and municipalities shall be made only according to qualifications and fitness to be ascertained by competitive examinations, and no person shall be appointed, reinstated, promoted, or discharged as a full-time paid member of a department, regardless of rank or position, in any fire or police department of any city, village, or municipality in this state except as provided in this act. This section applies only to full-time paid members as defined in section 17.

History: 1935, Act 78, Imd. Eff. May 24, 1935;—Am. 1945, Act 287, Imd. Eff. May 25, 1945;—CL 1948, 38.507;—Am. 1951, Act 15, Eff. Sept. 28, 1951;—Am. 1986, Act 155, Imd. Eff. July 3, 1986.

Popular name: Police and Fire Civil Service Act

38.508 Civil service commission; assistance by municipal executive officers; printing, supplies.

Sec. 8. It shall be the duty of the mayor, or principal executive officer, and heads of departments of every city, village or municipality to aid the civil service commission in all proper ways in carrying out the provisions of this act, and to allow the reasonable use of public buildings and to cause suitable and convenient rooms and accommodations to be assigned and provided, and to be furnished, heated and lighted for carrying on the work and examinations of the civil service commission and in all proper ways to facilitate the same. The civil service commission may order from the proper authorities the necessary stationery, postage stamps, official seal and other articles to be supplied, and the necessary printing to be done, for its official use.

History: 1935, Act 78, Imd. Eff. May 24, 1935;—CL 1948, 38.508.

Popular name: Police and Fire Civil Service Act

38.509 Civil service commission; powers and duties.

Sec. 9. The civil service commission in each city, village or municipality, within the terms of this act, shall

First, Prescribe, amend and enforce rules and regulations for carrying into effect the provisions of this act. All rules so prepared may, from time to time, be added to, amended or rescinded.

Second, Keep minutes of its own proceedings and records of its examinations and other official actions. All recommendations of applicants for office, received by the said commission or by any officer having authority to make appointments to office, shall be kept and preserved for a period of 10 years, and all such records, recommendations of former employers accepted, and all written causes of removal, filed with it, shall, subject to reasonable regulation, be open to public inspection. It shall keep a roster of the members of the fire and police department, together with a record of service, military or naval experience, file statements on all matters relating to the character and quality of the work done and the attitude of the individual to his work and such other matters as may have a bearing on promotion, transfer or discharge.

Third, Make investigations, either sitting in a body or through a single commissioner, concerning all matters touching the enforcement and effect of the provisions of this act, and the rules and regulations prescribed thereunder, concerning the action of any examiner or subordinate of the commission, or any person in the public service in respect to the execution of this act; and, in the course of such investigations, each commissioner shall have the power to administer oaths and affirmations, and to take testimony.

Fourth, Have power to subpoena and require the attendance of witnesses, and the production thereby of books and papers pertinent to the investigations and inquiries hereby authorized, and to examine them and such public records as it shall require, in relation to any matter which it has the authority to investigate. The fees of such witnesses for attendance and travel shall be the same as for witnesses before the circuit courts, and shall be paid from the appropriations for the incidental expenses of the commission. All officers in the public service, and their deputies, clerks, subordinates and employees shall attend and testify when required to do so by said commission. Any disobedience to, or neglect of, any subpoena issued by the said commissioners, or any 1 of them, to any person, shall be held a contempt of court, and shall be punished by the circuit court, within the county in which the said subpoena has been issued. Any judge of any of said courts shall, upon the application of any 1 of said commissioners, in such cases cause the process of said court to issue to compel such person or persons, disobeying or neglecting any such subpoena, to appear and to give testimony before the said commissioners; any 1 of them shall have power to punish any such contempt.

Fifth, Make an annual report to the mayor or principal executive officer showing its own action, and rules and regulations, and all exceptions thereto in force, and the practical effects thereof, and any suggestions it may approve for the more effectual accomplishments of the purpose of this act. Such reports shall be available for public inspection 5 days after the same shall have been delivered to the mayor or principal executive officer of any city, village or municipality.

History: 1935, Act 78, Imd. Eff. May 24, 1935;—Am. 1941, Act 151, Eff. Jan. 10, 1942;—Am. 1943, Act 173, Eff. July 30, 1943;—Am. 1945, Act 287, Imd. Eff. May 25, 1945;—CL 1948, 38.509.

Popular name: Police and Fire Civil Service Act

38.510 Application for examination; filing; contents; forms; refusal to examine or certify applicant; public hearing for aggrieved applicant; review; testimony; decision; physical examination; certification; age requirement; reinstatement or reappointment; rank.

Sec. 10. (1) The civil service commission in each city, village, or municipality shall require an individual applying for admission to an examination provided for under this act or under the rules and regulations of the commission to file in its office, within a reasonable time before the proposed examination, a formal application in which the applicant shall state under oath or affirmation all of the following:

(a) Full name, residence, and post-office address.

(b) United States citizenship.

(c) Attainment of the age of majority.

(d) Health and physical capacity for the position for which the applicant is applying.

(e) Each residence and business or place of employment for not less than the 3 previous years. The commission shall establish educational requirements, but the requirements shall not call for less than an eighth grade education. After acceptance by the civil service commission, the applicant shall be governed as to residence by the city or village charter.

(f) Other information as may reasonably and legally be requested regarding the applicant's qualifications and fitness for the position for which the applicant is applying.

(2) Blank forms for applications shall be furnished by the commission, without charge, to all individuals requesting applications. The commission may require, in connection with an application, certificates of citizens, physicians, or others having knowledge of the applicant as the good of the service requires. The commission may refuse to examine an applicant or, after examination, to certify as eligible, an applicant who falls under any of the following disqualifications:

(a) Lacks any of the established preliminary requirements for the examination or position of employment for which the applicant applied.

(b) Is so disabled as to be rendered unfit for the performance of the duties of the position to which the applicant seeks appointment.

(c) Is a habitual user of intoxicating liquors or an illegal user of 1 or more controlled substances.

(d) Has been found guilty of any felony.

(e) Has been dismissed from the public service for delinquency or misconduct.

(f) Has made a false statement of a material fact or practiced or attempted to practice a deception or fraud in the application, in the examination, or in securing eligibility.

(g) Refuses to comply with the rules and regulations of the commission.

(3) If an applicant feels aggrieved by the action of the commission in refusing to examine the applicant or, after an examination, to certify the applicant as eligible, the commission, at the request of the applicant, shall appoint a time and a place for a public hearing at which time the applicant may appear, personally or with counsel, and the commission shall then review its refusal of examination or certification, and testimony shall be taken. The commission shall subpoena, at the expense of the applicant, any competent witnesses requested by the applicant. After review, the commission shall file the testimony taken in its records and shall again make a decision, which decision shall be final.

(4) Before appointment, all applicants for a position in the fire or police department shall undergo a physical examination, which may be performed by a licensed physician, a licensed physician's assistant, or a certified nurse practitioner, to determine that an applicant is free from defects, deformity, or diseases that might incapacitate the applicant from the performance of the duties of the position desired. Applications will not be accepted if the person applying has not attained the age of majority under state law. If an applicant has formerly served upon the fire or police department of the city, village, or municipality to which application is made and has resigned from the department at a time when there were no charges of misconduct or other misfeasance pending against the applicant, within a period of 2 years next preceding the date of the application, and is a resident of the city, village, or municipality or the area authorized by city charter, then the applicant shall be eligible for reinstatement at the discretion of a civil service commission. The applicant, providing the former term of service justifies, may be reappointed to the fire or police department without examination other than a physical examination. If an applicant is reinstated to the fire or police department, the applicant shall be the lowest in rank in the department next above the probationers of the department. This subsection does not require new or additional third party reimbursement or worker's compensation benefits for services rendered.

History: 1935, Act 78, Imd. Eff. May 24, 1935;—Am. 1943, Act 173, Eff. July 30, 1943;—Am. 1945, Act 287, Imd. Eff. May 25, 1945;—CL 1948, 38.510;—Am. 1949, Act 271, Eff. Sept. 23, 1949;—Am. 1956, Act 162, Eff. Aug. 11, 1956;—Am. 1957, Act 94, Eff. Sept. 27, 1957;—Am. 1966, Act 96, Eff. Mar. 10, 1967;—Am. 1977, Act 12, Imd. Eff. May 11, 1977;—Am. 1982, Act 419, Imd. Eff. Dec. 28, 1982;—Am. 1985, Act 6, Imd. Eff. Mar. 27, 1985;—Am. 1986, Act 155, Imd. Eff. July 3, 1986;—Am. 2004, Act 133, Imd. Eff. June 3, 2004.

Popular name: Police and Fire Civil Service Act

38.510a Repealed. 1986, Act 155, Imd. Eff. July 3, 1986.

Compiler's note: The repealed section pertained to applications for employment in certain municipalities.

Popular name: Police and Fire Civil Service Act

38.511 Rules for examinations; minimum passing grade; notice and distribution of rules; probationary period; final appointment; hearing; procedure for filling position or vacancy; temporary appointments; special examinations; “appointing officer” defined.

Sec. 11. (1) The civil service commission in each city, village, or municipality shall make rules providing for examinations of applicants for positions in the paid fire or police departments in each city, village, or municipality under this act, for appointments, and for such other matters as are necessary to carry out the purposes of this act. The minimum passing grade for numerically scored entry level examinations shall be at least 70. Seventy shall designate the applicant's demonstration of the minimum acceptable level of performance on the individual or cumulative selection procedures, or both. After initial appointment, the minimum passing grade for any examination shall be at least 70%. Due notice of the contents of the rules and of any modifications to the rules shall be given, by mail, in due season, to appointing officers affected thereby, and the rules and rule modifications shall be printed also for public distribution. All original appointments to any positions in a fire department, within the terms of this act, shall be for a probationary period of 6 months. All original appointments to any positions in a police department, within the terms of this act, shall be for a probationary period of 1 year after the completion of legally required courses of basic training. At any time during the probationary period, an appointee may be dismissed for cause, in the manner provided in this act. If at the close of this probationary term the conduct or capacity of the probationer has not been satisfactory to the appointing officer, the probationer shall be notified within 10 days, in writing, that he or she will not receive permanent appointment, whereupon his or her employment shall cease. Otherwise, his or her retention in the service shall be equivalent to final appointment. The probationer shall be entitled to a hearing before the commission as provided in section 14.

(2) Every entry position, unless filled by reinstatement, shall be filled only in the following manner: The appointing officer shall notify the civil service commission of any vacancy in the service which he or she desires to be filled, and shall request the certification of eligibles. The commission immediately shall certify from the eligible list the names of the persons who received the highest 5 average composite scores on examinations held under the provisions of this act within a period of 2 years next preceding the date of the appointment. The appointing officer, thereupon, with sole reference to the merit and fitness of the candidates, shall make the appointment from the names certified. As each subsequent vacancy occurs, precisely the same procedure shall be followed. When an appointment is made under this section, it shall be in the first instance for the probationary period, as provided in this act.

(3) All positions, other than entry, shall be filled only in the following manner: The appointing officer shall notify the civil service commission of any vacancy in the service which he or she desires to be filled and shall request the certification of eligibles. The commission immediately shall certify from the eligible list the name of the person who received the highest average at preceding examinations held under the provisions of this act within a period of 2 years next preceding the date of the appointment. The appointing officer, thereupon, with sole reference to the merit and fitness of the candidates, shall make the appointment certified. As each subsequent vacancy occurs, precisely the same procedure shall be followed. When an appointment is made under this section, it shall be in the first instance for the probationary period, as provided in this act.

(4) Whenever there are urgent reasons for filling a vacancy in any position in the fire or police department and there is no list of persons eligible for appointment, the appointing officer may nominate a person to the civil service commission for a noncompetitive examination. If the nominee is certified by the commission as qualified, after a noncompetitive examination, he or she may be appointed temporarily to fill the vacancy until a selection and appointment can be made after a competitive examination, and in the manner prescribed in this act. However, the temporary appointment shall not continue for more than 3 months, nor shall successive temporary appointments be made to the same position. In the event of an emergency due to a war in which this country is involved, the civil service commission may make temporary appointments to fill vacancies when appointments cannot be made under the provisions of this act. These appointments shall be temporary, and only during hostilities, and for 6 months thereafter.

(5) In event any position as an electrician, mechanic, radio engineer, fire inspector, or fire alarm operator is to be filled in a paid fire or police department, then the examination to be given to applicants shall be so drawn as to test only the qualifications of the applicants in regard to their ability as an electrician, mechanic, radio engineer, fire inspector, or fire alarm operator. The examinations shall be special examinations.

(6) As used in this section, “appointing officer” means the mayor or principal administrative or executive officer in any city, village, or municipality.

History: 1935, Act 78, Imd. Eff. May 24, 1935;—Am. 1941, Act 151, Eff. Jan. 10, 1942;—Am. 1943, Act 173, Eff. July 30, 1943;—Am. 1945, Act 287, Imd. Eff. May 25, 1945;—CL 1948, 38.511;—Am. 1949, Act 271, Eff. Sept. 23, 1949;—Am. 1956, Act 162, Eff.

Popular name: Police and Fire Civil Service Act

38.512 Examinations; nature; contents; notice; commencement of examination for promotion; eligible list; discrimination prohibited; competitive vacancies filled by promotions; probationary period; hearing.

Sec. 12. (1) All examinations for positions shall be practical in their character and shall relate to those matters and shall include those inquiries as will fairly and fully test the comparative merit and fitness of the persons examined to discharge the duties of the employment sought by them. All examinations shall be open to all applicants who have fulfilled the preliminary requirements prescribed by this act. Notice of the time and place for accepting applications shall be given by the commission by publication for 2 weeks in the official paper of the city, village, or municipality, and the notice shall be posted by the commission in a conspicuous place in the office and on the bulletin boards of the city, village, or municipality for 2 weeks. Further notice may be given as the commission shall prescribe. However, a newspaper advertisement shall not be required for an examination for a promotion. The examination process shall begin within 6 months after the closing date for the acceptance of applications. However, the commission may delay or cancel the examination process for good cause. The commission shall post, in a public place at its office, the eligible list containing the names and grades of those who have passed examinations for positions or promotions in fire or police departments under this act, and shall indicate any appointments that will be made from the list. No question in any form of application or in any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant; nor shall inquiries be made concerning those opinions or affiliations; and all disclosures thereof shall be discouraged. Discrimination shall not be exercised, threatened, or promised by any person in the fire or police department against or in favor of an eligible applicant or employee in fire or police departments under this act because of his or her political or religious opinions or affiliations.

(2) Vacancies in positions in the fire and police departments above the rank of fire fighter or police officer shall be competitive and shall be filled by promotions from among persons holding positions in the next lower rank in the departments who have completed 2 years in that rank and who have at least 5 years in the department. If there are more vacancies than there are persons with 5 years in the department, the commission may lower the requirements to 3 years in the department. If no person or persons have completed 2 years in the next lower rank, the commission may hold examinations among persons in such rank as to all intent and purposes as though 2 years of service had been completed by those persons. Promotions shall be based upon merit to be ascertained by tests to be provided by the civil service commission and upon the superior qualifications of the persons promoted as shown by his or her previous service and experience. In the event of only 1 person in the next lower rank, 1 or more persons in the second lower rank who have completed at least 5 years in the department may compete for the vacancy. Whenever a position becomes vacant for which examinations are held, the appointing power shall ask the commission for the name of the person eligible for appointment. The commission shall certify the name of the person highest on the eligible list at preceding examinations held under this act within a period of 2 years next preceding the date of the appointment for the class to which the vacant position has been allocated, who is willing to accept employment. If more than 1 vacancy is to be filled, an additional name shall be certified for each additional vacancy. The appointing power immediately shall appoint the person to the position. To enable the appointing power to exercise a choice in the filling of positions of promotion in the fire or police service, a promotion shall not be considered complete until after the expiration of a period of 6 months' probationary service, and if at the end of the probationary period the appointing authority finds that the conduct or capacity of the probationer has not been satisfactory, the appointing authority shall notify the probationer and the commission in writing. Otherwise, his or her retention in the higher position shall be equivalent to receiving full status and regular employment in the higher position. The probationer, upon receiving notice that his or her conduct or capacity has not been satisfactory in the higher position, may demand a written statement of particulars of reasons for that determination and may demand a hearing before the commission. The demands shall be in writing. In such a case, the probationer shall be entitled to a hearing before the commission and to a statement of particulars to be served not less than 7 days before the date of the hearing. The commission may affirm or reverse the decision of the appointing authority or may order an additional probation period not to exceed 6 months. The decision of the commission shall be final. If the probationer does not receive full status and regular employment in the higher position, he or she shall resume the duties of his or her former position, and the appointing power shall be entitled to another certification of eligibles in accordance with this act.

History: 1935, Act 78, Imd. Eff. May 24, 1935;—Am. 1941, Act 151, Eff. Jan. 10, 1942;—Am. 1943, Act 173, Eff. July 30, 1943;—

Am. 1945, Act 287, Imd. Eff. May 25, 1945;—CL 1948, 38.512;—Am. 1949, Act 271, Eff. Sept. 23, 1949;—Am. 1951, Act 15, Eff. Sept. 28, 1951;—Am. 1965, Act 298, Eff. Mar. 31, 1966;—Am. 1969, Act 198, Imd. Eff. Aug. 6, 1969;—Am. 1986, Act 155, Imd. Eff. July 3, 1986.

Popular name: Police and Fire Civil Service Act

38.513 Reduction in pay, suspension or discharge; discrimination prohibited; hearing by civil service commission.

Sec. 13. No person shall be reduced in pay or position, laid off, suspended, discharged or otherwise discriminated against by any appointing officer for religious or political reasons or affiliations. In all cases of reductions, layoff, or suspension of an employee or subordinate, whether appointed for a definite term or otherwise the appointing authority shall furnish such employees or subordinate with a copy of reasons for layoff, reduction, or suspension and his reasons for the same, and give such employee or subordinate a reasonable time in which to make and file an explanation. Such order together with the explanation, if any, of the subordinate shall be filed with the commission: Provided, however, That the employee or subordinate shall be entitled to a hearing before the commission as provided in section 14. Nothing in this act contained shall limit the power of an appointing officer to suspend without pay, for purposes of discipline, an employee or subordinate for a reasonable period, not exceeding 30 days: Provided, however, That successive suspensions shall not be allowed, and after such suspension, employees shall be entitled to a hearing as provided for in this section and in section 14: And provided further, That the provisions of this act shall not apply to temporary and exceptional appointments made under the authority of this act.

History: 1935, Act 78, Imd. Eff. May 24, 1935;—CL 1948, 38.513;—Am. 1949, Act 271, Eff. Sept. 23, 1949.

Popular name: Police and Fire Civil Service Act

38.514 Tenure; grounds for removal, discharge, suspension, or deprivation of privileges; cause; written statement of charges; answer; hearing; reinstatement; record of testimony; appeal; counsel; reduction of full-time paid members; new appointments.

Sec. 14. (1) The tenure of each person holding an office, place, position, or employment under this act shall be only during good behavior and efficient service, and any person may be removed or discharged, suspended without pay, and deprived of vacation privileges or other special privileges by the civil service commission for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment to the public, neglect of duty, a violation of this act or of the rules of the commission, or for any other failure of good behavior, or for any other acts of misfeasance, malfeasance, or nonfeasance in office. However, a member of any fire or police department encompassed by this act shall not be removed, discharged, reduced in rank or pay, suspended, or otherwise punished except for cause, and in no event until he or she has been furnished with a written statement of the charges and the reasons for the actions. In addition, all charges shall be void unless filed within 90 days after the date the violation occurred, except in the case of a probationer, whose violations may accumulate for the probationary period. In each case where charges have been made a copy of the statement of the reasons for the charges and the answers thereto, if the person sought to be removed desires to file a written answer, shall be furnished to the civil service commission and entered upon its records. The answer shall be filed by the member within 5 days after service of the charges upon him or her. If the person sought to be removed or reduced demands it, the civil service commission shall grant him or her a public hearing, which hearing shall be held within a period of 10 days after the filing of the charges in writing and a written answer thereto. Pending the period between the making of the charges as a basis for removal and the decision thereon by the commission, the member shall remain in office. At the hearing, the burden shall be upon the removing officer to justify his or her action. If the removing officer fails to make charges to the satisfaction of a member or members of a fire or police department in a city, village, or municipality, the member or members of the fire or police department may present the information to the civil service commission. If the civil service commission fails to justify the action of the removing officer, then the person sought to be removed shall be reinstated with full pay for the entire period during which time he or she may have been prevented from performing his or her usual employment, and no charges shall be officially recorded against his or her record. A written record of all testimony taken at the hearing shall be kept and preserved by the civil service commission, which record shall be sealed and not be made available for public inspection if an appeal is not taken from the action of the commission. If the civil service commission sustains the action of the removing officer, the person removed shall have an immediate right of appeal to the circuit court of the county in which the city, village, or municipality is situated. The appeal shall be taken within 90 days after the date the civil service commission enters its final order. If an appeal is made, the circuit court shall hear the appeal upon the original record, and additional proof shall not be offered into evidence. The circuit court's decision shall be final. However, the

employee has the right to petition the supreme court for a review of the court's decision. The removing officer and the person sought to be removed at all times, both before the civil service commission and upon appeal, may employ counsel to represent either of them before the civil service commission and, upon appeal, before the circuit court.

(2) If for reasons of economy it shall be deemed necessary by any city, village, or municipality to reduce the number of full-time paid members of any fire or police department, the municipality shall follow the following procedure: Removals shall be accomplished by suspending in numerical order, commencing with the last employee appointed to the fire or police department, all recent appointees to the fire or police department until the reductions are made. However, if the fire or police department increases in numbers to the strength existing before the reductions were made, the fire fighters or police officers suspended last under this act shall be reinstated before any new appointments to the fire or police department are made.

History: 1935, Act 78, Imd. Eff. May 24, 1935;—Am. 1943, Act 173, Eff. July 30, 1943;—Am. 1945, Act 287, Imd. Eff. May 25, 1945;—CL 1948, 38.514;—Am. 1949, Act 271, Eff. Sept. 23, 1949;—Am. 1986, Act 155, Imd. Eff. July 3, 1986.

Popular name: Police and Fire Civil Service Act

38.515 Violation of act; misdemeanor.

Sec. 15. Any commissioner or examiner, or, any other person, who shall wilfully, by himself or in cooperation with 1 or more persons, defeat, deceive or obstruct any person in respect to his right of examination or registration according to this act, or to any rules or regulations prescribed pursuant thereto, or who shall wilfully or corruptly, falsely, mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified, pursuant to the provisions of this act, or aid in doing so, or who shall wilfully or corruptly furnish to any person any special or secret information, for the purpose of either improving or injuring the prospects or chances of appointment of any person so examined, registered, or certified, or to be examined, registered or certified; or who shall impersonate any other person, or permit or aid in any manner any other person to impersonate him in connection with any examination or registration, or application or request to be examined or registered, shall, for each offense be deemed guilty of a misdemeanor.

History: 1935, Act 78, Imd. Eff. May 24, 1935;—CL 1948, 38.515.

Popular name: Police and Fire Civil Service Act

38.516 Violation of act; penalty.

Sec. 16. Whoever makes an appointment to office, or selects a person for employment contrary to the provisions of this act, or wilfully refuses or neglects otherwise to comply with, or conform to, any of the provisions of this act, or violates any of such provisions, shall be deemed guilty of a misdemeanor. Misdemeanors under the provisions of this act shall be punishable by a fine of not less than \$100.00, nor more than \$1,000.00 or by imprisonment in state prison for a term not exceeding 2 years, or by both fine and imprisonment, in the discretion of the court.

History: 1935, Act 78, Imd. Eff. May 24, 1935;—Am. 1943, Act 173, Eff. July 30, 1943;—Am. 1945, Act 287, Imd. Eff. May 25, 1945;—CL 1948, 38.516.

Popular name: Police and Fire Civil Service Act

38.517 Definitions.

Sec. 17. As used in this act:

(a) "Appointing power" means each person or group of persons who, acting singly or in conjunction, as a mayor, city manager, council, common council, commission, or otherwise, is or are vested by law with power and authority to select, appoint, or employ any person to hold any office, place, position, or employment subject to civil service.

(b) "Appointment" means selection, promotion, appointing, or employing any person to hold any office, place, or position of employment subject to civil service.

(c) "City" means a city, village, or other municipality that has a full-time paid fire or police department, or both.

(d) "Commission" means the civil service commission created by this act.

(e) "Commissioner" means any 1 of the 3 commissioners of the commission.

(f) "Examination" means any test, process, evaluation, or any other procedure used to determine a candidate's merit, suitability, or fitness for the position for which he or she is applying.

(g) "Full-time paid member" means an officer, fire fighter, or police officer who is paid regularly by the city and devotes his or her whole time to fire fighting, law enforcement, or related activities.

(h) "Municipality" means a township, charter township, city, or incorporated village.

History: 1935, Act 78, Imd. Eff. May 24, 1935;—Am. 1945, Act 287, Imd. Eff. May 25, 1945;—CL 1948, 38.517;—Am. 1951, Act 15, Eff. Sept. 28, 1951;—Am. 1986, Act 155, Imd. Eff. July 3, 1986.

Popular name: Police and Fire Civil Service Act

38.517a Approval of act by majority of electors; submission of question by resolution; petition; form of ballot; canvass; certification of results; effect of adoption.

Sec. 17a. (1) This act does not affect any city, village, or municipality until approved by a majority of the electors voting thereon at an election at which the question of adoption of this act for that city, village, or municipality is properly submitted.

(2) The governing body of any city, village, or municipality, by resolution, may submit the question described in subsection (1) to the electors of the city, village, or municipality at any regular or special election. In addition, the governing body of any city, village, or municipality, by resolution, shall submit the question described in subsection (1) to the electors of the city, village, or municipality at any regular or special election on the filing of a petition requesting a submission with the governing body, which petition is signed in accordance with the provisions of the city, village, or municipal charter for referendums on ordinances. If there are no provisions in the city, village, or municipal charter governing the submission of ordinances by referendum petition, then the petition must be signed by 10% of the registered voters in the city, village, or municipality.

(3) The form of ballot shall be as follows:

"Shall Act No. 78 of the Public Acts of 1935, entitled as amended, 'An act to establish and provide a board of civil service commissioners in cities, villages, and municipalities having full-time paid members in the fire or police departments, or both; to provide a civil service system based upon examination and investigation as to merit, efficiency, and fitness for appointment, employment, and promotion of all full-time paid members appointed in the fire and police departments and respective cities, villages, and municipalities; to regulate the transfer, reinstatement, suspension, and discharge of officers, fire fighters, and police officers; and to repeal certain acts and parts of acts,' be adopted?

Yes ()

No ()."

(4) The ballots shall be cast and canvassed, and the results of the election certified in the same manner as ballots on any question submitted to the electors of the city, village, or municipality. If the majority of the qualified electors of the city, village, or municipality vote in favor of the adoption of this act, then this act shall be in full force and effect in that city, village, or municipality.

History: 1935, Act 78, Imd. Eff. May 24, 1935;—CL 1948, 38.517a;—Am. 1949, Act 271, Eff. Sept. 23, 1949;—Am. 1986, Act 155, Imd. Eff. July 3, 1986.

Popular name: Police and Fire Civil Service Act

38.517b Violation of §§ 168.1 to 168.992 applicable to petitions; penalties.

Sec. 17b. A petition under section 17a, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: Add. 1998, Act 199, Eff. Mar. 23, 1999.

Popular name: Police and Fire Civil Service Act

38.518 Rescission of act by majority of electors; submission of question; form of ballot; canvass; certification of results; effect of vote in favor of rescission.

Sec. 18. (1) This act shall continue in full force and effect in any city, village, or municipality in which it has been properly adopted until rescinded by a majority of the electors voting thereon at an election at which the question of rescission of this act for that city, village, or municipality is properly submitted.

(2) The governing body of any city, village, or municipality, by resolution, may submit the question of rescission of this act, as it relates to the fire department or police department, or both, to the electors of that city, village, or municipality at any regular or special election.

(3) The form of ballot shall be as follows:

"Shall Act No. 78 of the Public Acts of 1935, entitled as amended, 'An act to establish and provide a board of civil service commissioners in cities, villages, and municipalities having full-time paid members in the fire or police departments, or both; to provide a civil service system based upon examination and investigation as

to merit, efficiency, and fitness for appointment, employment, and promotion of all full-time paid members appointed in the fire and police departments and respective cities, villages, and municipalities; to regulate the transfer, reinstatement, suspension, and discharge of officers, fire fighters, and police officers; and to repeal certain acts and parts of acts,' be rescinded?

Yes ()

No ().”

The ballots shall be cast and canvassed, and the results of the election certified in the same manner as ballots on any question submitted to the electors of the city, village, or municipality. If the majority of the qualified electors of the city, village, or municipality vote in favor of the rescission of this act, then this act is rescinded in that city, village, or municipality.

History: Add. 1951, Act 88, Eff. Sept. 28, 1951;—Am. 1986, Act 155, Imd. Eff. July 3, 1986.

Former law: See section 18 of Act 78 of 1935, which was repealed by Act 267 of 1945.

Popular name: Police and Fire Civil Service Act

FORMATION

of the

DOWNTOWN DEVELOPMENT AUTHORITY

State Law

M.C.L.A., Chapter 125

Council Resolution 93-3

Chief Executive officer - Mayor
Chief Administrative officer - Manager
(per per Martin - 8/3/98)

MICHIGAN COMPILED LAWS ANNOTATED
CHAPTER 125. PLANNING, HOUSING, AND ZONING
DOWNTOWN DEVELOPMENT AUTHORITY

COPR. (c) WEST 1993 No Claim to Orig. Govt. Works
Current through P.A. 1993, No. 25

125.1654. Governing board of authority or authorities

Sec. 4. (1) Except as provided in subsections (7) and (8), an authority shall be under the supervision and control of a board consisting of the ~~chief executive officer~~ of the municipality ~~and not less than 8 or more than 12 members~~ as determined by the governing body of the municipality. Members shall be appointed by the chief executive officer of the municipality, subject to approval by the governing body of the municipality. Not less than a majority of the members shall be persons having an interest in property located in the downtown district. Not less than 1 of the members shall be a resident of the downtown district, if the downtown district has 100 or more persons residing within it. Of the members first appointed, an equal number of the members, as near as is practicable, shall be appointed for 1 year, 2 years, 3 years, and 4 years. A member shall hold office until the member's successor is appointed. Thereafter, each member shall serve for a term of 4 years. An appointment to fill a vacancy shall be made by the chief executive officer of the municipality for the unexpired term only. Members of the board shall serve without compensation, but shall be reimbursed for actual and necessary expenses. The chairperson of the board shall be elected by the board.

(2) Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office.

(3) The business which the board may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976. The board shall adopt rules consistent with Act No. 267 of the Public Acts of 1976 governing its procedure and the holding of regular meetings, subject to the approval of the governing body. Special meetings may be held if called in the manner provided in the rules of the board.

(4) Pursuant to notice and after having been given an opportunity to be heard, a member of the board may be removed for cause by the governing body. Removal of a member is subject to review by the circuit court.

(5) All expense items of the authority shall be publicized monthly and the financial records shall always be open to the public.

(6) In addition to the items and records prescribed in subsection (5), a writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function shall be made available to the public in compliance with the freedom of information act,

Absent: Allemon

Mayor Stine presented proclamations to the members of the team.

Meeting of July 12, 1993

PUBLIC HEARINGS

Establishment of Downtown Development Authority and Designation of Downtown District (Continued from June 21, 1993 A-3)

The Public Hearing was opened. No one wished to be heard and the Public Hearing was closed.

Resolution #93-624

Moved by Stevens

Seconded by Pryor

BE IT ORDAINED, that Ordinance No. 78 to create a Downtown Development Authority for the City of Troy, designating boundaries of the Downtown District and providing for other matters related thereto, as presented on this date, is hereby adopted, and a copy of the Ordinance shall be attached to the original minutes of this meeting.

Amendment to Resolution #93-624

Moved by Husk

Supported by Pallotta

RESOLVED, That the Ordinance be amended by changing "Mayor" to "City Manager" in Sections 3 and 7.

Yeas: Husk, Pallotta

Nays: Gosselin, Pryor, Stevens, Stine

Absent: Allemon

Amendment FAILED

Vote on Original Resolution #93-624

Yeas: Gosselin, Pryor, Stevens, Stine

Nays: Husk, Pallotta

Absent: Allemon

Motion Passed

Request to Abandon Platted Public Utility Easements - Section 25 -Sussex Park Subdivision, South 6 Feet of Lot 92 and North 6 Feet of Lot 61, Sidwell #88-20-25-309-028 A-4

Resolution #93-625

Moved by Pallotta

Seconded by Stevens

RESOLVED, that the request from Lassale Building Company for abandonment of the City's interest in two platted public utility easements located in Section 25, Sussex Park Subdivision, being the south 6 feet of Lot 92 and the north 6 feet of Lot 61, having Sidwell #88-20-25-309-028, is hereby approved; and

BE IT FURTHER RESOLVED, that the Law Department of the City of Troy is hereby authorized to execute a Consent Judgment to vacate the easement pursuant to this resolution.

Yeas: All-6

Absent: Allemon

Establishment of Downtown Development Authority and Designation of Downtown District (Continued from June 21, 1993)

A-3

The Public Hearing was opened. No one wished to be heard and the Public Hearing was closed.

Resolution #93-624
Moved by Stevens
Seconded by Pryor

BE IT ORDAINED, that Ordinance No. 78 to create a Downtown Development Authority for the City of Troy, designating boundaries of the Downtown District and providing for other matters related thereto, as presented on this date, is hereby adopted, and a copy of the Ordinance shall be attached to the original minutes of this meeting.

Amendment to Resolution #93-624

Moved by Husk
Supported by Pallotta

RESOLVED, That the Ordinance be amended by changing "Mayor" to "City Manager" in Sections 3 and 7.

Yeas: Husk, Pallotta
Nays: Gosselin, Pryor, Stevens, Stine
Absent: Allemon
Amendment FAILED

Vote on Original Resolution #93-624

Yeas: Gosselin, Pryor, Stevens, Stine
Nays: Husk, Pallotta
Absent: Allemon
Motion Passed

Request to Abandon Platted Public Utility Easements -
Section 25 -Sussex Park Subdivision, South 6 Feet of Lot
92 and North 6 Feet of Lot 61, Sidwell #88-20-25-309-028

A-4

Resolution #93-625
Moved by Pallotta
Seconded by Stevens

RESOLVED, that the request from Lassale Building Company for abandonment of the City's interest in two platted public utility easements located in Section 25, Sussex Park Subdivision, being the south 6 feet of Lot 92 and the north 6 feet of Lot 61, having Sidwell #88-20-25-309-028, is hereby approved; and

BE IT FURTHER RESOLVED, that the Law Department of the City of Troy is hereby authorized to execute a Consent Judgment to vacate the easement pursuant to this resolution.

Yeas: All-6
Absent: Allemon

Proposed Street Vacation - Former Elbow Lane Right of
Way, South of Butterfield - Section 29

A-5

Resolution #93-626
Moved by Husk
Seconded by Pallotta

RESOLVED, That this item be TABLED to July 26, 1993.

Yeas: All-6
Absent: Allemon

Cat - A - 3
7-12-73

ORDINANCE 78

AN ORDINANCE CREATING A DOWNTOWN DEVELOPMENT AUTHORITY FOR THE CITY OF TROY, DESIGNATING BOUNDARIES OF THE DOWNTOWN DISTRICT, AND PROVIDING FOR OTHER MATTERS RELATED THERETO.

THE CITY OF TROY ORDAINS:

Section 1. Title

This ordinance shall be known as the "Downtown Development Authority Ordinance" of the City of Troy.

Section 2. Determination of Necessity; Purpose

The City Council hereby determines that it is necessary for the best interests of the public to create a public body corporate which shall operate to halt property value deterioration, eliminate the causes of that deterioration, increase property tax valuation where possible in the business district of the City, and promote economic growth, pursuant to Act 197 of the Public Acts of Michigan, 1975, as amended.

Section 3. Definitions

The terms used in this ordinance shall have the same meaning as given to them in Act 197 or as hereinafter in this section provided unless the context clearly indicates to the contrary. As used in this ordinance:

"Authority" means the Downtown Development Authority of the City of Troy created by this ordinance.

"Act 197" means Act No. 197 of the Public Acts of Michigan of 1975, as amended.

"Board" or "Board of Directors" means the Board of Directors of the Authority, the governing body of the Authority.

"Chief Executive Officer" means the Mayor of the City.

"City" means the City of Troy, Michigan.

"Council" or "City Council" means the City Council of the City.

"Downtown District" means the downtown district designated by this ordinance, as now existing or hereafter amended, and within which the Authority shall exercise its powers.

Section 4. Creation of Authority

There is hereby created pursuant to Act 197 a downtown development authority for the City. The Authority shall be a public body corporate and shall be known and exercise its powers under title of the "Downtown Development Authority of the City of Troy." The Authority may adopt a seal, may sue and be sued in any court of this State and shall possess all of the powers necessary to carry out the purposes of its incorporation as provided by this ordinance and Act 197. The enumeration of a power in this ordinance or in Act 197 shall not be construed as a limitation upon the general powers of the Authority.

Section 5. Termination.

On December 31, 2024 or upon the retirement of all bonded debt, whichever shall later occur, the Authority shall be dissolved by the Council. The property and assets of the Authority, after dissolution and satisfaction of its obligations, shall revert to the City.

Section 6. Description of Downtown District

The Downtown District shall consist of the territory in the City described in Exhibit A, attached hereto and made a part hereof, subject to such changes as may hereinafter be made pursuant to this ordinance and Act 197.

Section 7. Board of Directors

The Authority shall be under the supervision and control of the Board. The Board shall consist of the Mayor and twelve (12) members. Members shall be appointed by the Chief Executive Officer, subject to approval by the Council. Not less than a majority of the members shall be persons having an interest in property located in the Downtown District. Not less than 1 of the members shall be a resident of the Downtown District, if the Downtown District has 100 or more persons residing within it. Members shall be appointed to serve for a term of four years, except that of the members first appointed, an equal number, as near as is practicable, shall be appointed for terms of 1 year, 2 years, 3 years and 4 years. A member shall hold office until the member's successor is appointed and qualified. Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office. An appointment to fill a vacancy shall be made by the Chief Executive Officer for the unexpired term subject to approval by the Council. Members of the Board shall serve without compensation, but shall be reimbursed for actual and necessary expenses. The chairperson of the Board shall be elected by the Board. The Boards shall adopt Bylaws governing its procedures subject to the approval of the Council. In the event that the Board determines to employ a Director of the Authority, such Director shall furnish a bond in a penal sum as determined by the Authority payable to the Authority for use and benefit of the Authority and shall file the same with the City Clerk of the city.

Section 8. Powers of Authority

Except as specifically otherwise provided in this ordinance, the Authority shall have all powers provided by law subject to the limitations imposed by law and herein.

Section 9. Fiscal Year; Adoption of Budget

- (a) The fiscal year of the Authority shall begin on July 1st of each year and end on June 30 of the following year, or such other fiscal year as may hereafter be adopted by the Council.
- (b) The Board shall prepare annually a budget and shall submit it in the manner provided by the City Charter.
- (c) The Authority shall submit financial reports to the Council and shall be audited annually in the manner provided by the City Charter.

Section 10. Section Headings; Severability; Repealer

Section headings are provided for convenience only and are not intended to be part of this ordinance. If any portion of this ordinance shall be held to be unlawful, the remaining portions shall remain in full force and effect. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 11. Publication, Recording and Filing

This ordinance shall be published once after its adoption in full in a newspaper of general circulation in the City of Troy and the City Clerk shall file a certified copy of the ordinance with the Michigan Secretary of State promptly after its adoption.

Section 12. 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 on the 12th day of July, 1993.

Jeanne M. Stine, Mayor

Kenneth L. Courtney, City Clerk

CERTIFICATES

I hereby certify that the foregoing is a true and complete copy of Ordinance No. 78, duly adopted by the City Council of the City of Troy, County of Oakland, State of Michigan, at a regular meeting held on July 12, 1993, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by such Act.

I further certify that the following members were present at said meeting: Gosselin, Husk, Pallotta, Pryor, Stevens, and Stine, and that the following member was absent: Allemon.

I further certify that Councilman Stevens moved adoption of said Ordinance and Councilman Pryor supported the motion.

I further certify that the following Council members voted for adoption of said Ordinance: Gosselin, Pryor, Stevens, and Stine and that the following Council members voted against adoption of said Ordinance: Husk, Pallotta.

Kenneth L. Courtney
City Clerk

I hereby certify that the foregoing ordinance received legal publication and that a certified copy of the foregoing ordinance was filed with the Michigan Secretary of State on _____, 1993.

Kenneth L. Courtney
City Clerk

CITY OF TROY
DOWNTOWN DEVELOPMENT AUTHORITY
BOARD OF DIRECTORS

BY-LAWS AND RULES OF PROCEDURE

The purpose of the following By-Laws is to establish the rules of operation for the Board of Directors. In addition to establishing procedure, the By-Laws also describe the organizational framework of the Board of Directors, and, in general terms, define the duties and responsibilities of the Board of Directors.

City of Troy
Oakland County,
Michigan

DDA Adoption: #93-3-10-14-93
City Council: _____

CITY OF TROY
DOWNTOWN DEVELOPMENT AUTHORITY
BOARD OF DIRECTORS

BY-LAWS AND RULES OF PROCEDURE

ARTICLE I: AUTHORITY

The rules and procedures of the City of Troy Downtown Development Authority Board of Directors are subordinate and subject to the Public Act 197 of 1975 of the State of Michigan, as amended, and Ordinance No. 78, of the City of Troy, Michigan.

ARTICLE II: TITLE

The title of the governing body of the Downtown Development Authority as established by the City Council of the City of Troy shall be the "Troy Downtown Development Authority", or "BOARD".

ARTICLE III: MEMBERS

Section 1. Membership

The BOARD shall be composed of the following thirteen (13) members: The Mayor of the City of Troy and twelve (12) persons who shall be appointed by the Mayor; each appointment to the BOARD is subject to approval by a majority vote of the City Council of the City of Troy. At least seven (7) members of the BOARD shall have a property interest in the Downtown Development District.

Section 2. Term of Office

The terms of office of the members of the BOARD shall begin immediately upon their appointment. The term of office of each member of the BOARD shall be four (4) years, except that in the case of the first BOARD appointed hereunder, three (3) of the members shall be appointed for a term of one (1) year, three (3) for a term of two (2) years, three (3) for a term of three (3) years and three (3) for a term of four (4) years. All members shall continue to hold office until their successors are appointed. Vacancies occurring through other than the normal expiration of the term of appointment shall be filled for the unexpired term by the Mayor of the City of Troy, subject to approval by a majority of the City Council.

Section 3. Removal

Members of the BOARD may be removed from office by the City Council for cause.

ARTICLE IV: OFFICERS AND PERSONNEL

Section 1. Officers

The officers of the BOARD shall be:

- A. **Chairman:** The Chairman shall preside at all meetings and shall have such other duties as further prescribed in the By-Laws, and shall have authority to preside at all Adjourned Meetings and call and preside at all Special Meetings.
- B. **Vice-Chairman:** The Vice-Chairman shall, in the absence of the Chairman or his/her inability to act, preside at all Regular, Adjourned, or Special Meetings, public hearings, and committee meetings of the BOARD and shall have the power to function in the same capacity as the Chairman.
- C. **Secretary:** The Secretary shall have authority to execute documents in the name of the BOARD and shall perform such other duties as the BOARD may, from time to time, determine. The Secretary is not required to be a member of the BOARD.
- D. **Treasurer:** The Treasurer shall disburse the funds of the Authority as may be ordered by the BOARD, taking proper vouchers for such disbursements, and shall render to the BOARD, at the regular meetings of the BOARD, or whenever they may require, an account of all transactions as Treasurer and of the financial condition of the Authority. The Treasurer is not required to be a member of the BOARD. The Treasurer shall give the Authority a bond, if required by the BOARD in a sum, and with one or more sureties satisfactory to the BOARD, for the faithful performance of the duties of the office, and for the restoration to the Authority in case of his/her death, resignation, retirement, or removal from office of all books, papers, vouchers, money, and other property of whatever kind in his/her possession or under his/her control belonging to the Authority.

Section 2. Terms

Each officer of the BOARD shall be elected annually by a majority of the BOARD for a one-year term by the BOARD at their first regular meeting in January, and shall hold office until a successor is elected and assumes office.

Section 3. Delegation of Duties

In the absence of an officer of the Authority, or for any other reason that the BOARD may deem sufficient, the BOARD may delegate, from time to time and for such time as it may deem appropriate, the powers or duties, or any of them, of such officer to any other officer, or to any director, provided that said duties are delegated by a majority vote of the BOARD.

Section 4. Executive Director

The Executive Director for the BOARD shall be the City Manager of the City of Troy or in the absence of the City Manager, the BOARD may designate a qualified person as acting Director to perform the duties of the office. The Executive Director shall function as the chief executive officer and business manager of the BOARD. The Executive Director shall supervise the preparations of plans and the performance of the functions of the Authority in the manner authorized by the State Act. The Director shall attend all meetings of the BOARD and shall have full right of discussion, but shall not have a vote on any matters coming before the BOARD. The Director shall be responsible for preparation of the budget of the BOARD and shall render to the BOARD and the City Council a regular report covering the activities and the financial condition of the Authority.

Section 5. City Personnel

The BOARD shall make use of appropriate City personnel and consultants, including the City Attorney, City Engineer, and City Planner. The City shall be reimbursed by the BOARD for any and all additional costs incurred by the City because of the operation of the Authority. The BOARD may contract for additional services or employ personnel or consultants other than those appointed to serve the City following approval of the City Council.

ARTICLE V: MEETINGS

Section 1. Times and Dates

At the annual meeting, the BOARD shall determine the date, time and place of each regular meeting of the BOARD for the ensuing year. Any regular meeting may be adjourned to a definite date or alternate site, by a majority vote of a quorum of the members. Adjourned or special meetings may be held at any time or place established by the BOARD. Notice of all meetings shall be provided as required by State law. Special meetings shall be subject to the call of the Chairman, Acting Chairman or Executive Director. A special meeting may also be called upon the written request of seven (7) members of the BOARD.

ARTICLE VI: THE ORDER OF BUSINESS

Section 1. Regular Meetings

The order of business for a Regular Meeting shall be:

1. Call to order by Chairman or Vice-Chairman.
2. Roll call.
3. Determination of a quorum.
4. Approval of Minutes of last preceding meeting.
5. Hearings.
6. Old business.
7. New business.
8. Adjournment.

Section 2. Chairman's Discretion

The Chairman shall have the discretion to change the order of business whenever he or she deems it advisable to do so either before or during the progress of the meeting.

Section 3. Annual Meeting

The order of business for the Annual Meeting, to be the BOARD's first Regular Meeting in January, shall be:

1. Call to order by Chairman or Vice-Chairman.
2. Roll call.
3. Determination of a quorum.
4. Election of new Chairman.
5. Taking of Chair by new Chairman.
6. Election of other officers.
7. Establishing of regular meeting dates, time and location.
8. Regular order of business.

ARTICLE VII: QUORUM

For the transaction of ordinary business at any Regular Meeting, adjourned meeting, or special meeting, seven (7) members shall constitute a quorum. Except as otherwise stated in these By-Laws, an affirmative vote of a majority of the members present at a duly called meeting of the BOARD shall be necessary in order to make a decision.

ARTICLE VIII: MINUTES

Section 1. Responsibility

The Secretary of the BOARD shall be responsible for ensuring that a complete and accurate set of Minutes for all regular, adjourned or special meetings where official business was transacted is prepared. These Minutes shall become a matter of public record, shall be kept in a separate Minute book, and shall be placed on file with the City Clerk.

Section 2. Signatures

The Secretary and the Chairman shall sign all Minutes, after approval by the BOARD members, at the next official meeting.

ARTICLE IX: COMMITTEES

There may be special committees established by the BOARD as the BOARD may deem necessary. Membership of these committees may be from within or outside of the membership of the BOARD.

ARTICLE X: AMENDMENT OF BY-LAWS

These By-Laws may be changed or added to by the affirmative vote of seven (7) members. No amendment shall be discussed and adopted unless a written notice to amend the By-Laws shall be filed with the Secretary at the Regular Meeting preceding the meeting at which the motion to change is to be made. This requirement may be waived by the BOARD by a unanimous vote of the full BOARD. Any amendment to these By-Laws is subject to approval by the City Council of the City of Troy.

ARTICLE XI: CONTRACTS, LOANS, CHECKS AND DEPOSITS

Section 1. Contracts

The BOARD may authorize by a resolution, adopted by an affirmative vote of seven (7) members, that the Executive Director may enter into any contract or execute and deliver any instrument in the name of and on behalf of the BOARD and that such authorization may be general or confined to specific instances.

Section 2. Loans

Any funds expended by the City of Troy on behalf of the BOARD or on any related function of the Downtown Development Authority, including costs of organization, shall be considered a debt of the BOARD, shall be noted in the books of account of the BOARD and the City, and shall be repaid to the City as appropriate funds become available to the BOARD.

Section 3. Payments

All checks, drafts, or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the BOARD, shall be signed manually or by an approved facsimile signature by such officer or officers, agent or agents of the BOARD and in such manner as shall from time to time be determined by resolution of the BOARD.

Section 4. Deposits

All funds of the Authority not otherwise employed shall be deposited from time to time to the credit of the Authority by the Treasurer in such banks, trust companies, or other depositories as the BOARD may designate.

ARTICLE XII: REPRESENTATION AND INDEMNIFICATION

The members of the City of Troy Downtown Development Authority shall be represented and indemnified for claims and civil action made against them as provided for elected and appointed officials and employees of the City in Chapter 4, Section 10, of the Troy City Code.

ARTICLE XIII: FISCAL YEAR

The fiscal year of the Authority shall correspond at all times to the fiscal year of the City of Troy, Oakland County, Michigan.

ARTICLE XIV: CERTIFICATION

The undersigned, being, respectively, the duly appointed and acting Clerk of the City of Troy, Oakland County, Michigan, and the duly appointed and acting Secretary of the Downtown Development Authority of the City of Troy, do hereby certify that the foregoing By-Laws were adopted by the Board of Directors of the City of Troy Downtown Development Authority at a meeting of the BOARD on the _____ day of _____, 1993, and approved at a regular meeting of the City Council of the City of Troy on the _____ day of _____, 1993.

City Clerk, City of Troy

Secretary, City of Troy Downtown Development Authority

April 19, 2006

TO: John Lamerato, Acting City Manager

FROM: Doug Smith, Real Estate and Development Director

SUBJECT: AGENDA ITEM – Downtown Development Authority Bylaw Changes

With John Szerlag departing, a vacancy occurs in the appointment of an Executive Director for the Downtown Development Authority (DDA). The DDA reviewed their bylaws and determined that currently, as drafted, the bylaws only permitted an appointment other than the City Manager to serve as Executive Director only on a temporary basis in the absence of the City Manager.

The DDA determined they wanted to allow, as State Law permits, the ability to appoint either the City Manager or another individual to serve as their Executive Director. Following are the recommended bylaw changes that are required to permit the DDA to appoint either the City Manager or another individual as Executive Director. The Downtown Development Authority also recommended that Doug Smith be appointed as Executive Director.

Article IV – Officers and Personnel

Section 4. Executive Director

The Executive Director for the BOARD ~~shall~~ **may** be the City Manager of the City of Troy or ~~in the absence of the City Manager~~ the BOARD may designate a qualified person as ~~acting~~ **Executive** Director to perform the duties of the office. The Executive Director shall function as the chief executive officer and business manager of the BOARD. The Executive Director shall supervise the preparations of plans and the performance of the functions of the Authority in the manner authorized by the State Act. The Director shall attend all meetings of the BOARD and shall have full right of discussion, but shall not have a vote on any matters coming before the BOARD. The Director shall be responsible for preparation of the budget of the BOARD and shall render to the BOARD and the CITY COUNCIL a regular report covering the activities and the financial condition of the Authority.

Reviewed as to Form and Legality: _____
Lori Grigg Bluhm, City Attorney Date

E-1b Address of “E” Items Removed for Discussion by City Council and/or the Public

E-2 Approval of City Council Minutes

Resolution #2006-05-203

Moved by Lambert

Seconded by Beltramini

RESOLVED, That the Minutes of the 7:30 PM Regular City Council Meeting of April 17, 2006 and the Minutes of the 7:30 PM Regular City Council Meeting of April 24, 2006 be **APPROVED** as submitted; and the Minutes of the 7:30 PM Special Meeting of May 1, 2006 be **APPROVED** as **CORRECTED** to reflect that City Council directed City Management to prepare recommendations as to where reductions would occur to allow for an .02 mill reduction; and the Minutes of the 10:04 PM Special Meeting of May 1, 2006 be **APPROVED** as submitted.

Yes: All-5

No: None

Absent: Broomfield, Howrylak

E-10 Approval of Placement of Temporary Sales Trailer Monarch Condominiums

Resolution #2006-05-204

Moved by Stine

Seconded by Lambert

RESOLVED, That the request from Christopher Priddy of Joseph Freed and Associates for the placement of temporary office trailers on the site of the Monarch Condominium Development, is hereby **APPROVED** for a twelve month period in accordance with Chapter 47, House Trailers and Trailer Courts, Section 6.41(3), of the Code of the City of Troy.

Yes: All-5

No: None

Absent: Broomfield, Howrylak

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

F-3 Downtown Development Authority Bylaw Changes

Resolution #2006-05-205

Moved by Stine

Seconded by Lambert

WHEREAS, The Troy Downtown Development Authority approved and recommended to City Council amendments to Article IV, Section 4 of the DDA Bylaws to strike “shall” and insert “may” in Line 1 “in the absence of” in Line 2 and in Line 3 strike “acting” and insert “Executive” to provide flexibility in the appointment of the Executive Director.

BE IT RESOLVED, That City Council **APPROVES** the following amendments to Article IV, Section 4 of the DDA Bylaws to strike "shall" and insert "may" in Line 1, "in the absence of" in Line 2 and in Line 3 strike "acting" and insert "Executive" of the DDA Bylaws.

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

F-4 Adoption of City Ordinance, Chapter 28 – Tree Ordinance and the Landscape Design & Tree Preservation Standards

Resolution
Moved by Beltramini
Seconded by Schilling

RESOLVED, That Chapter 28 – Tree and Plant Ordinance, a copy of which shall be **INCLUDED** in the original Minutes of this meeting, is hereby **ADOPTED**.

Vote on Resolution to Postpone

Resolution #2006-05-206
Moved by Lambert
Seconded by Fleming

RESOLVED, That Troy City Council hereby **POSTPONES** the *Adoption of City Ordinance, Chapter 28 – Tree Ordinance and the Landscape Design & Tree Preservation Standards* until the Regular City Council Meeting scheduled for Monday, June 19, 2006 and **DIRECT** City Management to solicit input from outside parties on this proposed ordinance.

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

MOTION FAILED

Vote on Resolution to Postpone

Resolution #2006-05-207
Moved by Beltramini
Seconded by Stine

RESOLVED, That Troy City Council hereby **POSTPONES** the *Adoption of City Ordinance, Chapter 28 – Tree Ordinance and the Landscape Design & Tree Preservation Standards* until the Regular City Council Meeting scheduled for Monday, June 5, 2006.

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

CITY OF TROY
DOWNTOWN DEVELOPMENT AUTHORITY
BOARD OF DIRECTORS

BY-LAWS

The purpose of the following By-Laws is to establish the rules of operation for the Board of Directors. The By-Laws also describe the organizational framework of the Board of Directors, and, in general terms, define the duties and responsibilities of the Board of Directors.

City of Troy
Downtown Development Authority
Board of Directors

By-Laws

ARTICLE I: AUTHORITY

The By-laws and rules and procedures of the City of Troy Downtown Development Authority Board of Directors are subordinate and subject to the Public Act 197 of 1975 of the State of Michigan, as amended, and Ordinance No. 78, of the City of Troy, Michigan.

ARTICLE II: TITLE

The title of the governing body of the Downtown Development Authority as established by the City Council of the City of Troy shall be the "Troy Downtown Development Authority", or "BOARD".

ARTICLE III: MEMBERS

Section 1. Membership

The BOARD shall be composed of the following thirteen (13) members: The Mayor of the City of Troy and twelve (12) persons who shall be appointed by the Mayor; each appointment to the BOARD is subject to approval by a majority vote of the City Council of the City of Troy. At least seven (7) members of the BOARD shall have a property interest in the Downtown Development District.

Section 2. Term of Office

The terms of office of the members of the BOARD shall begin immediately upon their appointment. The term of office of each member of the BOARD shall be four (4) years, except that in the case of the first BOARD appointed hereunder, three (3) of the members shall be appointed for a term of one (1) year, three (3) for a term of two (2) years, three (3) for a term of three (3) years and three (3) for a term of four (4) years. All members shall continue to hold office until their successors are appointed. Vacancies occurring through other than the normal expiration of the term of appointment shall be filled for the unexpired term by the Mayor and the City of Troy, subject to approval by a majority of the City Council.

Section 3. Removal

Members of the BOARD may be removed from office by the City Council for cause.

ARTICLE IV: OFFICERS AND PERSONNEL

Section 1. Officers

The officers of the BOARD shall be:

- A. **Chairman:** The Chairman shall preside at all meetings and shall have such other duties as further prescribed in the By-Laws, and shall have authority to preside at all Adjourned Meetings and call and preside at all Special Meetings.
- B. **Vice-Chairman:** The Vice-Chairman shall, in the absence of the Chairman or his/her inability to act, preside at all Regular, Adjourned, or Special Meetings, public hearings, and committee meetings of the BOARD and shall have the power to function in the same capacity as the Chairman.
- C. **Secretary:** The Secretary shall have authority to execute documents in the name of the BOARD and shall perform such other duties as the BOARD may, from time to time, determine. The Secretary is not required to be a member of the BOARD.
- D. **Treasurer:** The Treasurer shall disburse the funds of the Authority as may be ordered by the BOARD, taking proper vouchers for such disbursements, and shall render to the BOARD, at the regular meetings of the BOARD, or whenever they may require, an account of all transactions as Treasurer and of the financial condition of the Authority. The Treasurer is not required to be a member of the BOARD. The Treasurer shall give the Authority a bond, if required by the BOARD in a sum, and with one or more sureties satisfactory to the BOARD, for the faithful performance of the duties of the office, and for the restoration to the Authority in case of his/her death, resignation, retirement, or removal from office of all books, papers, vouchers, money, and other property of whatever kind in his/her possession or under his/her control belonging to the Authority.

Section 2. Terms

Each officer of the BOARD shall be elected annually by a majority of the BOARD for a one-year term by the BOARD at their first regular meeting in October, and shall hold office until a successor is elected and assumes office.

Section 3. Delegation of Duties

In the absence of an officer of the Authority, or for any other reason that the BOARD may deem sufficient, the BOARD may delegate, from time to time and for such time as it may deem appropriate, the powers or duties, or any of them,

of such officer to any other officer, or to any director, provided that said duties are delegated by a majority vote of the BOARD.

Section 4. Executive Director

The Executive Director for the BOARD may be the City Manager of the City of Troy or the BOARD may designate a qualified person as Executive Director to perform the duties of the office. The Executive Director shall function as the chief executive officer and business manager of the BOARD. The Executive Director shall supervise the preparations of plans and the performance of the functions of the Authority in the manner authorized by the State Act. The Director shall attend all meetings of the BOARD and shall have full right of discussion, but shall not have a vote on any matters coming before the BOARD. The Director shall be responsible for preparation of the budget of the Board and shall render to the Board and the City Council a regular report covering the activities and the financial condition of the Authority.

Section 5. City Personnel

The BOARD shall make use of appropriate City personnel and consultants, including the City Attorney, City Engineer, and City Planner. The City shall be reimbursed by the BOARD for any and all additional costs incurred by the City because of the operation of the Authority. The BOARD may contract for additional services or employ personnel or consultants other than those appointed to serve the City following approval of the City Council.

ARTICLE V: MEETINGS

Section 1. Times and Dates

At the annual meeting, the BOARD shall determine the date, time and place of each regular meeting of the BOARD for the ensuing year. Any regular meeting may be adjourned to a definite date or alternate site, by a majority vote of a quorum of the members. Adjourned or special meetings may be held at any time or place established by the BOARD. Notice of all meetings shall be provided as required by State law. Special meetings shall be subject to the call of the Chairman, acting Chairman or Executive Director. A special meeting may also be called upon the written request of seven (7) members of the BOARD.

ARTICLE VI : COMMITTEES

There may be special committees established by the BOARD as the BOARD may deem necessary. Membership of these committees may be from within or outside of the membership of the BOARD.

ARTICLE VII: AMENDMENT OF BY-LAWS

These By-Laws may be changed or added to by the affirmative vote of seven (7) members. No amendment shall be discussed and adopted unless a written notice to amend the By-Laws shall be filed with the Secretary at the Regular Meeting preceding the meeting at which the motion to change is to be made. This requirement may be waived by the BOARD by a unanimous vote of the full BOARD. Any amendment to these By-Laws is subject to approval by the City Council of the City of Troy.

ARTICLE VIII: CONTRACTS, LOANS, CHECKS AND DEPOSITS

Section 1. Contracts

The BOARD may authorize by resolution, adopted by an affirmative vote of seven (7) members, that the Executive Director may enter into any contract or execute and deliver any instrument in the name of and on behalf of the BOARD and that such authorization may be general or confined to specific instances.

Section 2. Loans

Any funds expended by the City of Troy on behalf of the BOARD or on any related function of the Downtown Development Authority, including costs of organization, shall be considered a debt of the BOARD, shall be noted in the books of account of the BOARD and the City, and shall be repaid to the City as appropriate funds become available to the BOARD.

Section 3. Payments

All checks, drafts, or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the BOARD, shall be signed manually or by an approved facsimile signature by such office or officers, agent or agents of the BOARD and in such manner as shall from time to time be determined by resolution of the BOARD.

Section 4. Deposits

All funds of the Authority not otherwise employed shall be deposited from time to time to the credit of the Authority by the Treasurer in such banks, trust companies or other depositories as the BOARD may designate.

ARTICLE IX: REPRESENTATION AND INDEMNIFICATION

The members of the City of Troy Downtown Development Authority shall be represented and indemnified for claims and civil action made against them as

provided for elected and appointed officials and employees of the City in Chapter 4, Section 10, of the Troy City Code.

ARTICLE X: FISCAL YEAR

The fiscal year of the Authority shall correspond at all times to the fiscal year of the City of Troy, Oakland County, Michigan.

ARTICLE XI: PARLIAMENTARY AUTHORITY

The Troy Downtown Development Authority adopts Roberts Rules of Order, latest edition, as its parliamentary authority, except as preempted by City Charter or City Code or as modified by Rules of Procedure adopted by the BOARD.

CERTIFICATION

The undersigned, being, respectively, the duly appointed and acting Clerk of the City of Troy, Oakland County, Michigan, and the duly appointed and acting Secretary of the Downtown Development Authority of the City of Troy, do hereby certify that the foregoing By-Laws were adopted by the Board of Directors of the City of Troy Downtown Development Authority and approved at a regular meeting of the City Council of the City of Troy on October 14, 1993.

Amended: March 15, 2006- DDA
 May 8, 2006- City Council
 June 1, 2006- DDA
 July 24, 2006- City Council

BE IT FINALLY RESOLVED, That the City Clerk is hereby **AUTHORIZED TO COMPLETE** the Application and **TRANSMIT** same to the State Tax Commission, Treasury Building, P.O. Box 30471, Lansing, MI. 48909-7971.

Yes: Beltramini, Broomfield, Fleming, Lambert, Stine, Schilling

No: Howrylak

MOTION CARRIED

C-3 Rezoning Application (File Number Z-722) – Northwest Corner of Maple and Thorncroft, East of Mapelawn, Section 29 – R-C to B-3

The Mayor opened the Public Hearing for public comment.

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

Resolution #2007-06-170

Moved by Howrylak

Seconded by Beltramini

RESOLVED, That the R-C to B-3 rezoning request, located on the northwest corner of Maple and Thorncroft, east of Mapelawn, in Section 29, part of parcel 88-20-29-426-033, being 3.18 acres in size, is described in the following legal description and illustrated on the **ATTACHED** sketch of survey drawing:

T2N, R11E, SE ¼ of Section 29

The south 540 ft. of Lot 12 of Mapelawn Industrial Park No. 2 (Liber 119, page 35, of Oakland County Plats). Containing ±3.18 ac. more or less, and subject to restrictions and easements of record;

BE IT FURTHER RESOLVED, The rezoning is **RECOMMENDED** by the Planning Commission; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **AMENDS** the City of Troy Zoning District Map from R-C to B-3, as requested.

Yes: All-7

C-4 Troy Downtown Development Authority's (TDDA's) Development Plan #6 and the Big Beaver Corridor Study

The Mayor opened the Public Hearing for public comment.

The Mayor closed the Public Hearing after receiving no comment from the petitioner and comment from the following members of the public:

Victor Lenivov – Oppose

Mary Ann Bernardi – Oppose

James Savage - Oppose

Resolution #2007-06-171

Moved by Beltramini

Seconded by Stine

WHEREAS, The City of Troy (the "City") as authorized by the provisions of Act 197, Public Acts of Michigan, 1975, as amended, has created a Downtown Development Authority;

WHEREAS, It is necessary, for the best interests of the public, to halt property value deterioration and increase property tax valuation where possible in the business district of the City of Troy, to eliminate the causes of such deterioration, and to promote economic growth;

WHEREAS, City of Troy Ordinance 78, designated a Downtown Development Authority, and Ordinance 80 created Development and Tax Increment Financing Plans pursuant to Public Act 197, as amended, has been adopted by the Troy City Council;

WHEREAS, The Troy Downtown Development Authority wishes to modify the Development Plan to include the implementation of the key concepts of the Big Beaver Corridor Plan;

WHEREAS, The Troy Downtown Development Authority has prepared Downtown Development Plan #6 and Tax Increment Financing Plan #6 incorporating the previous development plans and tax increment financing plans;

WHEREAS, The Troy Downtown Development Authority has requested the Troy City Council consider Development Plan #6 and Tax Increment Plan #6; and

WHEREAS, A public hearing has been published and posted in accordance with applicable local and state law as required by Act 197, as amended;

THEREFORE, BE IT RESOLVED, That Troy City Council **DETERMINES** that it is necessary and in the best interest of the public to maintain a Downtown Development Authority pursuant to Act 197, as amended, in order to halt property value deterioration and increase property tax valuation where possible in the business district of the City of Troy, to eliminate the causes of such deterioration, and to promote economic growth, and that Downtown Development Plan #6 and Tax Increment Financing Plan #6 constitute a public purpose, since they provide for the implementation of the key concepts of the Big Beaver Corridor Plan; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the Downtown Development Plan #6 and **AMENDS** City of Troy Ordinance 80; and

BE IT FURTHER RESOLVED, That Troy City Council hereby **APPROVES** the Tax Increment Financing Plan #6 and **AMENDS** City of Troy Ordinance 80; and

BE IT FINALLY RESOLVED, That Troy City Council hereby **DIRECTS** City Management to bind and incorporate Exhibit #2-*Big Beaver Corridor Study* and Exhibit #3-*Chesapeake Group Report* as part of the bound project document.

Yes: Fleming, Lambert, Stine, Schilling, Beltramini, Broomfield

No: Howrylak

**Development Plan #6
Tax Increment Financing Plan #6**

**City of Troy
Downtown Development Authority**

BACKGROUND AND PURPOSE

A. Purpose of the Downtown Development Authority Act

Act 197 of Public Acts of 1975, as amended, of the State of Michigan, commonly referred to as the Downtown Development Authority Act ("Act 197" or the "Act") authorizes the establishment of a downtown development authority and was created in part to correct and prevent deterioration of business districts; to promote economic growth and revitalization; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the levy and collection of taxes; the issuance of bonds and the use of tax increment financing to finance downtown development contained in locally adopted development plans.

The Act seeks to attack problems of urban decline, strengthen existing areas and encourage new private developments in Michigan's downtown communities. It seeks to accomplish this goal by providing these communities with the necessary legal, monetary and organizational tools to revitalize downtown districts either through publicly initiated projects or in concert with private developments. The method chosen by downtown development authorities to make use of these tools depends on the problems and opportunities facing the district and the development priorities established by the community for the revitalization of the business area.

B. Creation of the Troy Downtown Development Authority

In December of 1993, the Troy City Council adopted Ordinance 80, which created the Troy Downtown Development Authority ("TDDA"). TDDA was given all of the powers and duties prescribed for a Downtown Development Authority pursuant to the Act.

C. Basis for the Tax Increment Plan and Development Plan

Act 197 provides the legal mechanism for local officials to address the need for economic development in the business district. In Troy, the Downtown Development Authority District can be generally described as the commercial area along Big Beaver Road from Rochester Road on the east to Newport on the west, (the "Authority" or the "District"). At the time the TDDA was created, the Development Area and the Tax Increment Financing Area were established as coterminous with the boundaries of the Authority. A development plan and a tax increment-financing plan were adopted for the purpose of implementing specific development programs and/or projects in the Development Area.

For purposes of financing activities of a downtown development authority within a Downtown district, Act 197 provides for establishment of a Tax Increment Plan. By definition, a Tax Increment Financing Plan seeks to capitalize on and make use of the increased tax base created by economic development within the boundaries of a Downtown district.

D. The Current TDDA Development Plan and the TDDA Tax Increment Financing Plan

The Tax Increment Financing Plan (the "TIF") of the TDDA was approved and adopted by the Troy City Council on November 3, 1993, on which date the City also approved and adopted Development Plan #1, which included reconstruction and improvements to Big Beaver Road and a public parking deck. The TIF provided for capture and use by the TDDA of all tax increment revenues generated from the captured assessed value of all taxable real and personal property within the District for purposes of the Development Plan.

An amendment to Development Plan #1 was approved and adopted by the City on September 28, 1998 (referred to for purposes hereof as "Development Plan #2"). Development Plan #2 incorporated the area north of Cunningham Road for purposes of the construction of a data center for K-Mart and the proposed civic center site at Big Beaver and I-75.

Development Plan #2 expressly incorporated and restated the TIF Plan previously adopted by the TDDA to finance development programs and projects within the District.

This second amendment to the TDDA Development Plan (referred to for purposes hereof as "Development Plan #3"), expressly incorporated and restated the development programs and projects described in Development Plan #1 and Development Plan #2 and described two additional major road projects including the widening of Big Beaver Road between I-75 and Rochester Road and from I-75 to the northern DDA boundary deemed necessary by the TDDA for the future economic vitality of the District, and with respect thereto, set forth the plans for development and financing of said projects as required under Act 197.

Development Plan #3 was structured to provide the TDDA with the continued ability to utilize Tax Increment Financing to address the needs of the Troy Downtown Development Authority Area.

Development Plan #4 was the third amendment to the TDDA Development Plan and incorporated the project known as "Troy Place Improvement Project". This project provided the local match required for a local company to receive financial incentives from the State of Michigan in order to retain its headquarters in the City of Troy and the State of Michigan.

Development Plan #5 was the fourth amendment to the TDDA Development Plan and incorporated the project known as "Sheffield Plaza Building #2 Improvement Project". This project provided the local match required for a local company to receive financial incentives from the State of Michigan in order to retain its headquarters in the State of Michigan.

E. Relationship Between Development Plan #6 and Previous Development Plans

The intent of Development Plan #6 is to amend the previous Development Plans by incorporating the project to be known as "Big Beaver Corridor Study Implementation Plan" (Exhibit #1). The projects in Development Plan #6 are identified in the following manner:

MEGA Local Match – The TDDA can make a local commitment of incentives with the Michigan Economic Growth Alliance (MEGA), after it has been determined that local tax abatements cannot satisfy the local commitment requirements. TDDA funds can be used to improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, and repair any building, and any necessary or desirable

appurtenances to that property which, in the opinion of the board, halts property value deterioration and/or aids in the economic growth of the downtown district.

This includes a local match for the package of incentives offered through the Michigan Economic Growth Alliance (MEGA) provided to LenderLive for the location of its headquarters at 888 West Big Beaver, Troy, Michigan. Following negotiations between City staff, LenderLive and the State of Michigan, it was determined that the local commitment would be fulfilled through a combination of services provided through the Troy Downtown Development Authority valued at \$20,000. The services include a combination of: hosting a Job Fair for Lenderlive at the Community Center, paying occupancy permit fees, providing Community Center membership passes, and improvements for the subject building. The State of Michigan has committed personal income tax withholding credit on the new jobs created by LenderLive at 888 West Big Beaver, Troy, Michigan.

I-75 Interchange Improvements – The project includes all roadwork, pathway/sidewalk, lighting, bridge improvement and landscaping at the I-75/Big Beaver interchange and parts of the I-75/Rochester interchange located in the TDDA boundaries.

Public Thoroughfares, Intersections and Service Roads – The project includes improvements to the thoroughfares, intersections and installation of service roads consistent with the Big Beaver Corridor Plan including landscaping, pathways, sidewalks, bridges, and lighting in public rights-of-way within the TDDA boundaries.

Park Improvements – The project includes aesthetic improvements, art work, and other physical improvements to create open areas consistent with the Parks and Recreation Master Plan and the Big Beaver Corridor Study.

Property Acquisition – The TDDA can acquire by purchase or otherwise, on terms and conditions and in a manner the authority considers proper or own, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests in property, which the authority determines is reasonably necessary to achieve the purposes of this act, and to grant or acquire licenses, easements, and options with respect to that property. Further, the TDDA can improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair, and operate any building, including multiple-family dwellings, and any necessary or desirable appurtenances to that property, within the downtown district for the use, in whole or in part, of any public or private person or corporation, or a combination of them.

Further, the existing Tax Increment Financing Plan adopted and approved at the time of adoption of Development Plan #1, Development Plan #2, Development Plan #3, Development Plan #4, and Development Plan #5 will be retained and modified to include the new development consistent with state law.

F. General Development Plan for the Troy Development District

The need for establishing the Development Plan described in Section E (background and purpose) is based on the need to continue Troy's efforts to retain jobs, to improve public areas of facilities and improve property values in the district, and to prevent deterioration of the Big Beaver commercial area. This continuing effort will depend upon the readiness and ability of the City to initiate public improvements that strengthen the commercial area and to encourage and participate, where feasible, in the development of new private uses that clearly demonstrate the creation of new jobs, the attraction of new business, and the generation of additional tax revenues.

The business district within the Development Area can be characterized as an aggregation of different Commercial and Office Zones that reflect the historic development of the Community. The core of the business district and community stretches along Big Beaver Road between Rochester Road on the east and Cunningham on the west.

DEVELOPMENT PLAN NO. 6

1. DESIGNATION OF BOUNDARIES OF THE DEVELOPMENT AREA AND NEW PROJECTS

The Development Area Boundary is located within the jurisdictional limits of the City of Troy and coterminous with the TDDA. The City of Troy established the TDDA pursuant to Act 197 of Public Acts of 1975, as amended, through the adoption and publication of Ordinance 80. The boundary for the TDDA and Development Area is shown on Exhibit #1.

2. LOCATION AND EXTENT OF OTHER PUBLIC FACILITIES WITHIN THE DEVELOPMENT AREA, LOCATION, CHARACTER AND EXTENT OF PUBLIC AND PRIVATE LAND USES

Public Land Uses

Public land within Development Area #6 includes the rights-of-way under the jurisdiction of the City of Troy, Oakland County, and the State of Michigan, and real property under the ownership of the City of Troy.

Private Land Uses

- A. Residential** – There are single-family residential and multi-family residential units in Development Plan #6. The single family housing is generally located on the north side of Big Beaver between Livernois and Rochester, and on the west side of Rochester south of Big Beaver. Multi-family housing is generally located on the south side of Big Beaver, west of Crooks Road. The residentially-zoned land includes: All beginning 80-20, then: 26-102-001, 26-102-002, 26-102-003, 26-102-004, 27-228-011, 28-201-006, 28-226-035, 28-251-007, 28-251-012, 28-251-013, 28-251-03020-402-052, 20-402-053,20-402-054, 20-402-055.
- B. Commercial and Office** – There is commercial- and office-zoned private property in Development Plan #6. The commercial- and office-zoned property includes: All beginning 80-20, then: 19-430-002, 19-453-005, 19-453-008, 19-453-009, 19-453-010, 19-476-001, 20-351-004, 20-351-005, 20-351-008, 20-351-010, 20-376-001, 20-376-004, 20-376-006, 20-401-024, 20-402-041, 20-476-012, 20-476-030, 20-476-031, 20-476-036, 20-476-039, 20-476-043, 20-476-047, 20-476-049, 20-476-050, 20-476-054, 20-476-055, 21-304-025, 21-351-012, 21-351-013, 21-401-002, 21-476-018, 21-476-019, 22-355-025, 22-358-019, 22-379-021, 22-379-023, 22-380-033, 22-380-038, 22-477-040, 22-477-048, 22-477-052, 22-477-053, 22-477-054, 22-477-059, 22-477-060, 22-477-062, 23-354-047, 26-102-013, 27-101-020, 27-101-055, 27-101-058, 27-101-060, 27-101-061, 27-101-065, 27-102-026, 27-126-027, 27-201-013, 27-201-014, 27-201-049, 27-201-050, 27-201-053, 27-201-059, 27-226-026, 27-227-010, 27-227-011, 27-228-017, 27-228-018, 28-101-032, 28-101-034, 28-101-050, 28-101-051, 28-101-052, 28-101-053, 28-101-054, 28-101-063, 28-101-064, 28-203-030, 28-203-035, 28-203-037, 28-203-038, 28-226-033, 28-226-034, 28-251-037, 28-251-038, 28-251-039, 28-252-016, 28-252-017, 28-252-018, 28-276-044, 28-276-048, 28-276-049, 28-277-008, 28-430-017, 29-101-004, 29-101-006, 29-101-009, 29-101-010, 29-101-011, 29-127-023, 29-127-025, 29-201-001, 29-201-023, 29-201-024, 29-201-025, 29-226-002, 29-226-003, 29-226-004, 29-226-005, 29-226-016, 29-226-043, 29-226-046, 29-226-047, 29-226-048, 29-226-049, 29-226-050, 29-226-051, 29-226-052, 29-226-053, 29-226-054, 29-226-055, 29-226-056, 29-226-057, 29-226-058, 29-226-059, 29-226-060, 29-226-061, 29-226-062, 29-226-063, 29-226-064, 29-226-065, 29-226-066, 29-226-067, 29-226-068, 29-226-069, 29-226-070, 29-226-072, 29-226-073, 29-226-074, 29-226-075, 29-227-026, 30-202-004, 30-202-005, 30-226-001, 30-226-008, 30-226-009, 30-226-010.
- C. Kresge Foundation** – is located on the south side of Big Beaver Road, west of Coolidge.

Recreational Uses

There are recreational uses including an aquatic center, the tennis bubble, and open space land uses within the Civic Center Area found in Development Plan #2.

Semi-Public Uses

Semi-Public uses include: Streets, sidewalks, parking lots, and public or common area of all buildings.

Educational Uses

Northwood University has an outreach/program center that is located at 1900 West Big Beaver.

Cornerstone University has a satellite campus that is located at 2100 West Big Beaver. Programs offered include: Associates, Bachelors and Masters in Management.

Vacant Land

There is undeveloped property in Development Area #6, generally located on the north side of Big Beaver between Livernois and Rochester. The vacant land includes: All beginning 80-20, then: 20-351-009, 21-326-008, 21-326-009, 22-356-014, 22-383-001, 22-383-002, 22-383-003, 22-383-006, 26-101-002, 26-101-003, 26-101-004, 26-101-005, 26-101-006, 27-201-008, 27-201-009, 27-201-010, 27-201-055, 27-201-058, 27-201-060, 27-227-009, 28-101-039, 28-101-047, 28-201-007, 28-201-008, 28-201-009, 28-203-034, 28-204-001, 28-204-002, 28-204-003, 28-204-004, 28-204-007, 28-204-008, 28-226-036, 29-201-022, 30-228-001, 30-228-002, 26-102-005, 26-102-006, 27-228-009, 27-228-010, 28-251-008, 28-251-009, 28-251-010, 28-251-011.

3. LOCATION AND EXTENT OF PROPOSED PUBLIC AND PRIVATE LAND USES

When the Troy City Council created the Troy Downtown Development District and Authority, it was envisioned that the Authority would use an integration of public and private land uses as a means of enhancing, strengthening, and expanding the economic base of the DDA District. Development Plan #1 used strategically placed public improvements to accomplish this vision for the District. Development Plan #2 and #3 added private and public sector projects to the overall Development Plan to maintain the City's economic base and further expand the vision of the DDA district. Development Plan #4 and #5 provided financial support for strategically placed publicly accessed area improvements to private facilities, and used TDDA monies as a match for state incentives for companies in the TDDA area. To further accomplish this vision Development Plan #6 will:

- Continue to provide financial support for strategically placed publicly accessed area improvements to private facilities as permitted in MCL 125.1657(i), and
- Use TDDA monies as a match for state incentives for companies in the TDDA area, and
- Use TDDA monies as a match for state and federal grants for the TDDA area, and
- Acquire land and property for implementation of approved TDDA plans, and
- Continue to use and improve strategically placed public improvements.

4. LEGAL DESCRIPTION OF THE DEVELOPMENT AREA

Development Area (Coterminous with Authority Boundaries)

Property lying on either side of Big Beaver Road between Golfview on the west and Fire Station #1 on the east and south to I-75 and Rochester Road and including the following Sidwells:

All beginning: 88-20-, then:

19-430-002; 19-453-005; 19-453-008; 19-453-009; 19-453-010; 19-476-001; 20-351-001; 20-351-004; 20-351-005; 20-351-008; 20-351-009; 20-351-010; 20-376-001; 20-376-004; 20-376-005; 20-376-006; 20-401-024; 20-402-041; 20-402-052; 20-402-053; 20-402-054; 20-402-055; 20-476-012; 20-476-030; 20-476-031; 20-476-036; 20-476-039; 20-476-043; 20-476-047; 20-476-049; 20-476-054; 20-476-055; 21-304-024; 21-326-007; 21-326-008; 20-326-009; 21-351-012; 21-351-013; 21-401-001; 21-401-002; 21-476-015; 21-476-018; 21-476-019; 22-355-025; 22-356-031; 22-357-031; 22-358-019; 22-358-028; 22-379-021; 22-379-023; 22-380-033; 22-380-038; 22-383-001; 22-383-002; 22-383-003; 22-383-006; 22-477-040; 22-477-048; 22-477-052; 22-477-053; 22-477-054; 22-477-059; 22-477-060; 22-477-062; 22-478-007; 23-354-047; 26-101-001; 26-101-006; 26-101-009; 26-102-001; 26-102-001; 26-102-002; 26-102-003; 26-102-004; 26-102-005; 26-102-006; 26-102-013; 27-101-020; 27-101-055; 27-101-058; 27-101-060; 27-101-061; 27-101-065; 27-102-026; 27-102-027; 27-201-008; 27-201-009; 27-201-010; 27-201-013; 27-201-014; 27-201-049; 27-201-050; 27-201-053; 27-201-055; 27-201-058; 27-201-058; 27-201-059; 27-201-060; 27-226-026; 27-226-027; 27-227-009; 27-227-010; 27-227-011; 27-228-009; 27-228-010; 27-228-011; 27-228-017; 27-228-018; 27-277-017; 28-101-032; 28-101-034; 28-101-039; 28-101-047; 28-101-050; 28-101-051; 28-101-052; 28-101-053; 28-101-054; 28-101-063; 28-101-064; 28-201-006; 28-201-007; 28-201-008; 28-201-009; 28-203-030; 28-203-034; 28-203-035; 28-203-037; 28-203-038; 28-204-001; 28-204-002; 28-204-003; 28-204-004; 28-204-007; 28-204-008; 28-226-033; 28-226-034; 28-226-035; 28-226-036; 28-227-006; 28-227-007; 28-251-007; 28-251-008; 28-251-009; 28-251-010; 28-251-011; 28-251-012; 28-251-013; 28-251-030; 28-251-037; 28-251-038; 28-251-039; 28-252-016; 28-252-017; 28-252-018; 28-276-044; 28-276-048; 28-276-049; 28-276-050; 28-277-008; 28-430-017; 29-101-004; 29-101-006; 29-101-009; 29-101-010; 29-101-011; 29-127-023; 29-127-025; 29-201-001; 29-201-022; 29-201-023; 29-201-024; 29-201-025; 29-226-002; 29-226-005; 29-226-016; 29-226-043; 29-226-046; 29-226-047; 29-226-048; 29-226-049; 29-226-050; 29-226-051; 29-226-052; 29-226-053; 29-226-054; 29-226-055; 29-226-056; 29-226-057; 29-226-058; 29-226-059; 29-226-060; 29-226-061; 29-226-062; 29-226-063; 29-226-064; 29-226-065; 29-226-066; 29-226-067; 29-226-068; 29-226-069; 29-226-070; 29-226-072; 29-226-073; 29-226-074; 29-226-075; 29-277-026; 30-202-004; 30-202-005; 30-226-001; 30-226-008; 30-226-009; 30-226-010; 30-228-001; and 30-228-002.

Development Area/Project Area

METES AND BOUNDS DESCRIPTION

(North of Big Beaver from West to East)

Part of the SE ¼ of Section 19, South ½ of Section 20, South ½ of Section 21, South ½ of Section 22, SW ¼ of Section 23, NW ¼ of Section 26, North ½ of Section 27, North ½ of Section 28, SE ¼ of Section 28, North ½ of Section 29, and NE ¼ of Section 30, Town 2 North, Range 11 East, City of Troy, Oakland County, Michigan. Commencing at the South ¼ Corner of said section 19; thence North 89 degrees 30 minutes 00 seconds East, along the south line of said section 19, also being the centerline of Big Beaver Road, 360.04 feet to the Point of Beginning of the Downtown Development Authority

Area also being South 89 degrees 30 minutes 00 seconds West 2298.59 feet from the southeast corner of said section 19; thence North 00 degrees 21 minutes 23 seconds East 102.01 feet to the north line of Big Beaver Road; thence continuing North 00 degrees 21 minutes 23 seconds East 1528.00 feet; thence North 65 degrees 09 minutes 05 seconds East 366.53 feet; thence North 89 degrees 49 minutes 05 seconds East 1495.00 feet; thence South 00 degrees 01 minutes 30 seconds East 88.57 feet; thence North 89 degrees 58 minutes 30 seconds East 400.00 feet to the west line of Coolidge Road; thence North 89 degrees 58 minutes 30 seconds East 60.00 feet to the east line of said section 19, also being North 00 degrees 01 minutes 30 seconds West 1680.32 feet from the southeast corner of said section 19; thence continuing North 89 degrees 58 minutes 30 seconds East 90.00 feet to the east line of Coolidge Road; thence South 00 degrees 01 minutes 30 seconds East, along said line, 409.46 feet to the north line of Cunningham Road; thence South 45 degrees 18 minutes 22 seconds East, along said north line, 42.22 feet; thence North 89 degrees 24 minutes 45 seconds East, along said line, 124.67 feet; thence along a curve to the left having a radius of 350.00 feet, a delta angle of 37 degrees 02 minutes 15 seconds, and a chord bearing and distance of North 70 degrees 53 minutes 36 seconds East 222.33 feet; thence North 52 degrees 22 minutes 28 seconds East, along said line, 176.28 feet; thence along a curve to the right, along said line, having a radius of 1000.00 feet, a delta angle of 44 degrees 00 minutes 08 seconds, and a chord bearing and distance of North 74 degrees 22 minutes 32 seconds East 749.25 feet; thence along a curve to the right, along said line, having a radius of 285.00 feet, a delta angle of 83 degrees 41 minutes 37 seconds, and a chord bearing and distance of South 41 degrees 46 minutes 38 seconds East 380.27 feet; thence North 89 degrees 24 minutes 45 seconds East 87.59 feet to the southwest corner of "Somerset North Subdivision", as recorded in Liber 213, Pages 35-38, Oakland County, Michigan records; thence North 89 degrees 24 minutes 45 seconds East, along said south line, 603.02 feet; thence South 00 degrees 01 minutes 30 seconds East, along said south line, 37.78 feet; thence North 89 degrees 24 minutes 45 seconds East, along said line, 387.42 feet to the southeast corner of said plat and the west line of "Muer's Garden Farms", as recorded in Liber 15, Page 45, Oakland County, Michigan records, also being the north and south $\frac{1}{4}$ line of said section 20; thence South 00 degrees 19 minutes 48 seconds East, along said line, 857.17 feet to the northwest corner of Lot 3 of said plat, also being North 00 degrees 19 minutes 48 seconds West 430.00 feet from the south $\frac{1}{4}$ corner of said section 20, and a change in the bearing base to match said plat; thence East, along the north line of Lots 3, 93, 125, and 85 of said plat, 1328.64 feet to the east line of said plat; thence North 01 degrees 02 minutes East, along said east line, 886.10 feet to an angle point in said east line, thence South 89 degrees 03 minutes 00 seconds East, along said east line, 1257.16 feet to the west line of Crooks Road; thence South 89 degrees 03 minutes 00 seconds East 60.00 feet to the east line of said Section 20, being North 02 degrees 00 minutes 29 seconds West 1294.12 feet from the southeast corner of said section 20, and a change in the bearing base to match the plat of "Wilshire Estates" as recorded in Liber 190, Pages 26-28, Oakland County, Michigan records; thence North 02 degrees 00 minutes 29 seconds West, along said east line, 50.18 feet; thence North 87 degrees 59 minutes 31 seconds East, 60.00 feet to the southwest corner of said "Wilshire Estates" and the east line of Crooks Road; thence continuing North 87 degrees 59 minutes 31 seconds East, along the south line of said plat, 30.36 feet to an angle point in said plat; thence North 64 degrees 50 minutes 49 seconds East, along said south line, 371.71 feet to an angle point in said plat; thence North 87 degrees 28 minutes 55 seconds East, along said south line, 886.52 feet to the southeast corner of said plat; thence North 02 degrees 01 minutes 28 seconds West, along the east line of said plat and the east line of "Troyknoll Subdivision No. 1", as recorded in Liber 104, Page 32, Oakland County, Michigan records, 1099.12 feet to the south line of "Washington Square Estates", as recorded in Liber 124, Page 33, Oakland County, Michigan records, also being the east and west $\frac{1}{4}$ line of said section 20; thence North 87 degrees 40 minutes 05 seconds East (R=South 89 degrees 11 minutes 30 seconds East), along said line, 838.45 feet to the west line of Interstate 75; thence North

87 degrees 42 minutes 26 seconds East, along said line, 488.93 feet to the east line of Interstate 75 and the Center Post of said Section 21 and a change in the bearing base to match an ALTA Boundary Survey of Troy Civic Center being North 01 degrees 33 minutes 19 seconds East 2581.69 feet from the South ¼ Corner of said Section 21; thence South 89 degrees 13 minutes 52 seconds East, along said east and west ¼ line, 1312.01 feet to the west line of "Westwood Park Subdivision", as recorded in Liber 249, Pages 11-15, Oakland County, Michigan records; thence South 01 degrees 01 minutes 02 seconds West, along said west line, 220.54 feet to the southwest corner of said plat; thence South 01 degrees 17 minutes 00 seconds West, along the west line of "Supervisor's Plat No. 26", as recorded in Liber 57, Page 59, Oakland County, Michigan records, 384.22 feet to the north line of Town Center Drive; thence South 88 degrees 53 minutes 06 seconds East, along said north line, 796.70 feet; thence South 01 degrees 16 minutes 54 seconds West, along the west line of Lot 17 of said plat, 399.40 feet to the southwest corner of said lot 17; thence South 88 degrees 53 minutes 06 seconds East, along the south line of said plat, 468.93 feet to the west line of Livernois Road; thence South 88 degrees 53 minutes 06 seconds East 60.00 feet to the east line of said Section 21, being North 01 degrees 20 minutes 46 seconds East 1648.14 feet from the southeast corner of said section 21; thence South 88 degrees 53 minutes 06 seconds East 53.00 feet to the east line of Livernois Road; thence South 01 degrees 20 minutes 46 seconds West, along said east line, 96.05 to the north line of "Eysters Beaver Gardens", as recorded in Liber 26, Page 14, Oakland County, Michigan records; thence North 88 degrees 37 minutes 14 seconds West (R=North 89 degrees 20 minutes West), along said north line, 20.00 feet to the east line of Livernois Road; thence South 01 degrees 20 minutes 46 seconds West (R=South 01 degrees 52 minutes West), along said east line, 664.50 feet to the southwest corner of lot 152 of said plat, also being the north line of Hartland Ave. and a change in the bearing base to match said plat; thence South 88 degrees 40 minutes 00 seconds East, along said north line, 265.00 feet to the southeast corner of lot 133 of said plat and the west line of Louis Ave.; thence South 01 degrees 52 minutes 00 seconds West, along said west line, 728.00 feet to the northeast corner of lot 13 of said plat; thence South 88 degrees 40 minutes 00 seconds East, along the north line of lots 14 through 37 of said plat, 588.00 feet to the northeast corner of lot 37 and the west line of Frankton Ave.; thence North 01 degrees 52 minutes 00 seconds East, along said west line, 18.00 feet to the southeast corner of lot 91 of said plat; thence South 88 degrees 40 minutes 00 seconds East, along the south line of lot 68 of said plat, 172.00 feet to the southeast corner of said lot 68; thence North 01 degrees 52 minutes 00 seconds East, along the east line of said lot, 110.00 feet to the northeast corner of said lot; thence South 88 degrees 40 minutes 00 seconds East, along the north line of lots 67 and 44 of said plat, 302.00 feet to the northeast corner of said lot 44 and the west line of "Big Beaver", as recorded in Liber 21, Page 19, Oakland County, Michigan records; thence North 00 degrees 51 minutes 00 seconds East, along the said west line 25.00 feet to the southwest corner of lot 17 of said plat; thence South 88 degrees 40 minutes 00 seconds East, along the south line of lot 17, 278.30 feet to the southeast corner of said lot and the west line of Talbot Ave.; thence North 01 degrees 31 minutes 36 seconds East, along the said west line, 75.00 feet to the northeast corner of said lot 17; thence South 88 degrees 40 minutes 00 seconds East, along the north line of lot 60 of said plat, 323.00 feet to the northeast corner of said lot 60; thence South 01 degrees 31 minutes 36 seconds West, along the east line of lots 60 and 59, 150.00 feet to the southwest corner of lot 58 of said plat; thence South 88 degrees 40 minutes 00 seconds East, along the south line of said lot, 163.80 feet to the northwest corner of lot 14 of said plat; thence South 01 degrees 31 minutes 36 seconds West, along the west line of said lot 14, 13.00 feet; thence South 88 degrees 40 minutes 00 seconds East, 109.20 feet to the west line of Kilmer Ave.; thence North 01 degrees 31 minutes 36 seconds East, along the said west line, 113.00 feet; thence South 88 degrees 40 minutes 00 seconds East 50.00 feet to the east line of Kilmer Ave. and the southwest corner of Lot 19 of "Burgess Bungalow Subdivision", as recorded in Liber 46, Page 34, Oakland County, Michigan records; thence South 88 degrees 40 minutes 00 seconds East, along the south line of Lots 19-22

of said plat 273.00 feet to the east line of said plat and the west line of "Supervisors Plat No. 9", as recorded in Liber 46, Page 41, Oakland County, Michigan records being North 88 degrees 40 minutes West 165.00 feet and North 01 degrees 30 minutes East 336.00 feet from the south ¼ corner of said section 22; thence North 01 degrees 30 minutes 00 seconds East, along said line, 240.77 feet; thence South 89 degrees 00 minutes 00 seconds East 165.89 feet to the northwest corner of lot 5 of said plat; thence South 89 degrees 00 minutes 00 seconds East, along the north line of said plat, 2009.59 feet to an angle point along the north line of said plat; thence South 87 degrees 41 minutes 00 seconds East, along said north line, 251.65 feet to the southwest corner of lot 25 of said plat and a change in the bearing base to match Rochester Road ROW acquisition documents; thence North 89 degrees 18 minutes 15 seconds East, along the south line of said lot 25, 146.56 feet to the west line of Rochester Road; thence North 89 degrees 18 minutes 15 seconds East 171.16 feet to the east line of Rochester Road; thence South 17 degrees 01 minutes 45 seconds West, along the said east line, 129.38 feet; thence on a curve to the left having a radius of 1925.12 feet, a delta angle of 00 degrees 25 minutes 04 seconds, and a chord bearing and distance of South 16 degrees 49 minutes 13 seconds West 14.03 feet; thence South 38 degrees 51 minutes 10 seconds East, along said east line, 28.72 feet to the north line of Urbancrest Ave. of "Supervisor's Plat No. 13" as recorded in Liber 49, Page 1, Oakland County, Michigan records; thence North 86 degrees 38 minutes 09 seconds East, along said north line, 492.62 feet to the southeast corner of lot 9 of said plat and a change in the bearing base to match said plat; thence South 03 degrees 30 minutes West, along the east line of lot 7 of said plat, 209.00 feet to the southeast corner of lot 7 of said plat and the north line of "Supervisors Plat No. 11", as recorded in Liber 46, Page 46, Oakland County, Michigan records; thence North 88 degrees 05 minutes West, along said north line, 7.83 feet to the northeast corner of lot 17 of said plat; thence South 01 degrees 15 minutes 18 seconds West, along the east line of said lot 17, 106.49 feet to the north line of Big Beaver Road; thence South 01 degrees 15 minutes 18 seconds West 102.00 feet to the south line of said section 23, also being the centerline of Big Beaver Road and South 88 degrees 45 minutes East 376.02 feet from the southwest corner of said section 23;

(South of Big Beaver from East to West)

thence North 88 degrees 45 minutes 00 seconds West, along the said south line, 99.62 feet; thence South 01 degrees 28 minutes West, along the west line of Lot 25 of "Supervisors Plat No. 11", as recorded in Liber 46, Page 46, of Oakland County, Michigan records, 818.08 feet to the north line of Interstate 75 Right of Way and a change in bearing base to match "Ladendorf-Tobias Subdivision" as recorded in Liber 37, Page 23, Oakland County, Michigan records; thence North 53 degrees 08 minutes 01 seconds West 92.65 feet; thence North 89 degrees 16 minutes 00 seconds West 457.45 feet; thence North 13 degrees 06 minutes 00 seconds East 3.95 feet; thence North 89 degrees 16 minutes 00 seconds West 119.77 feet to the east line of Rochester Road, as per said plat; thence South 13 degrees 06 minutes 00 seconds West 308.60 feet to a change in the bearing base to match "Ford Subdivision", as recorded in Liber 58, Page 24, Oakland County, Michigan records; thence North 88 degrees 58 minutes 40 seconds West 266.88 feet; thence North 13 degrees 34 minutes 50 seconds East 140.00 feet to the southeast corner of Lot 8 of said plat; thence North 88 degrees 58 minutes 40 seconds West, along the south line of said lot, 41.80 feet; thence North 01 degrees 23 minutes 10 seconds East, along the west line of said lot, 283.07 feet; thence North 02 degrees 34 minutes 37 seconds East 60.02 feet to the southeast corner of Lot 26 of said plat; thence North 12 degrees 54 minutes 50 seconds East 260.00 feet; thence North 07 degrees 06 minutes 40 seconds East 110.95 feet to the northeast corner of said "Ford Subdivision"; thence North 88 degrees 15 minutes 20 seconds West 195.85 feet to an angle point in said plat; thence North 89 degrees West 475.88 feet to plat angle point; thence South 01 degrees 30 minutes 50 seconds West 27.00 feet to the southeast corner of Lot 51 of said plat; thence North 89 degrees 01 minutes 20 seconds West, along the

south line of Lots 51-41 of said plat, 682.88 feet to the southwest corner of Lot 41; thence North 01 degrees 23 minutes 10 seconds East, along the west line of Lot 41, 136.73 feet to the south line of Big Beaver Road and a change in the bearing base to match parcel #88-20-27-201-001 tax description; thence South 89 degrees 44 minutes 48 seconds West, along said south line, 639.76 feet; thence North 89 degrees 55 minutes 50 seconds West, along said south line, 404.54 feet being North 89 degrees 55 minutes 50 seconds West 402.68 feet and South 00 degrees 57 minutes 14 seconds West 102.00 feet from the North $\frac{1}{4}$ Corner of Section 27; thence South 00 degrees 57 minutes 14 seconds West 298.00 feet; thence North 89 degrees 55 minutes 50 seconds West 95.00 feet to the east line of "Frosty Sunny Acres", as recorded in Liber 64, Page 9, Oakland County, Michigan records; thence South 00 degrees 57 minutes 14 seconds West, along said east line, 270.38 feet to the northeast corner of "Beaver Heights", as recorded in Liber 23, Page 11, Oakland County, Michigan records; thence South 00 degrees 42 minutes 09 seconds West, along the east line of said plat, 424.15 feet to the north line of Interstate 75 Right of Way and a change in bearing base to match the said plat of "Beaver Heights"; thence South 89 degrees 12 minutes 00 seconds West 2152.54 feet to the east line of Livernois Road, being South 01 degrees East 1081.90 feet and North 89 degrees 12 minutes East 60.00 feet from the Northwest Corner of Section 27; thence South 01 degrees East, along said east line, 1601+/- feet to the intersection of the said east line and the north line of "Summit Park Subdivision", as recorded in Liber 17, Page 35, Oakland County, Michigan records, extended easterly and a change in bearing base to match said "Summit Park Subdivision"; thence South 01 degrees 47 minutes 00 seconds West 200.54 feet to the intersection of said east line and the south line of Olympia Blvd. extended easterly; thence North 88 degrees 32 minutes 00 seconds West, along the said south line, 469.00 feet; thence North 01 degrees 47 minutes 00 seconds East, along the west line of lot 196 of said plat, 198.83 feet to the north line of said plat; thence North 88 degrees 44 minutes 30 seconds West, along said north line and south line of "Royal Ridge Little Farms", as recorded in Liber 21, Page 17, Oakland County, Michigan records, 1158.35 feet, being 8.12 feet west of the southeast corner of Lot 4 of said plat, and a change in the bearing base to match said "Royal Ridge Little Farms"; thence Due North, parallel to the east line of said Lot 4, 510.00 feet to the north line of Lot 4 and the south line of Kirts Blvd.; thence South 89 degrees 35 minutes 30 seconds West, along the said south line, 515.17 feet to the northeast corner of Lot 2 of said plat; thence South 00 degrees 47 minutes 00 seconds East, along the east line of said Lot 2, 0.23 feet; thence, along said south line of Kirts Blvd., on a curve to right having a radius of 1260.00 feet, a central angle of 00 degrees 02 minutes 42 seconds, and a chord bearing and distance of North 76 degrees 53 minutes 40 seconds West 0.99 feet; thence, continuing along said south line, on a curve to the right having a radius 1260.00 feet, a central angle of 02 degrees 23 minutes 35 seconds, and a chord bearing and distance of North 75 degrees 40 minutes 32 seconds West 52.62 feet; thence North 74 degrees 28 minutes 45 seconds West, along said south line, 400.00 feet; thence, along south line, on a curve to the left having a radius of 1140.00 feet, a central angle of 03 degrees 58 minutes 53 seconds, and a chord bearing and distance of North 76 degrees 28 minutes 11 seconds West 79.20 feet; thence, along said line, on a curve to the left having a radius of 1140.00 feet, a central angle of 01 degrees 16 minutes 59 seconds, and a chord bearing and distance of North 79 degrees 06 minutes 08 seconds West 25.53 feet to the east line "F.J. Kirts Farm", as recorded in Liber 31, Page 1, Oakland County, Michigan records and a change in bearing base to match said plat; thence North 00 degrees 46 minutes West, along said east line and south line of Kirts Blvd., +/-6.73 feet to the northeast corner of Lot 23 of said plat; thence South 89 degrees 33 minutes 00 seconds West, along the south line of Kirts Blvd., 1302.00 feet to the northwest corner of Lot 14; thence North 00 degrees 23 minutes 39 seconds West 120.00 feet to the southeast corner of Unit 1 of "Troy Center Professional Building Condominium", as recorded in Condominium Plan #1437, Oakland County, Michigan records, being the west line of Troy Center Drive, and a change in bearing base to match said condo; thence North 00 degrees 04 minutes 37 seconds West, along said west line, 572.01 feet to the northeast

corner of said Unit 1 and a change in bearing base to match #88-20-28-101-048 tax description; thence South 87 degrees 23 minutes 39 seconds West, along west line, 7.08 feet; thence, along west line, on a curve to the left having a radius of 1140.00 feet, a central angle of 07 degrees 31 minutes 05 seconds, and a chord bearing and distance of North 15 degrees 40 minutes 45 seconds West 149.48 feet; thence North 19 degrees 26 minutes 18 seconds West, along said west line, 397.91 feet; thence, along said west line of Town Center Drive, on a curve to the right having a radius of 1260.00 feet, a central angle of 08 degrees 21 minutes 58 seconds, and a chord bearing and distance of North 15 degrees 15 minutes 18 seconds West 183.82 feet; thence South 87 degrees 28 minutes 55 seconds West 564.02 feet; thence South 02 degrees 31 minutes 05 seconds East 306.70 feet; thence South 87 degrees 23 minutes 39 seconds West 589.37 feet to the west line of Section 28, being South 02 degrees 25 minutes 41 seconds East 934.61 feet from the Northwest Corner of Section 28, thence South 87 degrees 23 minutes 39 seconds West 33.00 feet to the east line of "Supervisor's Plat of Butterfield Farm", as recorded in Liber 48, Page 44, Oakland County, Michigan records and the west line of Crooks Road; thence North 02 degrees 25 minutes 41 seconds West, along said line, 490.49 feet to the northeast corner of Lot 18 of said plat and a change in bearing base to match said plat; thence South 88 degrees 10 minutes West, along the north line of Lots 18-33, inclusive, of said plat, 1725.40 feet to the northeast corner of Lot 34 of said plat; thence South 01 degrees 27 minutes East, along the east line of said lot, 31.00 feet; thence South 88 degrees 10 minutes West 106.00 feet to the west line of said Lot 34 and the east line of Todd Road; thence South 01 degrees 27 minutes East, along the said east line and the east line of Lot 6 of "Supervisor's Plat of Walker Farms", as recorded in Liber 65, Page 36, Oakland County, Michigan records, 854.86 feet to the southeast corner of said Lot 6; thence South 88 degrees 51 minutes 20 seconds West, along the south line of said plat, 790.70 feet to the southwest corner of said plat; thence North 01 degrees 15 minutes West, along the west line of said plat, 122.82 feet to the southeast corner of "Supervisor's Plat No. 15", as recorded in Liber 34, Page 44, Oakland County, Michigan records and a change in bearing base to match said plat; thence North 88 degrees 35 minutes 10 seconds West 33.01 feet to the southeast corner of Lot 14 of said plat; thence North 00 degrees 02 minutes 20 seconds East, along the east line of Lots 14-17, inclusive, of said plat, 536.50 feet to the northeast corner of Lot 17; thence South 89 degrees 20 minutes 20 seconds West, along the north line of Lot 17, 593.35 feet to the northwest corner of Lot 17; thence Due South, along the west line of Lots 17 and 16, 276.44 feet to the north line of Lot 14 of "Troy Apartment Sub. No. 4", as recorded in Liber 121, Pages 10-14, Oakland County, Michigan records, being the south line of Golfview Drive, and a change in bearing base to match said plat; thence, along said south line, on a curve to the left having a radius of 320.00 feet, a central angle of 11 degrees 53 minutes 58 seconds, and a chord bearing and distance of South 84 degrees 04 minutes 35 seconds West 66.34 feet to the northwest corner of said Lot 14; thence South 78 degrees 07 minutes 37 seconds West, along the south line of Golfview Drive and north line of Outlet A and Lot 10 of said plat, 1065.28 feet; thence North 89 degrees 22 minutes 00 seconds West, along said south line, 860.28 feet to the northwest corner of Lot 9 of said plat and the east line of Coolidge Road; thence South 01 degrees 12 minutes 00 seconds West, along the said east line, 75.58 feet to a change in the bearing base to match "Buckingham Woods Subdivision No. 2", as recorded in Liber 140, Pages 39-41, Oakland County, Michigan records; thence North 88 degrees 54 minutes 05 seconds West 60.00 feet to the east line of Section 30, being South 01 degrees 12 minutes 28 seconds West 1273.45 feet from the Northeast Corner of Section 30; thence North 88 degrees 54 minutes 05 seconds West 886.80 feet to the south line of Golfview Drive and the southeast corner of Lot 196 of said "Buckingham Woods Subdivision No. 2"; thence North 43 degrees 54 minutes 05 seconds West, along the said south line, 238.90 feet; thence North 58 degrees 57 minutes 30 seconds West, along said line, 43.62 feet; thence, along said line, on a curve to the left having a radius of 257.00 feet, a central angle of 29 degrees 56 minutes 35 seconds, and a chord bearing and distance of North 73 degrees 55 minutes 47 seconds West 132.79 feet; thence North 88 degrees 54

minutes 05 seconds West, along said line, 395.71 feet; thence, continuing along said line, on a curve to the right having a radius of 428.00 feet, a central angle of 89 degrees 38 minutes 02 seconds, and a chord bearing and distance of North 44 degrees 05 minutes 04 seconds West 603.35 feet; thence North 00 degrees 43 minutes 57 seconds East, along the west line of said Golfview Drive, 508.09 feet to the northeast corner of Lot 147 of said plat and the south line of Big Beaver Road; thence North 89 degrees 16 minutes 03 seconds West, along said south line, 246.99 feet; thence North 00 degrees 43 minutes 57 seconds East 102.00 feet to the north line of Section 30 and the Point of Beginning.

SIDWELL DESCRIPTION

All beginning: 88-20-, then:

19-430-002; 19-453-005; 19-453-008; 19-453-009; 19-453-010; 19-476-001; 20-351-001; 20-351-004; 20-351-005; 20-351-008; 20-351-009; 20-351-010; 20-376-001; 20-376-004; 20-376-005; 20-376-006; 20-401-024; 20-402-041; 20-402-052; 20-402-053; 20-402-054; 20-402-055; 20-476-012; 20-476-030; 20-476-031; 20-476-036; 20-476-039; 20-476-043; 20-476-047; 20-476-049; 20-476-054; 20-476-055; 21-304-024; 21-326-007; 21-326-008; 20-326-009; 21-351-012; 21-351-013; 21-401-001; 21-401-002; 21-476-015; 21-476-018; 21-476-019; 22-355-025; 22-356-031; 22-357-031; 22-358-019; 22-358-028; 22-379-021; 22-379-023; 22-380-033; 22-380-038; 22-383-001; 22-383-002; 22-383-003; 22-383-006; 22-477-040; 22-477-048; 22-477-052; 22-477-053; 22-477-054; 22-477-059; 22-477-060; 22-477-062; 22-478-007; 23-354-047; 26-101-001; 26-101-006; 26-101-009; 26-102-001; 26-102-001; 26-102-002; 26-102-003; 26-102-004; 26-102-005; 26-102-006; 26-102-013; 27-101-020; 27-101-055; 27-101-058; 27-101-060; 27-101-061; 27-101-065; 27-102-026; 27-102-027; 27-201-008; 27-201-009; 27-201-010; 27-201-013; 27-201-014; 27-201-049; 27-201-050; 27-201-053; 27-201-055; 27-201-058; 27-201-058; 27-201-059; 27-201-060; 27-226-026; 27-226-027; 27-227-009; 27-227-010; 27-227-011; 27-228-009; 27-228-010; 27-228-011; 27-228-017; 27-228-018; 27-277-017; 28-101-032; 28-101-034; 28-101-039; 28-101-047; 28-101-050; 28-101-051; 28-101-052; 28-101-053; 28-101-054; 28-101-063; 28-101-064; 28-201-006; 28-201-007; 28-201-008; 28-201-009; 28-203-030; 28-203-034; 28-203-035; 28-203-037; 28-203-038; 28-204-001; 28-204-002; 28-204-003; 28-204-004; 28-204-007; 28-204-008; 28-226-033; 28-226-034; 28-226-035; 28-226-036; 28-227-006; 28-227-007; 28-251-007; 28-251-008; 28-251-009; 28-251-010; 28-251-011; 28-251-012; 28-251-013; 28-251-030; 28-251-037; 28-251-038; 28-251-039; 28-252-016; 28-252-017; 28-252-018; 28-276-044; 28-276-048; 28-276-049; 28-276-050; 28-277-008; 28-430-017; 29-101-004; 29-101-006; 29-101-009; 29-101-010; 29-101-011; 29-127-023; 29-127-025; 29-201-001; 29-201-022; 29-201-023; 29-201-024; 29-201-025; 29-226-002; 29-226-005; 29-226-016; 29-226-043; 29-226-046; 29-226-047; 29-226-048; 29-226-049; 29-226-050; 29-226-051; 29-226-052; 29-226-053; 29-226-054; 29-226-055; 29-226-056; 29-226-057; 29-226-058; 29-226-059; 29-226-060; 29-226-061; 29-226-062; 29-226-063; 29-226-064; 29-226-065; 29-226-066; 29-226-067; 29-226-068; 29-226-069; 29-226-070; 29-226-072; 29-226-073; 29-226-074; 29-226-075; 29-277-026; 30-202-004; 30-202-005; 30-226-001; 30-226-008; 30-226-009; 30-226-010; 30-228-001; and 30-228-002.

5. EXISTING IMPROVEMENTS IN THE DEVELOPMENT AREA TO BE DEMOLISHED, REPAIRED OR ALTERED AND TIME REQUIRED FOR COMPLETION

The proposed work program for Development Plan #6 incorporates the integration of public and private improvements. Descriptions of the work elements and the schedule for phasing of the projects are delineated in the next section. The "Big Beaver Corridor Study Implementation Plan" may require the renovation of existing public improvements, including but not limited to thoroughfares, sidewalks, landscaping, parking and terrace areas.

6. **THE LOCATION, EXTENT, CHARACTER AND ESTIMATED COST OF IMPROVEMENTS INCLUDING REHABILITATION FOR THE DEVELOPMENT AREA**

Development Plan #6 includes:

MEGA Local Match – The TDDA can make a local commitment of incentives with the Michigan Economic Growth Alliance (MEGA), after it has been determined that local tax abatements cannot satisfy the local commitment requirements. TDDA funds can be used to improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, and repair any building, and any necessary or desirable appurtenances to that property which, in the opinion of the board, aids in the economic growth of the downtown district.

I-75 Interchange Improvements – The project includes all roadwork, pathway/sidewalk, lighting, bridge improvement and landscaping at the I-75/Big Beaver interchange and parts of the I-75/Rochester interchange located in the TDDA boundaries.

Public Thoroughfares, Intersections and Service Roads – The project includes improvements to the thoroughfares, intersections and installation of service roads consistent with the Big Beaver Corridor Plan including landscaping, pathways, sidewalks, bridges, and lighting in public rights-of-way within the TDDA boundaries.

Park Improvements – The project includes aesthetic improvements, art work, and other physical improvements to create open areas consistent with the Parks and Recreation Master Plan and the Big Beaver Corridor Study.

Property Acquisition – The TDDA can acquire by purchase or otherwise, on terms and conditions and in a manner the authority considers proper or own, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests in property, which the authority determines is reasonably necessary to achieve the purposes of this act, and to grant or acquire licenses, easements, and options with respect to that property. Further, the TDDA can improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair, and operate any building, including multiple-family dwellings, and any necessary or desirable appurtenances to that property, within the downtown district for the use, in whole or in part, of any public or private person or corporation, or a combination of them.

A copy of the Big Beaver Corridor Study is attached as Exhibit # 2.

Funding sources include, but are not limited to, TDDA Funds/Bonds, General Obligation Bonds, State/Federal Funds, State/Federal/Charitable Grants, and Private Funds. Public investment is estimated at \$27,500,000.

The TDDA commissioned a study by the Chesapeake Group to determine the private investment potential created by implementing the key concepts in the Big Beaver Corridor Study. The report indicates that the total private investment potential is estimated at \$3,647,500,000. The report is attached as Exhibit # 3.

7. **STATEMENT OF THE CONSTRUCTION OR STAGES OF CONSTRUCTION PLANNED, AND THE ESTIMATED TIME OF COMPLETION**

Generally, implementation will commence in Summer 2007. It is expected that the work on the Development Plan will continue through the duration of the Authority, which is enabled through the collection of taxes levied through December of 2018.

8. **PARTS OF THE DEVELOPMENT AREA TO BE LEFT AS OPEN SPACE AND CONTEMPLATED USE**

There is a one-acre ± site on the northeast corner of Big Beaver and Rochester Road that likely will be developed into a passive park use.

9. **PORTIONS OF THE DEVELOPMENT AREA WHICH THE AUTHORITY DESIRES TO SELL, DONATE, EXCHANGE, OR LEASE TO OR FROM THE MUNICIPALITY AND THE PROPOSED TERMS**

None

10. **DESIRED ZONING CHANGES AND CHANGES IN STREETS, STREET LEVELS, INTERSECTIONS AND UTILITIES**

No zoning changes are anticipated by the Authority for the project in Development Plan #6. The Planning Commission is currently updating the City of Troy Master Land Use Plan, which likely will result in zoning changes and/or the development of overlay districts. Changes are required in streets, intersections and utilities in keeping with the terms and conditions of the “Big Beaver Corridor Study”.

11. **ESTIMATE OF THE COST OF THE DEVELOPMENT, PROPOSED METHOD OF FINANCING AND ABILITY OF THE AUTHORITY TO ARRANGE THE FINANCING**

Financing for the project would be provided through funds generated by the Tax Increment Financing Plan induced by annual increases in property valuations from normal growth and new construction within the DDA District.

12. **DESIGNATION OF PERSON OR PERSONS, NATURAL OR CORPORATE, TO WHOM ALL OR A PORTION OF THE DEVELOPMENT IS TO BE LEASED, SOLD, OR CONVEYED IN ANY MANNER AND FOR WHOSE BENEFIT THE PROJECT IS BEING UNDERTAKEN IF THAT INFORMATION IS AVAILABLE TO THE AUTHORITY**

The public improvements undertaken pursuant to Development Plan #6 will remain in public ownership for the public benefit. TDDA funds used to satisfy a local match with MEGA can be used to improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, and repair any building, and any necessary or desirable appurtenances to that property. The improvements will immediately benefit the private property owner and/or tenant, but will also benefit the public, surrounding businesses and neighbors by aiding in the economic growth of the downtown district and improving the physical infrastructure.

13. **PROCEDURES FOR BIDDING FOR THE LEASING, PURCHASING, OR CONVEYING OF ALL OR A PORTION OF THE DEVELOPMENT UPON ITS COMPLETION, IF THERE IS NO EXPRESS OR IMPLIED AGREEMENT BETWEEN THE AUTHORITY AND PERSONS, NATURAL OR CORPORATE, THAT ALL OR A PORTION OF THE DEVELOPMENT WILL BE LEASED, SOLD, CONVEYED TO THOSE PERSONS**

Any land acquisitions will be in accordance with the procedures of Act 344 of the Michigan Public Acts of 1945, as amended; Act 87 of the Michigan Public Acts of 1980, as amended, and the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970 as amended, and the regulations promulgated thereunder by the US Department of Housing and Urban Development.

Any such sale, lease or exchange shall be conducted by TDDA or the City of Troy pursuant to requirements specified in Act 197 of Public Acts of 1975, as amended. If needed, more detailed procedures will be developed prior to the transactions, in accordance with applicable City policy, Michigan State Law and Federal Law.

14. ESTIMATE OF THE NUMBER OF PERSONS RESIDING IN THE DEVELOPMENT AREA AND THE NUMBER OF FAMILIES AND INDIVIDUALS TO BE DISPLACED

Development Plan #6 does not require the acquisition and clearance of occupied residential property or the displacement of individuals and families within the Development Area. As a result, a plan for compliance of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended need not be addressed. Should it become necessary to address relocation at some future date, the TDDA shall abide by requirements of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

15. PLAN FOR ESTABLISHING PRIORITY FOR THE RELOCATION OF PERSONS DISPLACED BY THE DEVELOPMENT IN ANY NEW HOUSING IN THE DEVELOPMENT AREA

Development Plan #6 does not require the acquisition and clearance of occupied residential property or the displacement of individuals and families. As a result, a plan for compliance of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended need not be addressed. Should it become necessary to address relocation at some future date, the TDDA shall abide by requirements of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

16. PROVISION FOR THE COSTS OF RELOCATING PERSONS DISPLACED BY THE DEVELOPMENT, AND FINANCIAL ASSISTANCE AND REIMBURSEMENT OF EXPENSES, INCLUDING LITIGATION EXPENSES AND EXPENSES INCIDENT TO THE TRANSFER OF TITLE IN ACCORDANCE WITH THE STANDARDS AND PROVISIONS OF THE FEDERAL UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970

Development Plan #6 does not require the acquisition and clearance of occupied residential property or the displacement of individuals and families. As a result, a plan for compliance of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 as amended need not be addressed. Should it become necessary to address relocation at some future date, the TDDA shall abide by requirements of the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and Act 227 of Public Acts of 1972, as amended.

17. **PLAN FOR COMPLIANCE WITH THE FEDERAL UNIFORM RELOCATION ASSISTANCE AND REAL PROPERTY ACQUISITION POLICIES ACT OF 1970 AND ACT 227 OF THE PUBLIC ACTS OF 1972 AS AMENDED**

Act 227 of Public Acts of 1972, as amended, is an Act to provide financial assistance, advisory services and reimbursement of certain expenses to persons displaced from real property or deprived of certain rights in real property. This Act requires procedures and policies comparable to the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended. Since Development Plan #6 does not require the acquisition of residential property and displacement of persons, a plan for compliance with Act 227 is not addressed. Should the TDDA find it necessary to acquire occupied residential properties, a plan for compliance with Act 227 will be prepared.

TAX INCREMENT FINANCING PLAN NO. 6

1. DEFINITIONS USED IN THIS PLAN

- A. Captured Assessed Value** -- (CAV) means the amount in any one (1) year by which the current assessed value, as equalized, of the eligible property identified in the Tax Increment Financing Plan, including the current assessed value of property for which specific local taxes are paid in lieu of property taxes as determined in Subdivision (c) exceeds the Initial Assessed Value. The State Tax Commission shall prescribe the method for calculating Captured Assessed Value.
- B. Initial Assessed Value** – (IAV) means the assessed value, as equalized, of the eligible property identified in the Tax Increment Financing Plan at the time the Resolution establishing the Tax Increment Financing Plan is approved as shown by the most recent assessment roll for which equalization has been completed at the time the Resolution is adopted. Property exempt from taxation at the time of the determination of the Initial Assessed Value shall be included as zero. Property for which a specific local tax is paid in lieu of property tax shall not be considered exempt from taxation. The Initial Assessed Value of property for which a specific local tax was paid in lieu of property tax shall be determined as provided in Subdivision (c).

“Assessed value” means one of the following:

1. For valuations made before January 1, 1996, the state equalized valuation as determined under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157.
 2. For valuations made after December 31, 1994, the taxable value as determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.
- C. Specific Local Taxes** – means a tax levied under Act 198 of the Public Acts of 1974, being sections 207.551 to 207.571 of the Michigan Compiled Laws, the Commercial Redevelopment Act, Act No. 255 of the Public Acts of 1978, being Section 207.651 to 207.668 of the Michigan Compiled Laws, the Enterprise Zone Act, Act No. 2424 of the Public Acts of 1985, being Sections 125.2101 to 125.2122 of the Michigan Compiled Laws, and the Technology Park Development Act, Act No. 285 of the Public Acts of 1984, being Sections 207.701 to 207.718 of the Michigan Compiled Laws. The Initial Assessed Value or Current Assessed Value of property subject to specific local tax shall be the quotient of the specific local tax paid dividend by the ad valorem millage rate.

2. PURPOSE OF THE TAX INCREMENT FINANCING PLAN

If the Board determines that it is necessary for the achievement of the purposes of the Downtown Development Act, it shall prepare and submit a Tax Increment Financing Plan to the Governing Body, which shall contain the following:

The City of Troy's Downtown Development Area wishes to avoid deterioration of its property values. In order to avoid property tax value deterioration and to continue to increase property tax valuations and facilitate the overall economic growth of its Business District, it is deemed to be beneficial and necessary to create and provide for the operation of a Downtown

Development Authority in the city under the provisions of Act 197 Public Acts of Michigan, 1975 as amended (the "Act").

The Authority has determined that a Tax Increment Financing Plan is necessary for the achievement of the purposes of the Act and it is authorized to prepare and submit said Plan to the Governing Body. The Tax Increment Financing Plan (the "Plan"), set forth herein shall include a Development Plan, a detailed explanation of the Tax Increment procedure, the maximum amount of bonded indebtedness to be incurred, the duration of the program, the impact of Tax Increment Financing on the assessed values of all taxing jurisdictions in which the Development Area is located and a statement of the portion of the Captured Assessed Value to be used by the Authority.

3. EXPLANATION OF THE TAX INCREMENT PROCEDURE

The theory of Tax Increment Financing holds that investment is necessary and capital improvements in a designated area within a Municipality will result in greater property tax revenues from that area than would otherwise occur if no special development were undertaken. This section is intended to explain the Tax Increment procedure.

A. In order to provide a Downtown Development Authority with the means of financing development proposals, the Act affords the opportunity to undertake Tax Increment Financing or Development Programs. These programs must be identified in a Tax Increment Financing Plan, which has been approved by the Governing Body of a Municipality. Tax Increment Financing permits the Authority to capture incremental tax revenues attributable to increases in value of Real and Personal Property located within an approved Development area. The increases in property value may be attributable to new construction, rehabilitation, remodeling, alterations, additions or any other factors, which cause growth in value.

B. At the time the Resolution establishing a Tax Increment Financing Plan is approved, the sum of the most recently assessed values, as equalized, of those taxable properties located within the Development Area is established as the "Initial Assessed Value." Property exempt from taxation at the time of determination of the Initial Assessed Value is included as zero. In each subsequent year, the total Real and Personal Property within the District, including abated property on separate rolls is established as the "Current Assessed Value."

C. The amount by which the Total Assessed Value exceeds the IAV is the CAV. During the period in which a Tax Increment financing Plan is in effect, local taxing jurisdictions continue to receive ad valorem taxes based on the IAV. Property taxes paid on a predetermined portion of the CAV in years subsequent to the adoption of a Tax Increment Financing Plan, however, are payable to an Authority for the purposes established in the Tax Increment Financing Plan.

4. TAXING JURISDICTION AGREEMENTS

Tax increment revenues for the Downtown Development authority result from the application of the general tax rates of the incorporated municipalities and all other political subdivisions, which levy taxes in the Development Area to the Captured Assessed Value. Since the Plan may provide for the use of all or part of the captured tax increment revenue, the Downtown Development authority may enter into agreements which any of the taxing units to share a portion of the revenue of the District.

The Authority intends to utilize all captured revenue from the District for projects identified under its Work Program for the duration of this Development Plan and TIF Plan.

5. PROPERTY VALUATIONS AND CAPTURED REVENUE

The property valuation on which incremental tax revenues will be captured is the difference between the Initial Assessed Valuation and the Captured Assessed Valuation. The purpose of this section is to set forth the Initial Assessed Valuation, the projected Captured Assessed Valuation and the anticipated increment revenues to be received by the Authority from the Local Taxing Jurisdictions including the City of Troy, the and any other authorities or special tax districts that may be eligible to levy property taxes within the boundaries of the Downtown Development authority, herein collectively referred to as the “Local Taxing Jurisdictions.”

- a) The Initial Assessed Valuation entails that previously established through Tax Increment Financing Plan #1. It is based on the 1993 State Equalized Valuations on Real and Personal Property on all non-exempt parcels within the Development Area. The Initial Assessed Valuation is detailed below:

Total Real Property	\$342,342,400
Total Personal Property	<u>\$ 86,936,130</u>
Initial Assessed Valuation	<u>\$429,278,530</u>

- b) The anticipated Captured Assessed Value is equivalent to the annual total assessed value within the Authority Boundaries less the Initial Assessed Value as described above. The CAV then becomes the basis for the property tax levy on which incremental taxes are collected. The CAV is projected based on a number of factors including historical growth patterns, recent construction trends, economic indicators and the impact of certain development projects anticipated to be undertaken by the Downtown Development Authority. For projection purposes, the inflationary growth factor applied to annual valuation is 1.0%.
- c) The Authority will receive that portion of the tax levy of all taxing jurisdictions paid each year on the Captured Assessed Value of the eligible property included in the Development Area). Provided the captured tax increment revenues are not directed back to the local taxing jurisdictions by agreement, the Authority may use the revenues for any legal purpose as is established under the Act. Millage specifically levied for the payment of principal of and interest on obligations approved by the Electors or obligations pledging the unlimited taxing power of the Local Governmental Unit shall be captured but reimbursed to the appropriate taxing jurisdictions.

For instance, if the tax rate is 60.00 mills per \$1,000 of assessed valuation, the tax increment will be 60.00 mills applied to the total Captured Assessed Valuation unless tax abatements have been granted to specific industries whereby the tax increment may be collected on a lower millage amount.

The City Treasurer will collect the general property taxes from property owners in the Downtown Area. After taxes are collected, the Treasurer will deduct that portion of the total tax that is captured assessed value of the Downtown Development Authority and distribute them to the authority to use for purposes outlined in the Development Plan.

A review of the 2001 millage rates for all Local Taxing Jurisdictions in the Development Area is as set forth in Table #1 TDDA – Tax Increment Revenue.

6. MAXIMUM INDEBTEDNESS

Changes to Tax Increment Financing imposed through approval of Proposal A in March 1994 prohibit the use of such revenues for reimbursement of bond indebtedness in projects established after December 31, 1993. The state legislature amended Proposal A to allow for non-school revenues to be used by Downtown Development Authorities to issue bonds.

Effective upon the retirement, redemption or other defeasance of all Outstanding Bonds, the provisions of Section 14(2) of Plan #1 are amended to conform with the statutory provisions of Act 197, as amended, in effect at the time of the issuance of any future indebtedness of the City, the TDDA or both. The more restrictive provisions in Plan #1 or Plan #2 of the TDDA including, but not limited to, limitations set for the in Section 14(2) of Plan #1 on the percentage and/or amount of TDDA tax increment revenues that may be pledged and restrictions on the total aggregate amount of borrowing of the TDDA shall be of no further force and effect with respect to such future indebtedness.

7. USE OF CAPTURED REVENUES

Revenues captured through this Tax Increment Finance Plan will be used to finance Work Program Activities outlined in Section 6 of the Development Plan. Captured revenues will be used to pay for costs associated with the operation of this Development Plan.

8. DURATION OF THE PROGRAM

The duration of the Development Plan shall extend through the collection of taxes levied through December of 2018.

9. PLAN IMPACT ON LOCAL TAXING JURISDICTIONS

The Authority recognizes that future development in the city's business district cannot be fully achieved in the absence of Tax Increment Financing. The authority also recognizes that enhancement of the value of nearby property will indirectly benefit all Local Governmental Units included in this Plan. It is expected that the effected Local Taxing Jurisdictions will experience some loss of property tax revenues during the first ten (10) years of the Plan and should realize increased property tax revenues thereafter as a result of Capital Improvements financed by the Plan. Such future benefits cannot be accurately quantified at this time.

10. RELEASE OF CAPTURED REVENUES

When the Development and Financing Plans have been accomplished, the captured revenue shall be released and the Local Taxing Jurisdictions shall receive their revenue share due following the date of release.

DOWNTOWN DEVELOPMENT AUTHORITY
Act 197 of 1975

AN ACT to provide for the establishment of a downtown development authority; to prescribe its powers and duties; to correct and prevent deterioration in business districts; to encourage historic preservation; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans in the districts; to promote the economic growth of the districts; to create a board; to prescribe its powers and duties; to authorize the levy and collection of taxes; to authorize the issuance of bonds and other evidences of indebtedness; to authorize the use of tax increment financing; to reimburse downtown development authorities for certain losses of tax increment revenues; and to prescribe the powers and duties of certain state officials.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1988, Act 425, Imd. Eff. Dec. 27, 1988;—Am. 1993, Act 323, Eff. Mar. 15, 1994.

Popular name: Downtown Development Authority Act

Popular name: DDA

The People of the State of Michigan enact:

125.1651 Definitions.

Sec. 1. As used in this act:

(a) "Advance" means a transfer of funds made by a municipality to an authority or to another person on behalf of the authority in anticipation of repayment by the authority. Evidence of the intent to repay an advance may include, but is not limited to, an executed agreement to repay, provisions contained in a tax increment financing plan approved prior to the advance, or a resolution of the authority or the municipality.

(b) "Assessed value" means 1 of the following:

(i) For valuations made before January 1, 1995, the state equalized valuation as determined under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157.

(ii) For valuations made after December 31, 1994, the taxable value as determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

(c) "Authority" means a downtown development authority created pursuant to this act.

(d) "Board" means the governing body of an authority.

(e) "Business district" means an area in the downtown of a municipality zoned and used principally for business.

(f) "Captured assessed value" means the amount in any 1 year by which the current assessed value of the project area, including the assessed value of property for which specific local taxes are paid in lieu of property taxes as determined in subdivision (y), exceeds the initial assessed value. The state tax commission shall prescribe the method for calculating captured assessed value.

(g) "Chief executive officer" means the mayor or city manager of a city, the president or village manager of a village, or the supervisor of a township or, if designated by the township board for purposes of this act, the township superintendent or township manager of a township.

(h) "Development area" means that area to which a development plan is applicable.

(i) "Development plan" means that information and those requirements for a development plan set forth in section 17.

(j) "Development program" means the implementation of the development plan.

(k) "Downtown district" means that part of an area in a business district that is specifically designated by ordinance of the governing body of the municipality pursuant to this act. A downtown district may include 1 or more separate and distinct geographic areas in a business district as determined by the municipality if the municipality enters into an agreement with a qualified township under section 3(7) or if the municipality is a city that surrounds another city and that other city lies between the 2 separate and distinct geographic areas. If the downtown district contains more than 1 separate and distinct geographic area in the downtown district, the separate and distinct geographic areas shall be considered 1 downtown district.

(l) "Eligible advance" means an advance made before August 19, 1993.

(m) "Eligible obligation" means an obligation issued or incurred by an authority or by a municipality on behalf of an authority before August 19, 1993 and its subsequent refunding by a qualified refunding obligation. Eligible obligation includes an authority's written agreement entered into before August 19, 1993 to pay an obligation issued after August 18, 1993 and before December 31, 1996 by another entity on behalf of the authority.

(n) "Fire alarm system" means a system designed to detect and annunciate the presence of fire, or

by-products of fire. Fire alarm system includes smoke detectors.

(o) "Fiscal year" means the fiscal year of the authority.

(p) "Governing body of a municipality" means the elected body of a municipality having legislative powers.

(q) "Initial assessed value" means the assessed value, as equalized, of all the 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 resolution is adopted. Property exempt from taxation at the time of the determination of the initial assessed value shall be included as zero. For the purpose of determining initial assessed value, property for which a specific local tax is paid in lieu of a property tax shall not be considered to be property that is exempt from taxation. The initial assessed value of property for which a specific local tax was paid in lieu of a property tax shall be determined as provided in subdivision (y). In the case of a municipality having a population of less than 35,000 that established an authority prior to 1985, created a district or districts, and approved a development plan or tax increment financing plan or amendments to a plan, and which plan or tax increment financing plan or amendments to a plan, and which plan expired by its terms December 31, 1991, the initial assessed value for the purpose of any plan or plan amendment adopted as an extension of the expired plan shall be determined as if the plan had not expired December 31, 1991. For a development area designated before 1997 in which a renaissance zone has subsequently been designated pursuant to the Michigan renaissance zone act, 1996 PA 376, MCL 125.2681 to 125.2696, the initial assessed value of the development area otherwise determined under this subdivision shall be reduced by the amount by which the current assessed value of the development area was reduced in 1997 due to the exemption of property under section 7ff of the general property tax act, 1893 PA 206, MCL 211.7ff, but in no case shall the initial assessed value be less than zero.

(r) "Municipality" means a city, village, or township.

(s) "Obligation" means a written promise to pay, whether evidenced by a contract, agreement, lease, sublease, bond, or note, or a requirement to pay imposed by law. An obligation does not include a payment required solely because of default upon an obligation, employee salaries, or consideration paid for the use of municipal offices. An obligation does not include those bonds that have been economically defeased by refunding bonds issued under this act. Obligation includes, but is not limited to, the following:

(i) A requirement to pay proceeds derived from ad valorem property taxes or taxes levied in lieu of ad valorem property taxes.

(ii) A management contract or a contract for professional services.

(iii) A payment required on a contract, agreement, bond, or note if the requirement to make or assume the payment arose before August 19, 1993.

(iv) A requirement to pay or reimburse a person for the cost of insurance for, or to maintain, property subject to a lease, land contract, purchase agreement, or other agreement.

(v) A letter of credit, paying agent, transfer agent, bond registrar, or trustee fee associated with a contract, agreement, bond, or note.

(t) "On behalf of an authority", in relation to an eligible advance made by a municipality, or an eligible obligation or other protected obligation issued or incurred by a municipality, means in anticipation that an authority would transfer tax increment revenues or reimburse the municipality from tax increment revenues in an amount sufficient to fully make payment required by the eligible advance made by the municipality, or eligible obligation or other protected obligation issued or incurred by the municipality, if the anticipation of the transfer or receipt of tax increment revenues from the authority is pursuant to or evidenced by 1 or more of the following:

(i) A reimbursement agreement between the municipality and an authority it established.

(ii) A requirement imposed by law that the authority transfer tax increment revenues to the municipality.

(iii) A resolution of the authority agreeing to make payments to the incorporating unit.

(iv) Provisions in a tax increment financing plan describing the project for which the obligation was incurred.

(u) "Operations" means office maintenance, including salaries and expenses of employees, office supplies, consultation fees, design costs, and other expenses incurred in the daily management of the authority and planning of its activities.

(v) "Other protected obligation" means:

(i) A qualified refunding obligation issued to refund an obligation described in subparagraph (ii), (iii), or (iv), an obligation that is not a qualified refunding obligation that is issued to refund an eligible obligation, or a qualified refunding obligation issued to refund an obligation described in this subparagraph.

(ii) An obligation issued or incurred by an authority or by a municipality on behalf of an authority after August 19, 1993, but before December 31, 1994, to finance a project described in a tax increment finance plan approved by the municipality in accordance with this act before December 31, 1993, for which a contract for final design is entered into by or on behalf of the municipality or authority before March 1, 1994 or for which a written agreement with a developer, titled preferred development agreement, was entered into by or on behalf of the municipality or authority in July 1993.

(iii) An obligation incurred by an authority or municipality after August 19, 1993, to reimburse a party to a development agreement entered into by a municipality or authority before August 19, 1993, for a project described in a tax increment financing plan approved in accordance with this act before August 19, 1993, and undertaken and installed by that party in accordance with the development agreement.

(iv) An obligation incurred by the authority evidenced by or to finance a contract to purchase real property within a development area or a contract to develop that property within the development area, or both, if all of the following requirements are met:

(A) The authority purchased the real property in 1993.

(B) Before June 30, 1995, the authority enters a contract for the development of the real property located within the development area.

(C) In 1993, the authority or municipality on behalf of the authority received approval for a grant from both of the following:

(I) The department of natural resources for site reclamation of the real property.

(II) The department of consumer and industry services for development of the real property.

(v) An ongoing management or professional services contract with the governing body of a county which was entered into before March 1, 1994 and which was preceded by a series of limited term management or professional services contracts with the governing body of the county, the last of which was entered into before August 19, 1993.

(vi) A loan from a municipality to an authority if the loan was approved by the legislative body of the municipality on April 18, 1994.

(vii) Funds expended to match a grant received by a municipality on behalf of an authority for sidewalk improvements from the Michigan department of transportation if the legislative body of the municipality approved the grant application on April 5, 1993 and the grant was received by the municipality in June 1993.

(viii) For taxes captured in 1994, an obligation described in this subparagraph issued or incurred to finance a project. An obligation is considered issued or incurred to finance a project described in this subparagraph only if all of the following are met:

(A) The obligation requires raising capital for the project or paying for the project, whether or not a borrowing is involved.

(B) The obligation was part of a development plan and the tax increment financing plan was approved by a municipality on May 6, 1991.

(C) The obligation is in the form of a written memorandum of understanding between a municipality and a public utility dated October 27, 1994.

(D) The authority or municipality captured school taxes during 1994.

(w) "Public facility" means a street, plaza, pedestrian mall, and any improvements to a street, plaza, or pedestrian mall including street furniture and beautification, park, parking facility, recreational facility, right-of-way, structure, waterway, bridge, lake, pond, canal, utility line or pipe, building, and access routes to any of the foregoing, designed and dedicated to use by the public generally, or used by a public agency. Public facility includes an improvement to a facility used by the public or a public facility as those terms are defined in section 1 of 1966 PA 1, MCL 125.1351, which improvement is made to comply with the barrier free design requirements of the state construction code promulgated under the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

(x) "Qualified refunding obligation" means an obligation issued or incurred by an authority or by a municipality on behalf of an authority to refund an obligation if the obligation is issued to refund a qualified refunding obligation issued in November 1997 and any subsequent refundings of that obligation issued before January 1, 2010 or the refunding obligation meets both of the following:

(i) The net present value of the principal and interest to be paid on the refunding obligation, including the cost of issuance, will be less than the net present value of the principal and interest to be paid on the obligation being refunded, as calculated using a method approved by the department of treasury.

(ii) The net present value of the sum of the tax increment revenues described in subdivision (bb)(ii) and the distributions under section 13b to repay the refunding obligation will not be greater than the net present value of the sum of the tax increment revenues described in subdivision (bb)(ii) and the distributions under section 13b to repay the obligation being refunded, as calculated using a method approved by the department of

treasury.

(y) "Qualified township" means a township that meets all of the following requirements:

(i) Was not eligible to create an authority prior to January 3, 2005.

(ii) Adjoins a municipality that previously created an authority.

(iii) Along with the adjoining municipality that previously created an authority, is a member of the same joint planning commission under the joint municipal planning act, 2003 PA 226, MCL 125.131 to 125.143.

(z) "Specific local tax" means a tax levied under 1974 PA 198, MCL 207.551 to 207.572, the commercial redevelopment act, 1978 PA 255, MCL 207.651 to 207.668, the technology park development act, 1984 PA 385, MCL 207.701 to 207.718, and 1953 PA 189, MCL 211.181 to 211.182. The initial assessed value or current assessed value of property subject to a specific local tax shall be the quotient of the specific local tax paid divided by the ad valorem millage rate. However, after 1993, the state tax commission shall prescribe the method for calculating the initial assessed value and current assessed value of property for which a specific local tax was paid in lieu of a property tax.

(aa) "State fiscal year" means the annual period commencing October 1 of each year.

(bb) "Tax increment revenues" means the amount of ad valorem property taxes and specific local taxes attributable to the application of the levy of all taxing jurisdictions upon the captured assessed value of real and personal property in the development area, subject to the following requirements:

(i) Tax increment revenues include ad valorem property taxes and specific local taxes attributable to the application of the levy of all taxing jurisdictions other than the state pursuant to the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, and local or intermediate school districts upon the captured assessed value of real and personal property in the development area for any purpose authorized by this act.

(ii) Tax increment revenues include ad valorem property taxes and specific local taxes attributable to the application of the levy of the state pursuant to the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, and local or intermediate school districts upon the captured assessed value of real and personal property in the development area in an amount equal to the amount necessary, without regard to subparagraph (i), to repay eligible advances, eligible obligations, and other protected obligations.

(iii) Tax increment revenues do not include any of the following:

(A) Ad valorem property taxes attributable either to a portion of the captured assessed value shared with taxing jurisdictions within the jurisdictional area of the authority or to a portion of value of property that may be excluded from captured assessed value or specific local taxes attributable to such ad valorem property taxes.

(B) Ad valorem property taxes excluded by the tax increment financing plan of the authority from the determination of the amount of tax increment revenues to be transmitted to the authority or specific local taxes attributable to such ad valorem property taxes.

(C) Ad valorem property taxes exempted from capture under section 3(3) or specific local taxes attributable to such ad valorem property taxes.

(iv) The amount of tax increment revenues authorized to be included under subparagraph (ii) or (v), and required to be transmitted to the authority under section 14(1), from ad valorem property taxes and specific local taxes attributable to the application of the levy of the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, a local school district or an intermediate school district upon the captured assessed value of real and personal property in a development area shall be determined separately for the levy by the state, each school district, and each intermediate school district as the product of sub-subparagraphs (A) and (B):

(A) The percentage that the total ad valorem taxes and specific local taxes available for distribution by law to the state, local school district, or intermediate school district, respectively, bears to the aggregate amount of ad valorem millage taxes and specific taxes available for distribution by law to the state, each local school district, and each intermediate school district.

(B) The maximum amount of ad valorem property taxes and specific local taxes considered tax increment revenues under subparagraph (ii) or (v).

(v) Tax increment revenues include ad valorem property taxes and specific local taxes, in an annual amount and for each year approved by the state treasurer, attributable to the levy by this state under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, and by local or intermediate school districts, upon the captured assessed value of real and personal property in the development area of an authority established in a city with a population of 750,000 or more to pay for, or reimburse an advance for, not more than \$8,000,000.00 for the demolition of buildings or structures on public or privately owned property within a development area that commences in 2005, or to pay the annual principal of or interest on an obligation, the terms of which are approved by the state treasurer, issued by an authority, or by a city on behalf of an authority, to pay not more than \$8,000,000.00 of the costs to demolish buildings or structures on public or privately owned property within a development area that commences in 2005.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1985, Act 221, Imd. Eff. Jan. 10, 1986;—Am. 1993, Act 323, Eff. Mar. 15, 1994;—Am. 1994, Act 280, Imd. Eff. July 11, 1994;—Am. 1994, Act 330, Imd. Eff. Oct. 14, 1994;—Am. 1994, Act 381, Imd. Eff. Dec. 28, 1994;—Am. 1996, Act 269, Imd. Eff. June 12, 1996;—Am. 1996, Act 454, Imd. Eff. Dec. 19, 1996;—Am. 1997, Act 202, Imd. Eff. Jan. 13, 1998;—Am. 2003, Act 136, Imd. Eff. Aug. 1, 2003;—Am. 2004, Act 66, Imd. Eff. Apr. 20, 2004;—Am. 2004, Act 158, Imd. Eff. June 17, 2004;—Am. 2004, Act 196, Imd. Eff. July 8, 2004;—Am. 2005, Act 13, Imd. Eff. May 4, 2005;—Am. 2005, Act 115, Imd. Eff. Sept. 22, 2005.

Compiler's note: Enacting section 1 of Act 202 of 1997 provides:

“The provisions of section 1 and section 13b, as amended by this amendatory act, are retroactive and effective for taxes levied after 1993.”

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1651a Legislative findings.

Sec. 1a. The legislature finds all of the following:

(a) That there exists in this state conditions of property value deterioration detrimental to the state economy and the economic growth of the state and its local units of government.

(b) That government programs are desirable and necessary to eliminate the causes of property value deterioration thereby benefiting the economic growth of the state.

(c) That it is appropriate to finance these government programs by means available to the state and local units of government in the state, including tax increment financing.

(d) That tax increment financing is a government financing program that contributes to economic growth and development by dedicating a portion of the increase in the tax base resulting from economic growth and development to facilities, structures, or improvements within a development area thereby facilitating economic growth and development.

(e) That it is necessary for the legislature to exercise its power to legislate tax increment financing as authorized in this act and in the exercise of this power to mandate the transfer of tax increment revenues by city, village, township, school district, and county treasurers to authorities created under this act in order to effectuate the legislative government programs to eliminate property value deterioration and to promote economic growth.

(f) That halting property value deterioration and promoting economic growth in the state are essential governmental functions and constitute essential public purposes.

(g) That economic development strengthens the tax base upon which local units of government rely and that government programs to eliminate property value deterioration benefit local units of government and are for the use of the local units of government.

(h) That the provisions of this act are enacted to provide a means for local units of government to eliminate property value deterioration and to promote economic growth in the communities served by those local units of government.

History: Add. 1988, Act 425, Imd. Eff. Dec. 27, 1988.

Compiler's note: Section 2 of Act 425 of 1988 provides: “This amendatory act is effective beginning with taxes levied in 1989. However, for taxes levied before 1989, tax increment revenues based on the definition of initial assessed value provided for in this amendatory act that were received by an authority are validated.”

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1652 Authority; establishment; restriction; public body corporate; powers generally.

Sec. 2. (1) Except as otherwise provided in this subsection, a municipality may establish 1 authority. If, before November 1, 1985, a municipality establishes more than 1 authority, those authorities may continue to exist as separate authorities. Under the conditions described in section 3a, a municipality may have more than 1 authority within that municipality's boundaries. A parcel of property shall not be included in more than 1 authority created by this act.

(2) An authority shall be a public body corporate which may sue and be sued in any court of this state. An authority possesses all the powers necessary to carry out the purpose of its incorporation. The enumeration of a power in this act shall not be construed as a limitation upon the general powers of an authority.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1985, Act 159, Imd. Eff. Nov. 15, 1985.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1653 Resolution of intent to create and provide for operation of authority; public hearing on proposed ordinance creating authority and designating boundaries of downtown

Rendered Wednesday, December 21, 2005

Page 5

Michigan Compiled Laws Complete Through PA 258 of 2005

district; notice; exemption of taxes from capture; adoption, filing, and publication of ordinance; altering or amending boundaries; agreement with adjoining municipality; agreement with qualified township.

Sec. 3. (1) When the governing body of a municipality determines that it is necessary for the best interests of the public to halt property value deterioration and increase property tax valuation where possible in its business district, to eliminate the causes of that deterioration, and to promote economic growth, the governing body may, by resolution, declare its intention to create and provide for the operation of an authority.

(2) In the resolution of intent, the governing body shall set a date for the holding of a public hearing on the adoption of a proposed ordinance creating the authority and designating the boundaries of the downtown district. Notice of the public hearing shall be published twice in a newspaper of general circulation in the municipality, not less than 20 or more than 40 days before the date of the hearing. Not less than 20 days before the hearing, the governing body proposing to create the authority shall also mail notice of the hearing to the property taxpayers of record in the proposed district and for a public hearing to be held after February 15, 1994 to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the authority is established and a tax increment financing plan is approved. Beginning June 1, 2005, the notice of hearing within the time frame described in this subsection shall be mailed by certified mail to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the authority is established and a tax increment financing plan is approved. Failure of a property taxpayer to receive the notice shall not invalidate these proceedings. Notice of the hearing shall be posted in at least 20 conspicuous and public places in the proposed downtown district not less than 20 days before the hearing. The notice shall state the date, time, and place of the hearing, and shall describe the boundaries of the proposed downtown district. A citizen, taxpayer, or property owner of the municipality or an official from a taxing jurisdiction with millage that would be subject to capture has the right to be heard in regard to the establishment of the authority and the boundaries of the proposed downtown district. The governing body of the municipality shall not incorporate land into the downtown district not included in the description contained in the notice of public hearing, but it may eliminate described lands from the downtown district in the final determination of the boundaries.

(3) Not more than 60 days after a public hearing held after February 15, 1994, the governing body of a taxing jurisdiction levying ad valorem property taxes that would otherwise be subject to capture may exempt its taxes from capture by adopting a resolution to that effect and filing a copy with the clerk of the municipality proposing to create the authority. The resolution takes effect when filed with that clerk and remains effective until a copy of a resolution rescinding that resolution is filed with that clerk.

(4) Not less than 60 days after the public hearing, if the governing body of the municipality intends to proceed with the establishment of the authority, it shall adopt, by majority vote of its members, an ordinance establishing the authority and designating the boundaries of the downtown district within which the authority shall exercise its powers. The adoption of the ordinance is subject to any applicable statutory or charter provisions in respect to the approval or disapproval by the chief executive or other officer of the municipality and the adoption of an ordinance over his or her veto. This ordinance shall be filed with the secretary of state promptly after its adoption and shall be published at least once in a newspaper of general circulation in the municipality.

(5) The governing body of the municipality may alter or amend the boundaries of the downtown district to include or exclude lands from the downtown district pursuant to the same requirements for adopting the ordinance creating the authority.

(6) A municipality that has created an authority may enter into an agreement with an adjoining municipality that has created an authority to jointly operate and administer those authorities under an interlocal agreement under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.

(7) A municipality that has created an authority may enter into an agreement with a qualified township to operate its authority in a downtown district in the qualified township under an interlocal agreement under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512. The interlocal agreement between the municipality and the qualified township shall provide for, but is not limited to, all of the following:

- (a) Size and makeup of the board.
- (b) Determination and modification of downtown district, business district, and development area.
- (c) Modification of development area and development plan.
- (d) Issuance and repayment of obligations.
- (e) Capture of taxes.

(f) Notice, hearing, and exemption of taxes from capture provisions described in this section.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1993, Act 323, Eff. Mar. 15, 1994;—Am. 2004, Act 521, Imd. Eff. Jan. 3, 2005;—Am. 2005, Act 13, Imd. Eff. May 4, 2005;—Am. 2005, Act 115, Imd. Eff. Sept. 22, 2005.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1653a Authority of annexing or consolidated municipality; obligations, agreements, and bonds.

Sec. 3a. If a downtown district is part of an area annexed to or consolidated with another municipality, the authority managing that district shall become an authority of the annexing or consolidated municipality. Obligations of that authority incurred under a development or tax increment plan, agreements related to a development or tax increment plan, and bonds issued under this act shall remain in effect following the annexation or consolidation.

History: Add. 1985, Act 159, Imd. Eff. Nov. 15, 1985.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1653b Ratification and validation of ordinance and actions; applicability of section.

Sec. 3b. (1) An ordinance enacted by a municipality that has a population of less than 50,000 establishing an authority, creating a district, or approving a development plan or tax increment financing plan, or an amendment to an authority, district, or plan, and all actions taken under that ordinance, including the issuance of bonds, are ratified and validated notwithstanding that notice for the public hearing on the establishment of the authority, creation of the district, or approval of the development plan or tax increment financing plan, or on the amendment, was not published, posted, or mailed at least 20 days before the hearing, if the notice was published or posted at least 15 days before the hearing or the authority was established in 1984 by a village that filed the ordinance with the secretary of state not later than March, 1986. This section applies only to an ordinance adopted by a municipality before February 1, 1991, and shall include any bonds or amounts to be used by the authority to pay the principal of and interest on bonds that have been issued or that are to be issued by the authority, the incorporating municipality, or a county on behalf of the incorporating municipality. An authority for which an ordinance or amendment to the ordinance establishing the authority has been published before February 1, 1991 is considered for purposes of section 3(4) to have promptly filed the ordinance or amendment to the ordinance with the secretary of state if the ordinance or amendment to the ordinance is filed with the secretary of state before October 1, 1991. As used in this section, “notice was published” means publication of the notice occurred at least once.

(2) A development plan and tax increment financing plan approved by a resolution adopted by the village council of a village having a population of less than 3,000 before June 15, 1988 rather than by adoption of an ordinance is ratified and validated, if an amendment to the plans was adopted by the village council in compliance with sections 18 and 19.

History: Add. 1989, Act 242, Imd. Eff. Dec. 21, 1989;—Am. 1991, Act 66, Imd. Eff. July 3, 1991;—Am. 1993, Act 42, Imd. Eff. May 27, 1993;—Am. 1993, Act 323, Eff. Mar. 15, 1994.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1653c Proceedings or findings; validity.

Sec. 3c. The validity of the proceedings or findings establishing an authority, or of the procedure, adequacy of notice, or findings with respect to the approval of a development plan or tax increment financing plan is conclusive with respect to the capture of tax increment revenues for an other protected obligation that is a bond issued after October 1, 1994.

History: Add. 1994, Act 381, Imd. Eff. Dec. 28, 1994.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1653d Establishment or amendment of authority, district, or plan; notice; publication or posting.

Sec. 3d. An ordinance enacted by a municipality that has a population of greater than 1,000 and less than 2,000 establishing an authority, creating a district, or approving a development plan or tax increment financing plan, or an amendment to an authority, district, or plan, and all actions taken or to be taken under

that ordinance, including the issuance of bonds, are ratified and validated notwithstanding that notice for the public hearing on the establishment of the authority, creation of the district, or approval of the development plan or tax increment financing plan, or on the amendment, was not published, posted, or mailed at least 20 days before the hearing, provided that the notice was either published or posted at least 10 days before the hearing or that the authority was established in 1990 by a municipality that filed the ordinance with the secretary of state not later than July 1991. This section applies only to an ordinance or an amendment adopted by a municipality before January 1, 1999 and shall include any bonds or amounts to be used by the authority to pay the principal of and interest on bonds that have been issued or that are to be issued by the authority or the incorporating municipality. An authority for which an ordinance or amendment to the ordinance establishing the authority has been published before February 1, 1991 is considered for purposes of section 3(3) to have promptly filed the ordinance or amendment to the ordinance with the secretary of state if the ordinance or amendment to the ordinance is filed with the secretary of state before December 31, 2002. The validity of the proceedings or findings establishing an authority described in this section, or of the procedure, adequacy of notice, or findings with respect to the approval of a development plan or tax increment financing plan for an authority described in this section is conclusive with respect to the capture of tax increment revenues for a bond issued after June 1, 2002 and before June 1, 2006. As used in this section, "notice was either published or posted" means either publication or posting of the notice occurred at least once.

History: Add. 2002, Act 460, Imd. Eff. June 21, 2002.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1654 Board; appointment, terms, and qualifications of members; vacancy; compensation and expenses; election of chairperson; oath; conducting business at public meeting; public notice; special meetings; removal of members; review; expense items and financial records; availability of writings to public; single board governing all authorities; member as resident or having interest in property; planning commission serving as board in certain municipalities; modification by interlocal agreement.

Sec. 4. (1) Except as provided in subsections (7), (8), and (9), an authority shall be under the supervision and control of a board consisting of the chief executive officer of the municipality and not less than 8 or more than 12 members as determined by the governing body of the municipality. Members shall be appointed by the chief executive officer of the municipality, subject to approval by the governing body of the municipality. Not less than a majority of the members shall be persons having an interest in property located in the downtown district. Not less than 1 of the members shall be a resident of the downtown district, if the downtown district has 100 or more persons residing within it. Of the members first appointed, an equal number of the members, as near as is practicable, shall be appointed for 1 year, 2 years, 3 years, and 4 years. A member shall hold office until the member's successor is appointed. Thereafter, each member shall serve for a term of 4 years. An appointment to fill a vacancy shall be made by the chief executive officer of the municipality for the unexpired term only. Members of the board shall serve without compensation, but shall be reimbursed for actual and necessary expenses. The chairperson of the board shall be elected by the board.

(2) Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office.

(3) The business which the board may perform shall be conducted at a public meeting of the board held in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. The board shall adopt rules consistent with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275, governing its procedure and the holding of regular meetings, subject to the approval of the governing body. Special meetings may be held if called in the manner provided in the rules of the board.

(4) Pursuant to notice and after having been given an opportunity to be heard, a member of the board may be removed for cause by the governing body. Removal of a member is subject to review by the circuit court.

(5) All expense items of the authority shall be publicized monthly and the financial records shall always be open to the public.

(6) In addition to the items and records prescribed in subsection (5), a writing prepared, owned, used, in the possession of, or retained by the board in the performance of an official function shall be made available to the public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(7) By resolution of its governing body, a municipality having more than 1 authority may establish a single board to govern all authorities in the municipality. The governing body may designate the board of an existing authority as the board for all authorities or may establish a new board in the same manner as

provided in subsection (1). A member of a board governing more than 1 authority may be a resident of or have an interest in property in any of the downtown districts controlled by the board in order to meet the requirements of this section.

(8) By ordinance, the governing body of a municipality that has a population of less than 5,000 may have the municipality's planning commission created pursuant to 1931 PA 285, MCL 125.31 to 125.45, serve as the board provided for in subsection (1).

(9) If a municipality enters into an agreement with a qualified township under section 3(7), the membership of the board may be modified by the interlocal agreement described in section 3(7).

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1978, Act 521, Imd. Eff. Dec. 20, 1978;—Am. 1985, Act 159, Imd. Eff. Nov. 15, 1985;—Am. 1987, Act 66, Imd. Eff. June 25, 1987;—Am. 2005, Act 115, Imd. Eff. Sept. 22, 2005.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1655 Director, acting director, treasurer, secretary, legal counsel, and other personnel.

Sec. 5. (1) The board may employ and fix the compensation of a director, subject to the approval of the governing body of the municipality. The director shall serve at the pleasure of the board. A member of the board is not eligible to hold the position of director. Before entering upon the duties of his office, the director shall take and subscribe to the constitutional oath, and furnish bond, by posting a bond in the penal sum determined in the ordinance establishing the authority payable to the authority for use and benefit of the authority, approved by the board, and filed with the municipal clerk. The premium on the bond shall be deemed an operating expense of the authority, payable from funds available to the authority for expenses of operation. The director shall be the chief executive officer of the authority. Subject to the approval of the board, the director shall supervise, and be responsible for, the preparation of plans and the performance of the functions of the authority in the manner authorized by this act. The director shall attend the meetings of the board, and shall render to the board and to the governing body of the municipality a regular report covering the activities and financial condition of the authority. If the director is absent or disabled, the board may designate a qualified person as acting director to perform the duties of the office. Before entering upon the duties of his office, the acting director shall take and subscribe to the oath, and furnish bond, as required of the director. The director shall furnish the board with information or reports governing the operation of the authority as the board requires.

(2) The board may employ and fix the compensation of a treasurer, who shall keep the financial records of the authority and who, together with the director, shall approve all vouchers for the expenditure of funds of the authority. The treasurer shall perform such other duties as may be delegated to him by the board and shall furnish bond in an amount as prescribed by the board.

(3) The board may employ and fix the compensation of a secretary, who shall maintain custody of the official seal and of records, books, documents, or other papers not required to be maintained by the treasurer. The secretary shall attend meetings of the board and keep a record of its proceedings, and shall perform such other duties delegated by the board.

(4) The board may retain legal counsel to advise the board in the proper performance of its duties. The legal counsel shall represent the authority in actions brought by or against the authority.

(5) The board may employ other personnel deemed necessary by the board.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1656 Participation of employees in municipal retirement and insurance programs.

Sec. 6. The employees of an authority shall be eligible to participate in municipal retirement and insurance programs of the municipality as if they were civil service employees except that the employees of an authority are not civil service employees.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1657 Powers of board.

Sec. 7. The board may:

(a) Prepare an analysis of economic changes taking place in the downtown district.

(b) Study and analyze the impact of metropolitan growth upon the downtown district.

(c) Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration,

preservation, or reconstruction of a public facility, an existing building, or a multiple-family dwelling unit which may be necessary or appropriate to the execution of a plan which, in the opinion of the board, aids in the economic growth of the downtown district.

(d) Plan, propose, and implement an improvement to a public facility within the development area to comply with the barrier free design requirements of the state construction code promulgated under the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

(e) Develop long-range plans, in cooperation with the agency which is chiefly responsible for planning in the municipality, designed to halt the deterioration of property values in the downtown district and to promote the economic growth of the downtown district, and take such steps as may be necessary to persuade property owners to implement the plans to the fullest extent possible.

(f) Implement any plan of development in the downtown district necessary to achieve the purposes of this act, in accordance with the powers of the authority as granted by this act.

(g) Make and enter into contracts necessary or incidental to the exercise of its powers and the performance of its duties.

(h) Acquire by purchase or otherwise, on terms and conditions and in a manner the authority considers proper or own, convey, or otherwise dispose of, or lease as lessor or lessee, land and other property, real or personal, or rights or interests in property, which the authority determines is reasonably necessary to achieve the purposes of this act, and to grant or acquire licenses, easements, and options with respect to that property.

(i) Improve land and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair, and operate any building, including multiple-family dwellings, and any necessary or desirable appurtenances to that property, within the downtown district for the use, in whole or in part, of any public or private person or corporation, or a combination of them.

(j) Fix, charge, and collect fees, rents, and charges for the use of any building or property under its control or any part thereof, or facility therein, and pledge the fees, rents, and charges for the payment of revenue bonds issued by the authority.

(k) Lease any building or property under its control, or any part of a building or property.

(l) Accept grants and donations of property, labor, or other things of value from a public or private source.

(m) Acquire and construct public facilities.

(n) Create, operate, and fund marketing initiatives that benefit only retail and general marketing of the downtown district.

(o) Contract for broadband service and wireless technology service in the downtown district.

(p) Operate and perform all duties and exercise all responsibilities described in this section in a qualified township if the qualified township has entered into an agreement with the municipality under section 3(7).

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1985, Act 221, Imd. Eff. Jan. 10, 1986;—Am. 2004, Act 196, Imd. Eff. July 8, 2004;—Am. 2005, Act 115, Imd. Eff. Sept. 22, 2005.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1658 Board serving as planning commission; agenda.

Sec. 8. If a board created under this act serves as the planning commission under section 2 of Act No. 285 of the Public Acts of 1931, being section 125.32 of the Michigan Compiled Laws, the board shall include planning commission business in its agenda.

History: Add. 1987, Act 66, Imd. Eff. June 25, 1987.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1659 Authority as instrumentality of political subdivision.

Sec. 9. The authority shall be deemed an instrumentality of a political subdivision for purposes of Act No. 227 of the Public Acts of 1972, being sections 213.321 to 213.332 of the Michigan Compiled Laws.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1660 Taking, transfer, and use of private property.

Sec. 10. A municipality may take private property under Act No. 149 of the Public Acts of 1911, as amended, being sections 213.21 to 213.41 of the Michigan Compiled Laws, for the purpose of transfer to the authority, and may transfer the property to the authority for use in an approved development, on terms and conditions it deems appropriate, and the taking, transfer, and use shall be considered necessary for public

purposes and for the benefit of the public.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1661 Financing activities of authority; disposition of money received by authority; municipal obligations.

Sec. 11. (1) The activities of the authority shall be financed from 1 or more of the following sources:

(a) Donations to the authority for the performance of its functions.

(b) Proceeds of a tax imposed pursuant to section 12.

(c) Money borrowed and to be repaid as authorized by sections 13 and 13a.

(d) Revenues from any property, building, or facility owned, leased, licensed, or operated by the authority or under its control, subject to the limitations imposed upon the authority by trusts or other agreements.

(e) Proceeds of a tax increment financing plan, established under sections 14 to 16.

(f) Proceeds from a special assessment district created as provided by law.

(g) Money obtained from other sources approved by the governing body of the municipality or otherwise authorized by law for use by the authority or the municipality to finance a development program.

(h) Money obtained pursuant to section 13b.

(i) Revenue from the federal facility development act, Act No. 275 of the Public Acts of 1992, being sections 3.931 to 3.940 of the Michigan Compiled Laws, or revenue transferred pursuant to section 11a of chapter 2 of the city income tax act, Act No. 284 of the Public Acts of 1964, being section 141.611a of the Michigan Compiled Laws.

(j) Revenue from the federal data facility act, Act No. 126 of the Public Acts of 1993, being sections 3.951 to 3.961 of the Michigan Compiled Laws, or revenue transferred pursuant to section 11b of chapter 2 of the city income tax act, Act No. 284 of the Public Acts of 1964, being section 141.611b of the Michigan Compiled Laws.

(2) Money received by the authority and not covered under subsection (1) shall immediately be deposited to the credit of the authority, subject to disbursement pursuant to this act. Except as provided in this act, the municipality shall not obligate itself, nor shall it ever be obligated to pay any sums from public funds, other than money received by the municipality pursuant to this section, for or on account of the activities of the authority.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1981, Act 34, Imd. Eff. May 11, 1981;—Am. 1992, Act 279, Imd. Eff. Dec. 18, 1992;—Am. 1993, Act 122, Imd. Eff. July 20, 1993;—Am. 1993, Act 323, Eff. Mar. 15, 1994.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1662 Ad valorem tax; borrowing in anticipation of collection.

Sec. 12. (1) An authority with the approval of the municipal governing body may levy an ad valorem tax on the real and tangible personal property not exempt by law and as finally equalized in the downtown district. The tax shall not be more than 1 mill if the downtown district is in a municipality having a population of 1,000,000 or more, or not more than 2 mills if the downtown district is in a municipality having a population of less than 1,000,000. The tax shall be collected by the municipality creating the authority levying the tax. The municipality shall collect the tax at the same time and in the same manner as it collects its other ad valorem taxes. The tax shall be paid to the treasurer of the authority and credited to the general fund of the authority for purposes of the authority.

(2) The municipality may at the request of the authority borrow money and issue its notes under the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, in anticipation of collection of the ad valorem tax authorized in this section.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1983, Act 86, Imd. Eff. June 16, 1983;—Am. 2002, Act 234, Imd. Eff. Apr. 29, 2002.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1663 Revenue bonds.

Sec. 13. The authority may borrow money and issue its negotiable revenue bonds therefor pursuant to Act No. 94 of the Public Acts of 1933, as amended, being sections 141.101 to 141.139 of the Michigan Compiled Laws. Revenue bonds issued by the authority shall not except as hereinafter provided be deemed a debt of the municipality or the state. The municipality by majority vote of the members of its governing body may pledge

its full faith and credit to support the authority's revenue bonds.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1663a Borrowing money; issuing revenue bonds or notes; purpose; costs; security; pledge and lien of pledge valid and binding; filing or recordation not required; tax exemption; bonds or notes neither liability nor debt of municipality; statement; investment and deposit of bonds and notes.

Sec. 13a. (1) The authority may with approval of the local governing body borrow money and issue its revenue bonds or notes to finance all or part of the costs of acquiring or constructing property in connection with the implementation of a development plan in the downtown district or to refund or refund in advance bonds or notes issued pursuant to this section. The costs which may be financed by the issuance of revenue bonds or notes may include the cost of purchasing, acquiring, constructing, improving, enlarging, extending, or repairing property in connection with the implementation of a development plan in the downtown district; any engineering, architectural, legal, accounting, or financial expenses; the costs necessary or incidental to the borrowing of money; interest on the bonds or notes during the period of construction; a reserve for payment of principal and interest on the bonds or notes; and a reserve for operation and maintenance until sufficient revenues have developed. The authority may secure the bonds and notes by mortgage, assignment, or pledge of the property and any money, revenues, or income received in connection therewith.

(2) A pledge made by the authority shall be valid and binding from the time the pledge is made. The money or property pledged by the authority immediately shall be subject to the lien of the pledge without a physical delivery, filing, or further act. The lien of such a pledge shall be valid and binding as against parties having claims of any kind in tort, contract, or otherwise, against the authority, irrespective of whether the parties have notice of the lien. Neither the resolution, the trust agreement, nor any other instrument by which a pledge is created need be filed or recorded.

(3) Bonds or notes issued pursuant to this section shall be exempt from all taxation in this state except inheritance and transfer taxes, and the interest on the bonds or notes shall be exempt from all taxation in this state, notwithstanding that the interest may be subject to federal income tax.

(4) The municipality shall not be liable on bonds or notes of the authority issued pursuant to this section and the bonds or notes shall not be a debt of the municipality. The bonds or notes shall contain on their face a statement to that effect.

(5) The bonds and notes of the authority may be invested in by all public officers, state agencies and political subdivisions, insurance companies, banks, savings and loan associations, investment companies, and fiduciaries and trustees, and may be deposited with and received by all public officers and the agencies and political subdivisions of this state for any purpose for which the deposit of bonds is authorized.

History: Add. 1981, Act 151, Imd. Eff. Nov. 19, 1981.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1663b Insufficient tax increment revenues to repay advance or pay obligation; contents, time, and payment of claim; appropriation and distribution of aggregate amount; limitations; distribution subject to lien; obligation as debt or liability; certification of distribution amount; basis for calculation of distributions and claim reports.

Sec. 13b. (1) If the amount of tax increment revenues lost as a result of the reduction of taxes levied by local school districts for school operating purposes required by the millage limitations under section 1211 of the school code of 1976, 1976 PA 451, MCL 380.1211, reduced by the amount of tax increment revenues received from the capture of taxes levied under or attributable to the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, will cause the tax increment revenues received in a fiscal year by an authority under section 15 to be insufficient to repay an eligible advance or to pay an eligible obligation, the legislature shall appropriate and distribute to the authority the amount described in subsection (5).

(2) Not less than 30 days before the first day of a fiscal year, an authority eligible to retain tax increment revenues from taxes levied by a local or intermediate school district or this state or to receive a distribution under this section for that fiscal year shall file a claim with the department of treasury. The claim shall include the following information:

(a) The property tax millage rates levied in 1993 by local school districts within the jurisdictional area of the authority for school operating purposes.

(b) The property tax millage rates expected to be levied by local school districts within the jurisdictional area of the authority for school operating purposes for that fiscal year.

(c) The tax increment revenues estimated to be received by the authority for that fiscal year based upon actual property tax levies of all taxing jurisdictions within the jurisdictional area of the authority.

(d) The tax increment revenues the authority estimates it would have received for that fiscal year if property taxes were levied by local school districts within the jurisdictional area of the authority for school operating purposes at the millage rates described in subdivision (a) and if no property taxes were levied by this state under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906.

(e) A list and documentation of eligible obligations and eligible advances and the payments due on each of those eligible obligations or eligible advances in that fiscal year, and the total amount of all the payments due on those eligible obligations and eligible advances in that fiscal year.

(f) The amount of money, other than tax increment revenues, estimated to be received in that fiscal year by the authority that is primarily pledged to, and to be used for, the payment of an eligible obligation or the repayment of an eligible advance. That amount shall not include excess tax increment revenues of the authority that are permitted by law to be retained by the authority for purposes that further the development program. However, that amount shall include money to be obtained from sources authorized by law, which law is enacted on or after December 1, 1993, for use by the municipality or authority to finance a development project.

(g) The amount of a distribution received pursuant to this act for a fiscal year in excess of or less than the distribution that would have been required if calculated upon actual tax increment revenues received for that fiscal year.

(h) A list and documentation of other protected obligations and the payments due on each of those other protected obligations in that fiscal year, and the total amount of all the payments due on those other protected obligations in that fiscal year.

(3) For the fiscal year that commences after September 30, 1993 and before October 1, 1994, an authority may make a claim with all information required by subsection (2) at any time after March 15, 1994.

(4) After review and verification of claims submitted pursuant to this section, amounts appropriated by the state in compliance with this act shall be distributed as 2 equal payments on March 1 and September 1 after receipt of a claim. An authority shall allocate a distribution it receives for an eligible obligation issued on behalf of a municipality to the municipality.

(5) Subject to subsections (6) and (7), the aggregate amount to be appropriated and distributed pursuant to this section to an authority shall be the sum of the amounts determined pursuant to subdivisions (a) and (b) minus the amount determined pursuant to subdivision (c), as follows:

(a) The amount by which the tax increment revenues the authority would have received for the fiscal year, excluding taxes exempt under section 7ff of the general property tax act, 1893 PA 206, MCL 211.7ff, if property taxes were levied by local school districts for school operating purposes at the millage rates described in subsection (2)(a) and if no property taxes were levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, exceed the tax increment revenues the authority actually received for the fiscal year.

(b) A shortfall required to be reported pursuant to subsection (2)(g) that had not previously increased a distribution.

(c) An excess amount required to be reported pursuant to subsection (2)(g) that had not previously decreased a distribution.

(6) The amount distributed under subsection (5) shall not exceed the difference between the amount described in subsection (2)(e) and the sum of the amounts described in subsection (2)(c) and (f).

(7) If, based upon the tax increment financing plan in effect on August 19, 1993, the payment due on eligible obligations or eligible advances anticipates the use of excess prior year tax increment revenues permitted by law to be retained by the authority, and if the sum of the amounts described in subsection (2)(c) and (f) plus the amount to be distributed under subsections (5) and (6) is less than the amount described in subsection (2)(e), the amount to be distributed under subsections (5) and (6) shall be increased by the amount of the shortfall. However, the amount authorized to be distributed pursuant to this section shall not exceed that portion of the cumulative difference, for each preceding fiscal year, between the amount that could have been distributed pursuant to subsection (5) and the amount actually distributed pursuant to subsections (5) and (6) and this subsection.

(8) A distribution under this section replacing tax increment revenues pledged by an authority or a municipality is subject to the lien of the pledge, whether or not there has been physical delivery of the distribution.

(9) Obligations for which distributions are made pursuant to this section are not a debt or liability of this state; do not create or constitute an indebtedness, liability, or obligation of this state; and are not and do not constitute a pledge of the faith and credit of this state.

(10) Not later than July 1 of each year, the authority shall certify to the local tax collecting treasurer the amount of the distribution required under subsection (5), calculated without regard to the receipt of tax increment revenues attributable to local or intermediate school district taxes or attributable to taxes levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906.

(11) Calculations of distributions under this section and claims reports required to be made under subsection (2) shall be made on the basis of each development area of the authority.

(12) The state tax commission may provide that the reimbursement calculations under this section and the calculation of allowable capture of school taxes shall be made for each calendar year's tax increment revenues using a 12-month debt payment period used by the authority and approved by the state tax commission.

History: Add. 1993, Act 323, Eff. Mar. 15, 1994;—Am. 1994, Act 280, Imd. Eff. July 11, 1994;—Am. 1996, Act 269, Imd. Eff. June 12, 1996;—Am. 1996, Act 454, Imd. Eff. Dec. 19, 1996;—Am. 1997, Act 202, Imd. Eff. Jan. 13, 1998.

Compiler's note: Enacting section 1 of Act 202 of 1997 provides:

"The provisions of section 1 and section 13b, as amended by this amendatory act, are retroactive and effective for taxes levied after 1993."

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1664 Tax increment financing plan; preparation and contents; limitation; definition; public hearing; fiscal and economic implications; recommendations; agreements; modification of plan.

Sec. 14. (1) When the authority determines that it is necessary for the achievement of the purposes of this act, the authority shall prepare and submit a tax increment financing plan to the governing body of the municipality. The plan shall include a development plan as provided in section 17, a detailed explanation of the tax increment procedure, the maximum amount of bonded indebtedness to be incurred, and the duration of the program, and shall be in compliance with section 15. The plan shall contain a statement of the estimated impact of tax increment financing on the assessed values of all taxing jurisdictions in which the development area is located. The plan may provide for the use of part or all of the captured assessed value, but the portion intended to be used by the authority shall be clearly stated in the tax increment financing plan. The authority or municipality may exclude from captured assessed value growth in property value resulting solely from inflation. The plan shall set forth the method for excluding growth in property value resulting solely from inflation.

(2) The percentage of taxes levied for school operating purposes that is captured and used by the tax increment financing plan shall not be greater than the plan's percentage capture and use of taxes levied by a municipality or county for operating purposes. For purposes of the previous sentence, taxes levied by a county for operating purposes include only millage allocated for county or charter county purposes under the property tax limitation act, Act No. 62 of the Public Acts of 1933, being sections 211.201 to 211.217a of the Michigan Compiled Laws. For purposes of this subsection, tax increment revenues used to pay bonds issued by a municipality under section 16(1) shall be considered to be used by the tax increment financing plan rather than shared with the municipality. The limitation of this subsection does not apply to the portion of the captured assessed value shared pursuant to an agreement entered into before 1989 with a county or with a city in which an enterprise zone is approved under section 13 of the enterprise zone act, Act No. 224 of the Public Acts of 1985, being section 125.2113 of the Michigan Compiled Laws.

(3) Approval of the tax increment financing plan shall be pursuant to the notice, hearing, and disclosure provisions of section 18. If the development plan is part of the tax increment financing plan, only 1 hearing and approval procedure is required for the 2 plans together.

(4) Before the public hearing on the tax increment financing plan, the governing body shall provide a reasonable opportunity to the taxing jurisdictions levying taxes subject to capture to meet with the governing body. The authority shall fully inform the taxing jurisdictions of the fiscal and economic implications of the proposed development area. The taxing jurisdictions may present their recommendations at the public hearing on the tax increment financing plan. The authority may enter into agreements with the taxing jurisdictions and the governing body of the municipality in which the development area is located to share a portion of the captured assessed value of the district.

(5) A tax increment financing plan may be modified if the modification is approved by the governing body upon notice and after public hearings and agreements as are required for approval of the original plan.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1979, Act 26, Imd. Eff. June 6, 1979;—Am. 1981, Act 34, Imd. Eff. May 11, 1981;—Am. 1986, Act 229, Imd. Eff. Oct. 1, 1986;—Am. 1988, Act 425, Imd. Eff. Dec. 27, 1988;—Am. 1989, Act 108, Imd. Eff. June 23, 1989;—Am. 1993, Act 323, Eff. Mar. 15, 1994.

Compiler's note: Section 2 of Act 425 of 1988 provides: "This amendatory act is effective beginning with taxes levied in 1989. However, for taxes levied before 1989, tax increment revenues based on the definition of initial assessed value provided for in this amendatory act that were received by an authority are validated."

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1665 Transmitting and expending tax increments revenues; reversion of surplus funds; abolition of tax increment financing plan; conditions; annual report on status of tax increment financing account; contents; publication.

Sec. 15. (1) The municipal and county treasurers shall transmit to the authority tax increment revenues.

(2) The authority shall expend the tax increment revenues received for the development program only pursuant to the tax increment financing plan. Surplus funds shall revert proportionately to the respective taxing bodies. These revenues shall not be used to circumvent existing property tax limitations. The governing body of the municipality may abolish the tax increment financing plan when it finds that the purposes for which it was established are accomplished. However, the tax increment financing plan shall not be abolished until the principal of, and interest on, bonds issued pursuant to section 16 have been paid or funds sufficient to make the payment have been segregated.

(3) Annually the authority shall submit to the governing body of the municipality and the state tax commission a report on the status of the tax increment financing account. The report shall be published in a newspaper of general circulation in the municipality and shall include the following:

- (a) The amount and source of revenue in the account.
- (b) The amount in any bond reserve account.
- (c) The amount and purpose of expenditures from the account.
- (d) The amount of principal and interest on any outstanding bonded indebtedness.
- (e) The initial assessed value of the project area.
- (f) The captured assessed value retained by the authority.
- (g) The tax increment revenues received.
- (h) The number of jobs created as a result of the implementation of the tax increment financing plan.
- (i) Any additional information the governing body or the state tax commission considers necessary.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1979, Act 26, Imd. Eff. June 6, 1979;—Am. 1981, Act 34, Imd. Eff. May 11, 1981;—Am. 1986, Act 229, Imd. Eff. Oct. 1, 1986;—Am. 1988, Act 425, Imd. Eff. Dec. 27, 1988;—Am. 1992, Act 279, Imd. Eff. Dec. 18, 1992;—Am. 1993, Act 323, Eff. Mar. 15, 1994.

Compiler's note: Section 2 of Act 425 of 1988 provides: "This amendatory act is effective beginning with taxes levied in 1989. However, for taxes levied before 1989, tax increment revenues based on the definition of initial assessed value provided for in this amendatory act that were received by an authority are validated."

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1666 General obligation bonds and tax increment bonds; qualified refunding obligation.

Sec. 16. (1) The municipality may by resolution of its governing body authorize, issue, and sell general obligation bonds subject to the limitations set forth in this subsection to finance the development program of the tax increment financing plan and shall pledge its full faith and credit for the payment of the bonds. The municipality may pledge as additional security for the bonds any money received by the authority or the municipality pursuant to section 11. The bonds are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. Before the municipality may authorize the borrowing, the authority shall submit an estimate of the anticipated tax increment revenues and other revenue available under section 11 to be available for payment of principal and interest on the bonds, to the governing body of the municipality. This estimate shall be approved by the governing body of the municipality by resolution adopted by majority vote of the members of the governing body in the resolution authorizing the bonds. If the governing body of the municipality adopts the resolution authorizing the bonds, the estimate of the anticipated tax increment revenues and other revenue available under section 11 to be available for payment of principal and interest on the bonds shall be conclusive for purposes of this section. The bonds issued under this subsection shall be considered a single series for the purposes of the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2801.

(2) By resolution of its governing body, the authority may authorize, issue, and sell tax increment bonds subject to the limitations set forth in this subsection to finance the development program of the tax increment financing plan. The tax increment bonds issued by the authority under this subsection shall pledge solely the tax increment revenues of a development area in which the project is located or a development area from which tax increment revenues may be used for this project, or both. In addition or in the alternative, the bonds issued by the authority pursuant to this subsection may be secured by any other revenues identified in section 11 as sources of financing for activities of the authority that the authority shall specifically pledge in the resolution. However, the full faith and credit of the municipality shall not be pledged to secure bonds issued pursuant to this subsection. The bond issue may include a sum sufficient to pay interest on the tax increment bonds until full development of tax increment revenues from the project and also a sum to provide a reasonable reserve for payment of principal and interest on the bonds. The resolution authorizing the bonds shall create a lien on the tax increment revenues and other revenues pledged by the resolution that shall be a statutory lien and shall be a first lien subject only to liens previously created. The resolution may provide the terms upon which additional bonds may be issued of equal standing and parity of lien as to the tax increment revenues and other revenues pledged under the resolution. Bonds issued under this subsection that pledge revenue received under section 11 for repayment of the bonds are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(3) Notwithstanding any other provision of this act, if the state treasurer determines that an authority or municipality can issue a qualified refunding obligation and the authority or municipality does not make a good faith effort to issue the qualified refunding obligation as determined by the state treasurer, the state treasurer may reduce the amount claimed by the authority or municipality under section 13b by an amount equal to the net present value saving that would have been realized had the authority or municipality refunded the obligation or the state treasurer may require a reduction in the capture of tax increment revenues from taxes levied by a local or intermediate school district or this state by an amount equal to the net present value savings that would have been realized had the authority or municipality refunded the obligation. This subsection does not authorize the state treasurer to require the authority or municipality to pledge security greater than the security pledged for the obligation being refunded.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1981, Act 34, Imd. Eff. May 11, 1981;—Am. 1983, Act 34, Imd. Eff. May 10, 1983;—Am. 1985, Act 159, Imd. Eff. Nov. 15, 1985;—Am. 1992, Act 279, Imd. Eff. Dec. 18, 1992;—Am. 1993, Act 122, Imd. Eff. July 20, 1993;—Am. 1993, Act 323, Eff. Mar. 15, 1994;—Am. 1996, Act 269, Imd. Eff. June 12, 1996;—Am. 2002, Act 234, Imd. Eff. Apr. 29, 2002.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1667 Development plan; preparation; contents; improvements related to qualified facility.

Sec. 17. (1) When a board decides to finance a project in the downtown district by the use of revenue bonds as authorized in section 13 or tax increment financing as authorized in sections 14, 15, and 16, it shall prepare a development plan.

(2) The development plan shall contain all of the following:

(a) The designation of boundaries of the development area in relation to highways, streets, streams, or otherwise.

(b) The location and extent of existing streets and other public facilities within the development area, shall designate the location, character, and extent of the categories of public and private land uses then existing and proposed for the development area, including residential, recreational, commercial, industrial, educational, and other uses, and shall include a legal description of the development area.

(c) A description of existing improvements in the development area to be demolished, repaired, or altered, a description of any repairs and alterations, and an estimate of the time required for completion.

(d) The location, extent, character, and estimated cost of the improvements including rehabilitation contemplated for the development area and an estimate of the time required for completion.

(e) A statement of the construction or stages of construction planned, and the estimated time of completion of each stage.

(f) A description of any parts of the development area to be left as open space and the use contemplated for the space.

(g) A description of any portions of the development area that the authority desires to sell, donate, exchange, or lease to or from the municipality and the proposed terms.

(h) A description of desired zoning changes and changes in streets, street levels, intersections, or utilities.

(i) An estimate of the cost of the development, a statement of the proposed method of financing the development, and the ability of the authority to arrange the financing.

(j) Designation of the person or persons, natural or corporate, to whom all or a portion of the development is to be leased, sold, or conveyed in any manner and for whose benefit the project is being undertaken if that information is available to the authority.

(k) The procedures for bidding for the leasing, purchasing, or conveying in any manner of all or a portion of the development upon its completion, if there is no express or implied agreement between the authority and persons, natural or corporate, that all or a portion of the development will be leased, sold, or conveyed in any manner to those persons.

(l) Estimates of the number of persons residing in the development area and the number of families and individuals to be displaced. If occupied residences are designated for acquisition and clearance by the authority, a development plan shall include a survey of the families and individuals to be displaced, including their income and racial composition, a statistical description of the housing supply in the community, including the number of private and public units in existence or under construction, the condition of those units in existence, the number of owner-occupied and renter-occupied units, the annual rate of turnover of the various types of housing and the range of rents and sale prices, an estimate of the total demand for housing in the community, and the estimated capacity of private and public housing available to displaced families and individuals.

(m) A plan for establishing priority for the relocation of persons displaced by the development in any new housing in the development area.

(n) Provision for the costs of relocating persons displaced by the development and financial assistance and reimbursement of expenses, including litigation expenses and expenses incident to the transfer of title, in accordance with the standards and provisions of the federal uniform relocation assistance and real property acquisition policies act of 1970, being Public Law 91-646, 42 U.S.C. sections 4601, et seq.

(o) A plan for compliance with Act No. 227 of the Public Acts of 1972, being sections 213.321 to 213.332 of the Michigan Compiled Laws.

(p) Other material that the authority, local public agency, or governing body considers pertinent.

(3) A development plan may provide for improvements related to a qualified facility, as defined in the federal facility development act, Act No. 275 of the Public Acts of 1992, being sections 3.931 to 3.940 of the Michigan Compiled Laws, that is located outside of the boundaries of the development area but within the district, including the cost of construction, renovation, rehabilitation, or acquisition of that qualified facility or of public facilities and improvements related to that qualified facility.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1992, Act 279, Imd. Eff. Dec. 18, 1992;—Am. 1993, Act 122, Imd. Eff. July 20, 1993.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1668 Ordinance approving development plan or tax increment financing plan; public hearing; notice; record.

Sec. 18. (1) The governing body, before adoption of an ordinance approving or amending a development plan or approving or amending a tax increment financing plan, shall hold a public hearing on the development plan. Notice of the time and place of the hearing shall be given by publication twice in a newspaper of general circulation designated by the municipality, the first of which shall be not less than 20 days before the date set for the hearing. Notice of the hearing shall be posted in at least 20 conspicuous and public places in the downtown district not less than 20 days before the hearing. Notice shall also be mailed to all property taxpayers of record in the downtown district not less than 20 days before the hearing. Beginning June 1, 2005, the notice of hearing within the time frame described in this subsection shall be mailed by certified mail to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the development plan or the tax increment financing plan is approved or amended.

(2) Notice of the time and place of hearing on a development plan shall contain: a description of the proposed development area in relation to highways, streets, streams, or otherwise; a statement that maps, plats, and a description of the development plan, including the method of relocating families and individuals who may be displaced from the area, are available for public inspection at a place designated in the notice, and that all aspects of the development plan will be open for discussion at the public hearing; and other information that the governing body considers appropriate. At the time set for hearing, the governing body shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference to the development plan. The hearing shall provide the fullest opportunity for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to

the development plan. The governing body shall make and preserve a record of the public hearing, including all data presented thereat.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 2005, Act 13, Imd. Eff. May 4, 2005.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1669 Development plan or tax increment financing plan as constituting public purpose; determination; ordinance; considerations.

Sec. 19. (1) The governing body after a public hearing on the development plan or the tax increment financing plan, or both, with notice thereof given in accordance with section 18, shall determine whether the development plan or tax increment financing plan constitutes a public purpose. If it determines that the development plan or tax increment financing plan constitutes a public purpose, it shall then approve or reject the plan, or approve it with modification, by ordinance based on the following considerations:

(a) The findings and recommendations of a development area citizens council, if a development area citizens council was formed.

(b) The plan meets the requirements set forth in section 17 (2).

(c) The proposed method of financing the development is feasible and the authority has the ability to arrange the financing.

(d) The development is reasonable and necessary to carry out the purposes of this act.

(e) The land included within the development area to be acquired is reasonably necessary to carry out the purposes of the plan and of this act in an efficient and economically satisfactory manner.

(f) The development plan is in reasonable accord with the master plan of the municipality.

(g) Public services, such as fire and police protection and utilities, are or will be adequate to service the project area.

(h) Changes in zoning, streets, street levels, intersections, and utilities are reasonably necessary for the project and for the municipality.

(2) Amendments to an approved development plan or tax increment plan must be submitted by the authority to the governing body for approval or rejection.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1670 Notice to vacate.

Sec. 20. A person to be relocated under this act shall be given not less than 90 days' written notice to vacate unless modified by court order for good cause.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1671 Development area citizens council; establishment; appointment and qualifications of members; representative of development area.

Sec. 21. (1) If a proposed development area has residing within it 100 or more residents, a development area citizens council shall be established at least 90 days before the public hearing on the development or tax increment financing plan. The development area citizens council shall be established by the governing body and shall consist of not less than 9 members. The members of the development area citizens council shall be residents of the development area and shall be appointed by the governing body. A member of a development area citizens council shall be at least 18 years of age.

(2) A development area citizens council shall be representative of the development area.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1672 Development area citizens council; advisory body.

Sec. 22. A development area citizens council established pursuant to this act shall act an advisory body to the authority and the governing body in the adoption of the development or tax increment financing plans.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1673 Consultation.

Sec. 23. Periodically a representative of the authority responsible for preparation of a development or tax increment financing plan within the development area shall consult with and advise the development area citizens council regarding the aspects of a development plan, including the development of new housing for relocation purposes located either inside or outside of the development area. The consultation shall begin before any final decisions by the authority and the governing body regarding a development or tax increment financing plan. The consultation shall continue throughout the preparation and implementation of the development or tax increment financing plan.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1674 Development area citizens council; meetings; notice; record; information and technical assistance; failure to organize, consult, or advise.

Sec. 24. (1) Meetings of the development area citizens council shall be open to the public. Notice of the time and place of the meetings shall be given by publication in a newspaper of general circulation not less than 5 days before the dates set for meetings of the development area citizens council. A person present at those meetings shall have reasonable opportunity to be heard.

(2) A record of the meetings of a development area citizens council, including information and data presented, shall be maintained by the council.

(3) A development area citizens council may request of and receive from the authority information and technical assistance relevant to the preparation of the development plan for the development area.

(4) Failure of a development area citizens council to organize or to consult with and be advised by the authority, or failure to advise the governing body, as provided in this act, shall not preclude the adoption of a development plan by a municipality if the municipality complies with the other provisions of this act.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1675 Citizens district council as development area citizens council.

Sec. 25. In a development area where a citizens district council established according to Act No. 344 of the Public Acts of 1945, as amended, being sections 125.71 to 125.84 of the Michigan Compiled Laws, already exists the governing body may designate it as the development area citizens council authorized by this act.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1676 Notice of findings and recommendations.

Sec. 26. Within 20 days after the public hearing on a development or tax increment financing plan, the development area citizens council shall notify the governing body, in writing, of its findings and recommendations concerning a proposed development plan.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1677 Development area citizens council; dissolution.

Sec. 27. A development area citizens council may not be required and, if formed, may be dissolved in any of the following situations:

(a) On petition of not less than 20% of the adult resident population of the development area by the last federal decennial or municipal census, a governing body, after public hearing with notice thereof given in accordance with section 18 and by a 2/3 vote, may adopt an ordinance for the development area to eliminate the necessity of a development area citizens council.

(b) When there are less than 18 residents, real property owners, or representatives of establishments located in the development area eligible to serve on the development area citizens council.

(c) Upon termination of the authority by ordinance of the governing body.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1678 Budget; cost of handling and auditing funds.

Sec. 28. (1) The director of the authority shall prepare and submit for the approval of the board a budget for the operation of the authority for the ensuing fiscal year. The budget shall be prepared in the manner and contain the information required of municipal departments. Before the budget may be adopted by the board, it shall be approved by the governing body of the municipality. Funds of the municipality shall not be included in the budget of the authority except those funds authorized in this act or by the governing body of the municipality.

(2) The governing body of the municipality may assess a reasonable pro rata share of the funds for the cost of handling and auditing the funds against the funds of the authority, other than those committed, which cost shall be paid annually by the board pursuant to an appropriate item in its budget.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1679 Historic sites.

Sec. 29. (1) A public facility, building, or structure that is determined by the municipality to have significant historical interests shall be preserved in a manner as considered necessary by the municipality in accordance with laws relative to the preservation of historical sites. The preservation of facilities, buildings, or structures determined to be historic sites by a municipality shall include, at a minimum, equipping the historic site with a fire alarm system.

(2) An authority shall refer all proposed changes to the exterior of sites listed on the state register of historic sites and the national register of historic places to the applicable historic district commission created under the local historic districts act, 1970 PA 169, MCL 399.201 to 399.215, or the department of history, arts, and libraries for review.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 2001, Act 68, Imd. Eff. July 24, 2001;—Am. 2004, Act 66, Imd. Eff. Apr. 20, 2004.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1680 Dissolution of authority; disposition of property and assets; reinstatement of authority; contesting validity of proceedings, findings, and determinations.

Sec. 30. (1) An authority that has completed the purposes for which it was organized shall be dissolved by ordinance of the governing body. The property and assets of the authority remaining after the satisfaction of the obligations of the authority belong to the municipality.

(2) An authority established under this act before December 31, 1988, that is dissolved by ordinance of the governing body before September 30, 1990 and that is reinstated by ordinance of the governing body after notice and public hearing as provided in section 3(2) shall not be invalidated pursuant to a claim that, based upon the standards set forth in section 3(1), a governing body improperly determined that the necessary conditions existed for the reinstatement of an authority under the act if at the time the governing body established the authority the governing body determined or could have determined that the necessary conditions existed for the establishment of an authority under this act or could have determined that establishment of an authority under this act would serve to promote economic growth and notwithstanding that the boundaries of the downtown district are altered at the time of reinstatement of the authority.

(3) In the resolution of intent, the municipality shall set a date for the holding of a public hearing on the adoption of a proposed ordinance reinstating the authority. The procedure for publishing the notice of hearing, holding the hearing, and adopting the ordinance reinstating the authority shall be as provided in section 3(2), (4), and (5).

(4) The validity of the proceedings, findings, and determinations reinstating an authority shall be conclusive unless contested in a court of competent jurisdiction within 60 days after the last of the following occurs:

(a) Publication of the ordinance reinstating the authority as adopted.

(b) Filing of the ordinance reinstating the authority with the secretary of state.

(c) May 27, 1993.

History: 1975, Act 197, Imd. Eff. Aug. 13, 1975;—Am. 1993, Act 42, Imd. Eff. May 27, 1993;—Am. 1993, Act 323, Eff. Mar. 15, 1994.

Popular name: Downtown Development Authority Act

Popular name: DDA

125.1681 Proceedings to compel enforcement of act; rules.

Sec. 31. (1) The state tax commission may institute proceedings to compel enforcement of this act.

(2) The state tax commission may promulgate rules necessary for the administration of this act pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

History: Add. 1988, Act 425, Imd. Eff. Dec. 27, 1988.

Compiler's note: Section 2 of Act 425 of 1988 provides: "This amendatory act is effective beginning with taxes levied in 1989. However, for taxes levied before 1989, tax increment revenues based on the definition of initial assessed value provided for in this amendatory act that were received by an authority are validated."

Popular name: Downtown Development Authority Act

Popular name: DDA

RESOLUTION TO APPROVE FIRE WORKS FOR MON JIN LAU RESTAURANT - FEBRUARY 5, 1981 C-4

Resolution #81-72
Moved by McKenna
Supported by Taucher

RESOLVED, That Mr. Marshall Chin, Vice President of Mon Jin Lau Restaurant, located at 1515 East Maple Road, is hereby permitted to conduct a "Lion Dance", along with the use of small fire-works in the celebration of the Chinese New Year, on Thursday, February 5, 1981, all in accordance with Act 164 of the Public Acts of 1962.

Yeas: All-7

RESOLUTION TO ADOPT ECONOMIC DEVELOPMENT CORPORATION BYLAWS C-5

Resolution #81-73
Moved by Liebrecht
Supported by Husk

WHEREAS, The Bylaws of the Economic Development Corporation of the City of Troy (the "Corporation") were adopted by the Board of Directors on January 7, 1981; and

WHEREAS, The Articles of Incorporation of the Corporation also require approval of Bylaws by the City Council;

NOW, THEREFORE, BE IT RESOLVED, That the Bylaws of the Economic Development Corporation of the City of Troy are approved as submitted by the Board of Directors of the Economic Development Corporation, which Bylaws are attached hereto and made a part of the original minutes of this meeting.

Yeas: All-7

RESOLUTION TO ESTABLISH EDC PROJECT AREA AND PROJECT DISTRICT BOUNDARIES FOR FAIRVIEW-WEBSTER BUILDING COMPANY AND APPOINTMENT OF TWO DIRECTORS C-6

Resolution #71-74
Moved by Husk
Supported by Taucher

RESOLVED, That this item be Tabled to February 2, 1981.

Yeas: All-7

AUTHORIZATION FOR COUNCIL MEMBERS TO ATTEND NATIONAL LEAGUE OF CITIES CONGRESSIONAL-CITY CONFERENCE IN WASHINGTON, D.C. - FEBRUARY 28 - MARCH 3, 1981 C-7

Resolution #81-75
Moved by Taucher
Supported by Stine

RESOLVED, That pursuant to the Rules of Procedure of the City Council of the City of Troy, the City Council hereby approves the payment and use of City funds for transportation, food and lodging for City Council members to attend the National League of Cities Congressional-City Conference in Washington, D.C., February 28 - March 3, 1981, all in accordance with the Rules of Procedure of the Troy City Council and the accounting procedures of the City of Troy.

Yeas: All-7

RESOLUTION REGARDING PROPOSED PARK AND RIDE LOT - I-75 AND BIG BEAVER C-8

Resolution #81-76
Moved by Pallotta
Supported by McKenna

WHEREAS, Correspondence received from SEMTA officials indicates the need for a Park and Ride Lot at I-75 and Big Beaver; and

1-26-74

BYLAWS
OF
THE ECONOMIC DEVELOPMENT CORPORATION
OF THE CITY OF TROY

(A Michigan Economic Development Corporation formed
pursuant to Act 338 of the Public Acts of 1974, as amended)

ARTICLE I

Name, Registered Office and Registered Agent

Section 1. Name. The name of this corporation is The Economic Development Corporation of the City of Troy (the "Corporation").

Section 2. Registered Office and Agent. The Corporation shall continuously maintain a registered office in the City of Troy, State of Michigan and a registered agent whose office address is identical to such registered office. The registered office and agent may be changed from time to time by the Board of Directors of the Corporation (the "Board") subject to the approval of the legislative body of the City of Troy (the "Incorporating Unit").

Section 3. Other Offices. The Corporation may have such other offices as the Board may determine or the affairs of the Corporation may require from time to time.

ARTICLE II

DIRECTORS

Section 1. General Powers. The business and affairs of the Corporation shall be managed by its Board except as otherwise provided by statute, by its Articles of Incorporation or by these Bylaws.

Section 2. Replacement and Vacancies. Subsequent directors shall be appointed in the same manner as original appointments at the expiration of each director's term of office. A director whose term of office has expired shall continue to hold office until his successor has been appointed with the advice and consent of the legislative body of the Incorporating Unit. A director may be reappointed with the advice and consent of the legislative body of the Incorporating Unit to serve additional terms. If a vacancy is created by death or resignation, a successor shall be appointed with the advice and consent of the legislative body of the Incorporating Unit within thirty (30) days to hold office for the remainder of the term of office so vacated.

Section 3. Removal. A director may be removed from office for inefficiency, neglect of duty, or misconduct or malfeasance by a majority vote of the legislative body of the Incorporating Unit or this Board.

Section 4. Conflict of Interest. A director who has a direct interest in any matter before the Corporation shall disclose his interest prior to the Corporation's consideration of the matter of its taking action with respect to the matter, which disclosure shall become a part of the record of the Corporation's official proceedings. Said interested

director shall abstain from all discussion, consideration, or action relating to said matter.

Section 5. Meetings. Meetings of the Board may be called by or at the request of the Chief Executive Officer of the Board or any two directors. The meetings of the Board shall be public, and the appropriate notice of such meetings shall be provided to the public.

Section 6. Notice. Notice of any meetings shall be given in accordance with the Open Meetings Act (Act No. 267) of the Public Acts of 1976).

Section 7. Quorum. A majority of the members of the Board then in office for a particular project constitutes a quorum for the transaction of business for that matter at any meeting of the Board provided, that if less than a majority of the directors are present at the meeting, a majority of the directors present may adjourn the meeting from time to time without further notice. The vote of the majority of members present at a meeting at which a quorum is present constitutes the action of the Board unless the vote of a larger number is required by statutes, the Articles of Incorporation or these Bylaws. Amendment of the Bylaws by the Board requires the vote of not less than a majority of the members of the Board then in office.

Section 8. Committees. The Board may, by resolution, designate one or more committees, each committee to consist of one or more of the directors. The Board may designate one or more directors as alternate members of a committee, who may replace an absent or disqualified member at a meeting of the committee. In the absence or disqualification of a member of a committee, the members thereof present

at a meeting and not disqualified from voting, whether or not they constitute a quorum, may unanimously appoint another member of the Board to act at the meeting in place of such an absent or disqualified member. A committee, and each member thereof, shall serve at the pleasure of the Board.

ARTICLE III

Officers

Section 1. Officers. The officers of the Corporation shall be elected by the Board and shall consist of a chairman, secretary and treasurer. The Board may also appoint a deputy secretary and treasurer who need not be members of the board but shall in the case of the deputy treasurer give bond for the faithful discharge of duties of office in such sum and with such sureties as the Board may determine. Two or more offices may be held by the same person but an officer shall not execute, acknowledge or verify an instrument in more than one capacity if the instrument is required by law or the articles or bylaws are to be executed, acknowledged or verified by two or more officers.

Section 2. Election and Term of Office. The officers of the Corporation shall be elected annually by the Board. If the election of officers shall not be held or made at such meeting, such election shall be held or made as soon thereafter as is convenient. Each officer so elected or appointed shall hold office for the term of which he is elected or appointed and until his successor is elected or appointed and qualified, or until his resignation or removal.

Section 3. Vacancies. A vacancy in any office because of death, resignation, removal, disqualification or otherwise, may be filled at any meeting of the Board for the unexpired portion of the term of such office.

Section 4. Chief Executive Officer. The Chairman shall be the chief executive officer of the Corporation, but he may from time to time delegate all or any part of his duties to the Secretary. He shall preside at all meetings of the directors; he shall have general and active management of the business of the Corporation and shall perform all duties of the office as provided by the Articles of Incorporation. These duties shall include but not be limited to signing and executing all authorized bonds, contracts, checks and other obligations and executing interest coupons, all with his facsimile signature in the name of the Corporation when so authorized by the Board of Directors. The Chairman shall be ex officio a member of all standing committees and shall have the general power and duties of supervision and management of the Corporation.

Section 5. Secretary. The Secretary shall attend all meetings of the Board and record all votes and the minutes of all proceedings in a book to be kept for that purpose; and shall perform like duties for the standing committees when required. He shall further perform all duties of the office of Secretary as provided by the Articles of Incorporation. These duties shall include but not be limited to signing with the Chairman all bonds, contracts, and other obligations and executing interest coupons, all with his facsimile signature in the

name of the Corporation when so authorized by the Board of Directors. The Secretary shall be sworn to the faithful discharge of all his duties.

Section 6. Treasurer. The treasurer shall perform all duties of the office of Treasurer as provided in the Articles of Incorporation. He shall disburse the funds of the Corporation as may be ordered by the Board, taking proper vouchers for such disbursements, and shall render to the Board, at the regular meetings of the Board, or whenever they may require, an account of all his transactions as Treasurer and of the financial condition of the Corporation. He shall give the Corporation a bond if required by the Board in a sum, and with one or more sureties satisfactory to the Board, for the faithful performance of the duties of his office, and for the restoration to the corporation in case of his death, resignation, retirement or removal from office of all books, papers, vouchers, money and other property of whatever kind in his possession or under his control belonging to the Corporation.

Section 7. Delegation of Duties of officers. In the absence of any officer of the Corporation, or for any other reason that the Board may deem sufficient, the Board may delegate, from time to time and for such time as it may deem appropriate, the powers or duties, or any of them, of such officer to any other officer, or to any director, provided a majority of the Board then in office concurs therein.

ARTICLE IV

Contracts, Loans, Checks and Deposits

Section 1. Contracts. The Board may authorize any officer or officers, agent or agents, to enter into any contract or execute and deliver any instrument in the name of and on behalf of the Corporation, and such authority may be general or confined to specific instances.

Section 2. Checks, Drafts, etc. All checks, drafts or other orders for the payment of money, notes or other evidences of indebtedness issued in the name of the Corporation, shall be signed by such officer or officers, agent or agents of the Corporation and in such manner as shall from time to time be determined by resolution of the Board.

Section 3. Deposits. All funds of the Corporation not otherwise employed shall be deposited from time to time to the credit of the Corporation in such banks, trust companies or other depositories as the Board may select.

ARTICLE V

Fiscal Year

The fiscal year of the Corporation shall correspond at all times to the fiscal year of the Incorporating Unit.

ARTICLE VI

Initiation of Projects

All requests for the assistance of this Corporation shall be made in written form and should be addressed to the Secretary of this Board.

Such requests shall include the following information:

1. Name, address and business status of applicant.
2. Brief personal or business history of applicant.
3. Narrative description of proposed project, including type of business to be conducted thereon and services to be provided thereby.
4. Description and location of project area.
5. Number of employment opportunities that will be afforded or retained in the community by the project.

Upon receipt of said application the Board shall tentatively assess the public purpose of the project, its desirability, suitability, and its economic feasibility. The Board may request such other data and information from the applicant as it deems appropriate. The Board shall not proceed with the project unless such tentative findings are made.

ARTICLE VII

Miscellaneous

Section 1. Seal. The Board shall provide a corporate seal which shall be in the form of two concentric circles and shall have inscribed thereon the name of the Corporation.

Section 2. Waiver of Notice. When the Corporation or any committee thereof may take action after notice to any person or after lapse of a prescribed period of time, the action may be taken without notice and without lapse of the period of time, if at any time before or after the action is completed the person entitled to notice or to participate in the action to be taken submits a signed waiver of such requirements.

ARTICLE VIII

Amendments

These Bylaws may be altered or amended or repealed by the affirmative vote of the Board then in office at any regular or special meeting called for that purpose.

I HEREBY CERTIFY that the above bylaws were adopted the 7th day of January, 1981 .

Secretary

ECONOMIC DEVELOPMENT CORPORATIONS ACT (EXCERPT)
Act 338 of 1974

125.1604 Economic development corporation; incorporation; application; notice; hearing; approval; board of directors; appointment, qualifications, terms, and compensation of directors; public meetings; directors as public officers; vacancy; removal; disclosure of interest; planning commission of certain municipalities serving as board of directors.

Sec. 4. (1) Application, in writing, may be made by a group of 3 or more persons to the governing body for permission to incorporate the economic development corporation for the municipality. Application shall include proposed articles of incorporation. The governing body shall give public notice of the application, and after public hearing, with notice of the hearing given in accordance with section 17(1), may approve the application. As a part of the approval, the governing body may make such amendments to the proposed articles of incorporation as it considers appropriate.

(2) The board of directors of the corporation shall consist of not less than 9 persons, not more than 3 of whom shall be an officer or employee of the municipality. The chief executive officer and any member of the governing body of the municipality may serve on the board of directors. These directors shall be appointed for terms of 6 years, except of the directors first appointed, 4 shall be appointed for 6 years, 1 for 5 years, 1 for 4 years, 1 for 3 years, 1 for 2 years, and 1 for 1 year. The corporation shall notify the chief executive officer of the municipality in writing upon the corporation's designation of the project area as provided in section 8(1), and there shall be appointed promptly after that notice 2 additional directors of the corporation who shall serve only in respect to that project and shall be representative of neighborhood residents and business interests likely to be affected by the project proposed by the corporation and who shall cease to serve when the project for which they are appointed is either abandoned or, if undertaken, is completed in accordance with the project plan. Directors shall serve without salary, but may be reimbursed their actual expenses incurred in the performance of their official duties, and may receive a per diem of not more than \$50.00. The meetings of the board of directors shall be public. Directors shall be public officers.

(3) The chief executive officer of a municipality, with the advice and consent of the governing body, or in the case of a county where there is not an elected chief executive officer, the chairperson of the county board of commissioners, with the advice and consent of the county board of commissioners, shall appoint the members of the board of directors.

(4) Subsequent directors shall be appointed in the same manner as original appointments at the expiration of each director's term of office.

(5) A director whose term of office has expired shall continue to hold office until the director's successor has been appointed with the advice and consent of the governing body. A director may be reappointed with the advice and consent of the governing body to serve additional terms. If a vacancy is created by death or resignation or removal by operation of law, a successor shall be appointed with the advice and consent of the governing body within 30 days to hold office for the remainder of the term of the vacated office.

(6) A director may be removed from office for cause by a majority vote of the governing body.

(7) A director who has a direct interest in any matter before the corporation shall disclose the director's interest before the corporation takes any action with respect to the matter, which disclosure shall become a part of the record of the corporation's official proceedings and the interested director shall further refrain from participation in the corporation's proceedings relating to the matter.

(8) By ordinance, the governing body of a municipality that has a population of less than 5,000 may have the municipality's planning commission created pursuant to Act No. 285 of the Public Acts of 1931, being sections 125.31 to 125.45 of the Michigan Compiled Laws, serve as the board of directors provided for in this section.

History: 1974, Act 338, Imd. Eff. Dec. 18, 1974;—Am. 1976, Act 175, Imd. Eff. June 29, 1976;—Am. 1978, Act 467, Imd. Eff. Oct. 16, 1978;—Am. 1980, Act 501, Imd. Eff. Jan. 22, 1981;—Am. 1987, Act 67, Imd. Eff. June 25, 1987.

Compiler's note: Section 2 of Act 501 of 1980 provides: "This amendatory act shall not take effect in a city with a population of greater than 750,000 persons until a subsidiary corporation described under section 6a has been created by the corporation of that city. In addition, any project for which a corporation has designated the project area at the time this amendatory act takes effect shall be exempt from the requirement of payment of the prevailing wage and fringe benefit rates described in section 8(4)(h)."

Act 86 of 1984 amended enacting section 2 of Act No. 501 of 1980 to read as follows: "Section 2. Except for the issuance of bonds and entry into loan agreements by a corporation to refund bonds issued before January 21, 1981, under Act No. 62 of the Public Acts of 1963, being sections 125.1251 to 125.1267 of the Michigan Compiled Laws, this amendatory act shall not take effect in a city with a population of greater than 750,000 persons until a subsidiary corporation described under section 6a has been created by the corporation of that city. In addition, any project for which a corporation has designated the project area at the time this amendatory act takes effect shall be exempt from the requirement of payment of the prevailing wage and fringe benefit rates described in section 8(4)(h)."

CITY OF TROY CHARTER – CHAPTER 7 – ELECTIONS

Section 7.13 - Election Commission:

An election commission is hereby created consisting of the Clerk and two qualified and registered electors of the City, who during their term of office shall not be candidates for elective city offices. These two members shall serve without compensation. These two members shall be appointed by the council annually in January for a term of one year. The Clerk shall be Chairman of the Election Commission and that the Election Commission shall appoint the Board of Election Inspectors for each precinct and have charge of all activities and duties required of it by Statute and this Charter relating to the conduct of Elections in this City. The compensation of Election personnel shall be determined in advance by the City Council. In any case where Election procedure is in doubt, the Election Commission shall prescribe the procedure to follow: Provided only that such procedure comply with all applicable State Statutes and the Constitution of the State of Michigan.

11/23/64

RETIREMENT SYSTEM ORDINANCE

The Retirement System Ordinance was discussed by the Finance Director, Mr. Courtney, and the City Commission.

Resolution #64-1029

By Commissioner Hudson

Supported by Commissioner McAvoy

RESOLVED, to adopt the Ordinance dated December 2, 1963, as revised.

yeas	All-6
nays	none
absent	Gratopp

Ordinance attached and made a part of these minutes.

CIVIL SERVICE ORDINANCE #50

Resolution #64-1030

By Commissioner Jutermeister

Supported by Commissioner Fonesh

RESOLVED, that this matter be tabled until the City Manager submits a letter to City Employees informing them of their opportunity to submit a name to the Commission for appointment to the Civil Service Board.

yeas	All-6
nays	none
absent	Gratopp

CONSIDERATION OF MICHIGAN MUNICIPAL LEAGUE PROPOSAL (ACT 78)

Members of the Civil Service Board (Act 78), Mr. Deighan, Mr. Harrington, and Mr. Blair, were present to discuss this proposal with the members of the City Commission.

Resolution #64-1031

By Commissioner Hudson

Supported by Commissioner Houghtan

RESOLVED, that the Manager be authorized to respond to the letter from the Michigan Municipal League, November 12, 1964, concurring the recommendation as presented for review to Act #78, Fire and Police, plus the addition of Section 11 "Rule of One" regarding promotions on ability, to consider hiring top 2 or 3 on the test scoring.

No vote taken.

RETIREMENT SYSTEM ORDINANCE

City of Troy

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF TROY BY ADDING A NEW CHAPTER WHICH SHALL BE DESIGNATED AS CHAPTER 10 OF TITLE I OF SAID CODE

AN ORDINANCE to create and establish a retirement system, by authority given in Chapter 17, section 17.13 of the Charter of the City of Troy, to provide for the retirement of employees of the City who become superannuated due to age or disability; to provide conditions of membership in the retirement system; to provide pensions and other benefits to be paid upon the retirement of members and under certain conditions to the dependents of members who die before or after retirement; to provide for the financing of the retirement system by contributions to be made by members and the City; to provide for the return of contributions of members who leave City employment before becoming eligible to retire; to provide a board of trustees to administer the system; to provide for the investment of moneys of the system; and to delegate certain authority and responsibilities to the board of trustees.

THE CITY OF TROY ORDAINS:

Establishment of System: Effective Date:

Section 1.1. By authority given in Chapter 17, section 17.13 of the Charter of the City of Troy, there is hereby created and established the City of Troy Employees Retirement System.

Section 1.2. The effective date of the retirement system shall be January 1, 1965.

Short Title:

Section 1.3. This ordinance may be cited as the City of Troy retirement system ordinance.

Definitions:

Section 2.1. The following words and phrases as used in this ordinance, unless a different meaning is clearly indicated by the context, shall have the following meanings:

(a) "City" means the City of Troy, Michigan, and shall include its several departments, commissions, boards and agencies and shall include its predecessor, the township of Troy, Michigan.

(b) "Commission" means the Commission of the City of Troy.

(c) "Retirement system" or "system" means the City of Troy Employees Retirement System created and established by this ordinance.

(d) "Board of Trustees" or "Board" means the board of trustees provided for in this ordinance.

(e) "Employee" means any person in the employ of the City and shall include any person who holds an official position in the government of the City.

(f) "Member" means any employee who is included in the membership of the retirement system.

(g) "Retirant" means any member who retires with a pension payable from funds of the retirement system.

(h) "Beneficiary" means any person, except a retirant, who is in receipt of, or who has entitlement to, a pension or other benefit, payable from the funds of the retirement system.

(i) "Service" means personal service rendered to the City by an employee of the City.

(j) "Prior service" means the sum of (i) service rendered prior to January 1, 1965 but subsequent to December 31, 1961; plus (ii) one-half of service rendered prior to January 1, 1962.

(k) "Membership service" means service rendered after December 31, 1964

(l) "Credited Service" means the total of a member's prior service and membership service, to the extent such service is credited him by the Board of Trustees in accordance with the provisions of this ordinance.

(m) "Compensation" means the salary or wages paid an employee for personal services rendered by him to the City. The term "compensation" shall not include any allowances for clothing, equipment, travel expense or other similar items.

(n) "Final average compensation" means the average of the annual compensations paid a member during the period of 5 consecutive years of his credited service, producing the highest average, contained within his 10 years of credited service immediately preceding termination of his last employment with the City.

(o) "Regular interest" means such rate or rates of interest per annum, compounded annually, as the Board of Trustees shall from time to time adopt.

(p) "Accumulated contributions" means the sum of all amounts deducted from the compensations of a member and credited to his individual account in the members deposit fund, together with regular interest thereon.

(q) "Pension" means an annual amount payable by the retirement system throughout the future life of a person or for a temporary period as provided in this ordinance. All pensions shall be paid in equal monthly instalments.

(r) "Pension reserve" means the present value of all payments to be made on account of any pension, computed on the basis of such mortality and other tables of experience, and regular interest, as the Board of Trustees shall from time to time adopt.

(s) "Retirement" means a member's withdrawal from the employ of the City with a pension payable from the funds of the retirement system.

(t) The masculine gender shall include the feminine gender, and words of the singular number with respect to persons shall include the plural number, and vice versa.

Board of Trustees:

Section 3.1. There is hereby created a Board of Trustees in whom is vested the power and authority to administer, manage and operate the retirement system, and to construe and make effective the provisions of this ordinance. The Board shall consist of 5 trustees as follows:

(a) The City Manager, by virtue of his position.

(b) A Commissioner to be selected by the City Commission and to serve at the pleasure of the City Commission.

(c) A citizen, who is an elector of the City, and who is neither a member, retirant nor beneficiary of the retirement system, to be appointed by the Commission.

(d) Two members of the retirement system to be elected by the members of the system in accordance with such rules and regulations as the Board shall from time to time adopt to govern such elections: Provided, that no more than 1 such member trustee shall be from any 1 City department. The City Manager shall appoint such member trustees to serve on the first board.

Trustees' Terms of Office:

Section 3.2. For the first board of Trustees the term of office of the appointed citizen trustee shall expire December 31, 1967, and the terms of office of the 2 member trustees shall expire December 31, 1965 and December 31, 1966, as the City Manager shall designate. Thereafter, the regular term of office for the appointed citizen trustee and the 2 member trustees shall be 3 years. Each trustee shall continue to serve as trustee until his successor has qualified for the office of trustee.

Trustees' Terms of Office:

Section 3.2. For the first Board of Trustees the term of office of the appointed citizen trustee shall expire December 31, 1967, and the terms of office of the 2 member trustees shall expire December 31, 1965 and December 31, 1966 as the City Manager shall designate. Thereafter, the regular term of office for the appointed citizen trustee and the 2 member trustees shall be 3 years. Each trustee shall continue to serve as trustee until his successor has qualified for the office of trustee.

Trustees' Oath of Office:

Section 3.3. Each Trustee shall, within 10 days from and after his appointment or election as trustee take an oath of office before the City Clerk.

Vacancy on Board; How Filled:

Section 3.4. In the event a trustee fails to attend 3 consecutive meetings of the Board of Trustees, unless in each case excused for cause by the remaining trustees attending such meetings, or in the event a member trustee leaves the employ of the City, he shall be considered to have resigned from the Board and the Board shall, by resolution, declare his office of trustee vacated as of the date of such resolution. If a vacancy occurs in the office of trustee the vacancy shall be filled, for the unexpired portion of the term, in the same manner as the office was previously filled.

Board Quorum; Vote; Meetings; Proceedings:

Section 3.5. Three trustees shall constitute a quorum at any meeting of the Board of Trustees. Each trustee shall be entitled to 1 vote on each question before the Board and at least 3 concurring votes shall be required for a decision by the Board at any of its meetings. The Board shall hold meetings regularly, at least 1 in each quarter year and shall designate the time and place thereof. The Board shall adopt its own rules of procedure and shall keep a record of its proceedings. All meetings of the Board shall be public.

Board Chairman; Retirement System Officers; Employees:

Section 3.6. (a) The Board of Trustees shall designate from its own number a chairman and a vice-chairman.

(b) The City Clerk shall serve as secretary to the Board of Trustees.

(c) The City Treasurer shall be the treasurer of the retirement system, and he shall be the custodian of its moneys and investments.

(d) The Finance Director shall be the administrative officer of the retirement system.

(e) The City Attorney shall be the legal advisor to the Board of Trustees.

(f) The Board of Trustees shall designate an actuary who shall be the technical advisor to the Board and who shall perform such other duties as are required of him under this ordinance.

(g) The Board of Trustees may employ such other services as are approved by the City Manager and authorized by the Commission.

Records; Annual Reports:

Section 3.7. The administrative officer shall keep, or cause to be kept, such data as shall be necessary for an actuarial valuation of the assets and liabilities of the retirement system. The Board of Trustees shall annually render a report to the Commission showing the fiscal transactions of the system for the preceding fiscal year, and shall furnish the Commission such additional information regarding the operation of the system as the Commission shall from time to time request.

Experience Tables; Regular Interest; Adoption of:

Section 3.8. The Board of Trustees shall from time to time adopt such mortality and other tables of experience, and a rate or rates of regular interest, as are required in the proper operation of the retirement system: Provided, that no such rate or rates of regular interest shall exceed four percent per annum, compounded annually.

Membership in Retirement System:

Section 4.1. (a) The membership of the retirement system shall include, subject to paragraph (c) of this section, all persons who are in the employ of the City on December 31, 1964 and who continue in the employ of the City on and after the effective date of the retirement system: Provided, that any such employee may elect, prior to April 1, 1965, to decline membership in the retirement system by filing his written notice of declination, on a form provided by the Board of Trustees, with the Board prior to April 1, 1965. An employee who

has elected to decline membership may subsequently elect to become a member of the retirement system by filing written application with the Board on a form provided by the Board: Provided, that in no case shall such employee receive credit for service rendered prior to the date he becomes a member.

(b) The membership of the retirement system shall include, subject to paragraph (c) of this section, all persons who become employed or become re-employed by the City on and after the effective date of the retirement system, notwithstanding that such person may have previously declined membership.

(c) The membership of the retirement system shall not include (1) any employee who is employed by the City in a position normally requiring less than 1000 hours of work per annum, (2) any employee whose services are compensated on a contractual or fee basis, except as reviewed by the Board of Trustees and approved by the City Commission, (3) volunteer firemen as such, and (4) elected officials of the City.

(d) In any case of doubt as to the membership status of any employee, the Board of Trustees shall decide the question.

Termination of Membership:

Section 4.2. Should any member cease to be employed in a position covered by the retirement system, for any reason except his leave of absence, approved by the City Manager, retirement, or death, he shall thereupon cease to be a member and his credited service at that time shall be forfeited by him, unless otherwise provided in this ordinance. In the event he is re-employed by the City in a position covered by the system he shall again become a member, notwithstanding that he may have previously declined membership. Should his said re-employment occur within a period of 5 years from and after the date he last ceased to be a member, his credited service last forfeited by him shall be restored to his credit, provided he returns to the members deposit fund the amount, if any, he withdrew therefrom, together with regular interest thereon from the date of withdrawal to the date of repayment. Upon a member's retirement, he shall thereupon cease to be a member of the system.

Service Credit:

Section 4.3. The Board shall fix and determine by appropriate rules and regulations the amount of service to be credited any member: Provided, that in no case shall less than 10 days of service rendered by him in any calendar

month be credited as a month of service, nor shall less than 10 months of service rendered by him in any calendar year be credited as a year of service, nor shall more than 1 year of service be credited any member for all service rendered by him in any calendar year. Based on such rules and regulations, and the provisions of this ordinance, the Board shall credit each member with the service rendered by him before and after January 1, 1965.

Military Service Credit:

Section 4.4. In the event an employee of the City, who while employed by the City, entered, or a member enters, the armed forces of the United States during any period of compulsory military service, such armed service shall be credited him as City service: Provided, that (1) he re-enters the employ of the City, in a position covered by this retirement system, within 6 months from and after termination of such armed service actually required of him, and (2) he pays into the members deposit fund the amount, if any, he may have withdrawn therefrom, together with regular interest from the date of withdrawal to the date of repayment, and (3) in no case shall any member be credited with more than 5 years of service for all such armed service rendered by him. In any case of doubt as to the period to be so credited any member, the Board of Trustees shall have final power to determine such period. During the period of such armed service and until his return to the employ of the City in a position covered by this retirement system shall be suspended.

Voluntary Retirement:

Section 5.1. Any member, who has attained age 60 years and has 10 or more years of credited service in force, may retire upon his written application filed with the Board of Trustees setting forth at what time, not less than 30 days nor more than 90 days subsequent to the execution and filing thereof, he desires to be retired. Upon his retirement he shall be entitled to a pension provided for in section 6.1 of this ordinance.

Normal Retirement:

Section 5.2. Any member shall be separated from the employ of the City the first day of the calendar month next following the month in which he attains age 65 years: Provided, that such a member may be continued in City employment

from his attainment of age 50 years for periods not to extend beyond his attainment of age 58 years, if (1) he requests in writing to be continued in City employment, and (2) his request is approved by the City Manager or the Commission, as the case may be. If a member, who is so separated from City employment has 10 or more years of credited service in force he shall be retired and he shall be entitled to a pension provided for in section 5.2 of this ordinance.

Deferred Retirement:

Section 5.3. In the event a member who has attained age 50 years and has 10 or more years of credited service, or who has 20 or more years of credited service regardless of age, leaves the employ of the City before he is eligible to retire as provided in section 5.1 of this ordinance, he shall be entitled to a pension computed according to the provisions of section 6.1 of this ordinance in force at the time of the said member's separation from City employment. Provided, that he does not withdraw his accumulated contributions from the member's deposit fund. His said pension shall begin the first day of the calendar month next following the month in which he files his application for same with the Board of Trustees on or after his attainment of age 65 years.

Straight Life Pension:

Section 6.1. Upon a member's retirement, as provided in this ordinance, he shall receive a straight life pension equal to the number of years, and fraction of a year, of his credited service multiplied by the sum of 1 percent of the first \$4800 of his final average compensation plus 1.5 percent of the portion, if any, of his final average compensation in excess of \$4800.

Terminal Payments:

Section 6.2. In the event a retiree dies before he has received in straight life pension payments an aggregate amount equal to his accumulated contributions standing to his credit in the member's deposit fund at the time of his retirement, the difference between his said accumulated contributions and the said aggregate amount of straight life pension payments received by him shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the Board. If there be no such designated person or persons surviving the said retiree, such difference, if any, shall be paid to his estate. If there shall any benefit be paid under this section on account of the death of a member, it shall be subject to the provisions of section 5.2 of this ordinance.

FOR THE SECTION 6.2 OF THIS ORDINANCE. -6-

Pension Options:

Section 6.3. Prior to the effective date of his retirement, but not thereafter, a member may elect to receive his pension as a straight life pension payable throughout his life; or, he may elect to receive the actuarial equivalent, at that time, of his straight life pension in a reduced pension payable throughout his life, and nominate a beneficiary, in accordance with the provisions of option A or B set forth below:

Option A. Joint and Survivor Pension: Upon the death of a retirant, who elected option A, his reduced pension shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the Board of Trustees prior to the date of his retirement; or

Option B. Modified Joint and Survivor Pension: Upon the death of a retirant, who elected option B, one-half of his reduced pension shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the Board of Trustees prior to the date of his retirement.

Disability Retirement:

Section 7.1. Upon the application of a member, or his department head, a member who (1) is in the employ of the City, (2) has 10 or more years of credited service, and (3) becomes totally and permanently incapacitated for duty in the employ of the City, by reason of a personal injury or disease, may be retired by the Board of Trustees: Provided, that after a medical examination of the said member made by or under the direction of a medical committee consisting of 2 physicians, 1 of whom shall be named by the Board, and 1 by the said member, the said medical committee reports to the Board, in writing, (1) that the said member is mentally or physically totally incapacitated for duty in the employ of the City, (2) that his incapacity will probably be permanent, and (3) that the said member should be retired. In the event that the 2 physicians constituting the said medical committee do not agree in their findings, then the Board may, in its discretion, appoint a third physician to examine said member and based upon the report, in writing, of the third physician, the Board may retire said member. The 10 years credited service requirement contained in this section shall be waived in the

case of a member whom the Board finds (1) to be totally and permanently incapacitated for duty in the employ of the City as a natural and proximate result of a personal injury or disease arising out of and in the course of his actual performance of duty in the employ of the City and (2) to be in receipt of workmen's compensation on account of his disability arising out of and in the course of his City employment.

Disability Pension:

Section 7.2. Upon the retirement of a member on account of disability, as provided in section 7.1 of this ordinance, he shall receive a pension computed in accordance with the provisions of section 6.1 of this ordinance: Provided, that his straight life disability pension shall not be less than the sum of 10 percent of the first \$4800 of his final average compensation plus 15 percent of the portion, if any, of his final average compensation in excess of \$4800; and provided further, that his said disability pension shall be subject to sections 7.3, 7.4, 7.5 and 7.6 of this ordinance. Upon his retirement, he shall have the right to elect an option provided for in section 6.3 of this ordinance.

Service Credit for Workmen's Compensation Period:

Section 7.3. Upon termination of the statutory period for payment of a retirant's workmen's compensation, if he was in receipt of workmen's compensation on account of his disability arising out of and in the course of his City employment, his credited service at time of disability retirement shall be increased by the statutory period for the payment of his workmen's compensation and his disability pension shall be recomputed based upon such increased credited service: Provided, that in no case shall such recomputed disability pension be less than the sum of 10 percent of the first \$4800 of his final average compensation plus 15 percent of the portion, if any, of his final average compensation in excess of \$4800.

Re-Examination of Disability Retirant:

Section 7.4. At least once each year during the first 5 years following a member's retirement on account of disability, and at least once in every 3 year period thereafter, the Board of Trustees may, and upon the retirant's application shall, require any disability retirant who has not attained age 60

years to undergo a medical examination to be made by or under the direction of a physician designated by the Board. If the said retirant refuses to submit to such medical examination in any such period his disability pension may be suspended by the Board until his withdrawal of such refusal. Should such refusal continue for 1 year all his rights in and to a disability pension may be revoked by the Board. If upon such medical examination of said retirant, the said physician reports to the Board that the said retirant is physically able and capable of resuming employment with the City he shall be returned to City employment and his disability pension shall terminate: Provided, that the report of the said physician is concurred in by the Board. In returning the said retirant to City employment reasonable latitude shall be allowed the City in placing him in a position commensurate with his type of work and compensation at the time of his retirement.

Section 7.5. A disability retirant who is returned to City employment, as provided in section 7.4 of this ordinance, shall again become a member of the retirement system. His credited service at the time of his retirement shall be restored to full force and effect. He shall be given service credit for the period he was in receipt of workmen's compensation on account of his disability arising out of and in the course of his City employment; otherwise he shall not be given service credit for such period.

Section 7.6. In the event a disability retirant, who has not attained age 60 years becomes engaged in gainful occupation, business, or employment paying him more than the difference between his annual rate of compensation at the time of his retirement and his disability pension, his said pension shall be reduced to an amount which together with the amount so earned by him shall equal but not exceed his said annual rate of compensation. Should the said retirant's earnings change, the reduction of his said pension shall be adjusted accordingly.

Duty Death Pension:

Section 8.1. In the event a member dies as the result of a personal injury or disease arising solely and exclusively out of and in the course of his employment with the City, and such death, or injury or disease resulting in such death, be found by the Board of Trustees to have been the result of his actual performance of duty in the employ of the City, the applicable benefits

provided in section 8.2 of this ordinance shall be paid, subject to the condition that workmen's compensation becomes payable on account of the death of the said member, and subject to paragraph (d) of section 8.2 of this ordinance.

Section 8.2 (a) The said member's accumulated contributions standing to his credit in the members deposit fund at the time of his death shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the Board. If no such designated person or persons survives the said member, his accumulated contributions shall be paid to his estate.

(b) His widow shall receive a pension equal to 25 percent of the said member's final average compensation. The said widow's pension shall begin as of the date of death of the said member and shall terminate upon her death or remarriage.

(c) If there be no widow, or if the widow's pension shall cease, for any reason, the said member's dependent children shall share equally in a pension equal to 25 percent of the said member's final average compensation. Each child's pension shall terminate when the said child has either died, married, or attained age 18 years.

(d) As used in this section, the term "widow" means any person to whom the said member was married at the time his employment with the City is terminated. In no event shall benefits be paid concurrently under this section and under sections 8.3 or 8.4 on account of the death of said member.

Non-Duty Death Pensions:

Section 8.3 Any member who continues in the employ of the City after the date he either (1) acquires 25 years of credited service, or (2) attains age 55 years and has 10 or more years of credited service, may, at any time prior to the effective date of his retirement, elect option A provided for in section 6.3 of this ordinance, and nominate a beneficiary whom the Board of trustees finds to be dependent upon the said member for at least 50 percent of his financial support. At any time prior to the effective date of his retirement, the said member may revoke his election of option A and nomination of beneficiary and he may again elect option A and nominate a beneficiary

and he may again elect option A and nominate a beneficiary as provided in this section. Upon the death of a member who has an option election in force as provided in this section, his beneficiary shall immediately receive a pension computed in the same manner in all respects as if the said member had retired the day preceding the date of his death, notwithstanding that he might not have been otherwise eligible to retire. In the event a member has an option election in force at the time of his retirement his said election of option and nomination of beneficiary shall thereafter continue in force.

Section 8.4. Any member who continues in the employ of the City after the date he either (1) acquires 25 years of credited service, or (2) attains age 55 years and has 10 or more years of credited service, and in either case does not have an option election in force as provided in section 8.3 of this ordinance, and (1) dies while in the employ of the City, and (2) leaves a widow, or in the case of a female member leaves a widower whom the Board of Trustees finds to be totally and permanently disabled and to be dependent upon the said female member for at least 50 percent of his financial support, the said widow or widower, as the case may be, shall immediately receive a pension computed in the same manner in all respects as if the said member had (1) retired the day preceding the date of his death, notwithstanding that he might not have been otherwise eligible to retire, (2) elected option A provided for in section 6.3 of this ordinance, and (3) nominated his said widow or widower, as the case may be, as beneficiary. Upon the remarriage of the said widow or widower her or his pension shall terminate.

Members Deposit Fund:

Section 9.1. The members deposit fund is hereby created. It shall be the fund in which shall be accumulated, at regular interest, the contributions of members, and from which shall be made refunds and transfers of accumulated contributions, as provided in this ordinance.

Section 9.2. A member's contributions to the retirement system shall be the sum of 3 percent of the first \$4800 of his annual compensation plus 5 percent of the portion, if any, of his annual compensation in excess of \$4800.

Section 9.3. The officer or officers responsible for making up the payroll shall cause the contributions provided for in section 9.2 of this ordinance to be deducted from the compensations of each member on each and every payroll, for each and every payroll period, from the date of his entrance in the retirement system to the date his City employment terminates. The members' contributions provided for herein shall be made notwithstanding that the minimum compensation provided by law for any member is thereby changed. Each member shall be deemed to consent and agree to the deductions made and provided for herein. Payment of his compensation less said deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by him during the period covered by such payment, except as to benefits provided by this ordinance. When deducted, each of said contributions shall be paid to the retirement system and shall be credited to the member's individual account in the members deposit fund from whose compensation said deduction was made.

Section 9.4. In addition to the contributions deducted from the compensations of a member, as hereinbefore provided, a member shall deposit in the members deposit fund, by a single contribution or by an increased rate of contribution approved by the Board, all amounts he may have withdrawn therefrom and not repaid thereto, together with regular interest thereon from the date of withdrawal to the date of repayment. In no case shall any member be given credit for service rendered prior to the date he withdrew his accumulated contributions until he repays to the members deposit fund the amounts due said fund by him.

Section 9.5. Upon a member's retirement, his accumulated contributions standing to his credit in the members deposit fund shall be transferred to the retirement reserve fund. Except as otherwise provided in this ordinance, at the expiration of a period of 7 years from and after the date a member ceases to be an employee of the City, any balance standing to his credit in the members deposit fund, unclaimed by the said member or his legal representative, shall be transferred to the income fund.

Refund of Member's Contributions:

Section 9.6. Should any member cease to be employed by the City and not be entitled to a pension payable from funds of the retirement system, he shall

be paid the balance standing to his credit in the members deposit fund, provided he files his written application for same with the Board of Trustees.

Section 9.7. Upon the death of a member, if no pension becomes payable on account of his City employment, the balance standing to his credit in the members deposit fund at the time of his death shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the Board of Trustees. If no such designated person or persons survives the said member his said accumulated contributions shall be paid to his estate.

Section 9.8. Payment of refunds of members deposit fund balances, as provided in this section, may be made in equal instalments according to such rules and regulations as the Board of Trustees shall from time to time adopt.

Pension Reserve Fund:

Section 10.1. The pension reserve fund is hereby created. It shall be the fund in which shall be accumulated the contributions made by the City to the retirement system and from which shall be made transfers of pensions reserves, as provided in this section.

Section 10.2 Upon the basis of such mortality and other tables of experience, and regular interest, as the Board of Trustees shall from time to time adopt, the actuary shall annually compute the pension reserves for service rendered and to be rendered by members, and the pension reserves for pensions being paid retirants and beneficiaries. The pension reserve liabilities so determined shall be financed by annual City contributions to be appropriated by the Commission; said contributions to be in accordance with the provisions of sub-paragraphs (a), (b) and (c) set forth below:

(a) The appropriations for members' current service shall be a percent of their annual compensations which will produce an amount which if paid annually by the City during their future service will be sufficient, at the time of their retirements, to provide the pension reserves, not financed by members' future contributions, for the portions of the pensions to be paid them based upon their future service; and

(b) The appropriation for members' accrued service shall be a percent of their annual compensations which will produce an amount which if paid annually by the City over a period of years, to be determined by the Commission, will amortize, at regular interest, the unfunded pension reserves for the accrued service portions of the pensions to which they may be entitled upon retirement; and

(c) The appropriation for pensions being paid retirants and beneficiaries shall be a percent of the annual compensations of members which will produce an amount which if paid annually by the City over a period of years, to be determined by the Commission, will amortize, at regular interest, the unfunded pension reserves for pensions being paid retirants and beneficiaries.

Section 10.3. In the event the amount appropriated in the budget in any fiscal year is insufficient to pay in full the amounts due in said year to all retirants and beneficiaries of the retirement system the amount of such insufficiency shall thereupon be provided by the City.

Section 10.4. Upon the retirement of a member the difference between the pension reserve for the pension payable on his account and his accumulated contributions shall be transferred from the pension reserve fund to the retirement reserve fund.

Retirement Reserve Fund:

Section 10.5. The retirement reserve fund is hereby created. It shall be the fund from which shall be paid all pensions as provided in this ordinance. In the event a disability retirant returns to City employment his pension reserve at that time shall be transferred from the retirement reserve fund to the members deposit fund and the pension reserve fund in the same proportion as the pension reserve was originally transferred.

Income Fund:

Section 10.6. The income fund is hereby created. It shall be the fund to which shall be credited all interest, dividends, and other income from investments of the retirement system; all transfers from the members deposit fund by reason of lack of claimant; and all other moneys received by the retirement system, the disposition of which is not specifically otherwise

provided for in this ordinance. The Board of Trustees may accept gifts and bequests and the same shall be credited to the income fund. There shall be transferred from the income fund all amounts required to credit regular interest to the members deposit fund, retirement reserve fund, and pension reserve fund, as provided in this ordinance. Whenever the Board determines that the balance in the income fund is more than sufficient to cover the current charges to the fund, the Board may, by resolution, provide for contingency reserves, or for the transfer of such excess or portion thereof to cover the needs of the other funds of the retirement system, except the expense fund.

Other Funds:

Section 10.7. The Board of Trustees may create such other funds as it deems necessary for proper operation of the retirement system.

Investment of Moneys:

Section 11.1. The Board of Trustees shall be the trustees of the funds of the retirement system and shall have full power, subject to section 11.2 of this ordinance, to invest and reinvest such funds in:

- (a) Bonds or warrants of the United States, the state of Michigan or in the bonds of any other State of the United States.
- (b) General obligation bonds of any county, township, municipal corporation, school district or any other legally constituted taxing or bond issuing authority within the State of Michigan.
- (c) Obligations secured by first liens on real estate, or by pledge of specific income or revenue, and issued, insured, or guaranteed by any agency or instrumentality of the United States or the state of Michigan.
- (d) Notes, bonds, or debentures which are direct obligations of corporations created or existing under the laws of the United States, or any state, district, or territory thereof. Provided, the said notes, bonds or debentures are rated, at the time of purchase, within the three highest classifications established by any 2 nationally recognized investment services as may, from time to time, be designated by the Board of Trustees.
- (e) In stocks, preferred or common, of corporations created or existing under the laws of the United States, or any state, district or territory thereof: Provided, at time of purchase, the notes, bonds or

debentures of said corporation would qualify for the investment of funds of the retirement system under section 11.1 (d) of this ordinance.

(f) In savings accounts in a national bank located in the state or in a state bank located in and organized under the laws of the state: Provided, that no deposit shall be made unless the deposits of the depository bank are insured by the Federal Deposit Insurance Corporation, created under an act of Congress of the United States.

(g) In mutual funds or in pool funds.

Section 11.2. In no event shall more than 50 percent of the assets of the retirement system be invested in securities specified in section 11.1 (e) of this ordinance; nor more than 10 percent of the assets of the retirement system in the stocks of any single corporation. For purposes of this section assets shall be valued at cost price plus accrued discount or less amortized premium.

Restricted Use of Funds:

Section 11.3. All moneys and investments of the retirement system shall be held for the exclusive purpose of meeting the disbursements for pensions and other payments authorized by this ordinance and shall be used for no other purpose whatsoever. Available cash on deposit shall not exceed 10 percent of the total assets of the retirement system.

Assets Not Segregated:

Section 11.4. The members deposit fund, pension reserve fund, retirement reserve fund, income fund, and any other funds created by the Board of Trustees shall be interpreted to refer to the accounting records of the retirement system and not to the actual segregation of the assets of the system in the said funds.

Allowance of Regular Interest:

Section 11.5. The Board of Trustees shall, at the end of each fiscal year, allow and credit regular interest to the members' individual accounts in the members deposit fund computed upon their individual balances at the beginning of such fiscal year; and to the mean balances for the year in the pension reserve fund and the retirement reserve fund. The amounts of

interest so credited shall be charged to the income fund. In the event the balance in the income fund is not sufficient to cover the amounts of interest charged to it, the amount of such insufficiency shall be transferred from the pension reserve fund to the income fund.

No Trustee Shall Gain from Investments of the System:

Section 11.6. Except as otherwise provided in this ordinance, no trustee and no employee of the City shall have any interest direct or indirect in the gains or profit arising from any investments made by the Board of Trustees. No person directly or indirectly, for himself or as an agent or partner of others, shall borrow any moneys or investments of the retirement system, or in any manner use the same except to make current and necessary payments as are authorized by the Board. No such person shall become an endorser or surety or become in any manner an obligor for moneys loaned by or borrowed from the Board. Nothing contained herein shall be construed to impair the rights of any member, retirant, or beneficiary of the retirement system to benefits provided by the system.

Method of Making Payments:

Section 11.7. All payments from moneys of the retirement system shall be made by the City Treasurer; Provided, that such payments shall be made only upon the written authority signed by 2 persons designated by the Board of Trustees. A duly attested copy of a resolution designating such persons and bearing upon its face specimen signatures of such persons shall be filed with the City Treasurer. No such written authority to make payments from the moneys of the system shall be executed unless the payment or payments shall have been previously authorized by a specific or continuing resolution adopted by the Board.

Correction of Errors:

Section 12.1. Should any change or error in the records of the City or the retirement system result in any person receiving from the system more or less than he would have been entitled to receive had the records been correct, the Board of Trustees shall correct such error and as far as is practicable shall adjust the payment of the benefit in such manner that

the actuarial equivalent of the benefit to which such person was correctly entitled shall be paid.

Subrogation:

Section 12.2 In the event a person becomes entitled to a pension or other benefit payable by the retirement system as the result of an accident or injury caused by the act of a third party, the City shall be subrogated to the rights of the said person against such third party to the extent of the benefits to which the City pays or becomes liable to pay.

Assignments Prohibited:

Section 12.3. The right of a person to a pension, to the return of accumulated contributions, the pension itself, any pension option, and any other right accrued or accruing to any member, retirant or beneficiary, under the provisions of this ordinance, and all moneys belonging to the retirement system, shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency law, or any other process of law whatsoever and shall be unassignable, except as is specifically provided in this ordinance: Provided, that if a member is covered by a group insurance or prepayment plan participated in by the City, and should he be permitted to, and elect to, continue such coverage as a retirant, he may authorize the Board of Trustees to have deducted from his pension the payments required of him to continue coverage under such group insurance or prepayment plan; provided further, that the City shall have the right of setoff for any claim arising from embezzlement by or fraud of a member, retirant, or beneficiary.

Fraud Penalty:

Section 12.4. Whoever with intent to deceive shall make any statement or report required under this ordinance which is untrue, or shall falsify or permit to be falsified any record or records of the retirement system shall be fined not to exceed \$500 or imprisoned for not to exceed 90 days, or both in the discretion of the Court, together with costs of prosecution.

Pension Suspended:

Section 12.5. Except as otherwise provided in this ordinance, in the event a retirant or beneficiary is employed or re-employed by the City, payment of his pension shall be suspended during the period of his employment or re-employment. Upon termination of such employment or re-employment, payment of his pension shall be resumed. During the period of his re-employment by the City, he shall not again become a member of the retirement system.

Validity:

Section 12.6. If any provision, section, sub-section, paragraph, sentence, clause, phrase, or word contained in this ordinance is for any reason held to be unconstitutional by any Court, such decision shall not affect the validity of the remaining provisions, sections, sub-sections, paragraphs, sentences, clauses, phrases, and words of this ordinance or the ordinance in its entirety.

Date and Publication:

Section 12.7. 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 Commission of the City of Troy, Oakland County, Michigan, at a regular meeting of said City Commission held at the Troy City Offices, 60 W. Wattles Road, Troy, Michigan, on the 23rd day of November, 1964.

MAYOR

City Clerk

1/19/65

A Meeting of the Pension Board was held at the Troy City Offices on Tuesday, January 19, 1965, at 8:30 a.m.

PRESENT: Kenneth Courtney
 Wallace B. Hudson
 Ben Jones
 Fred Stanley
 Paul A. York

ABSENT: None

TRUSTEES OATH OF OFFICE

Mr. Lockhart, City Clerk, administered the Oath of Office to the members of the Pension Board.

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

ERS-1 Motion by York
 Supported by Stanley

MOVED that Wallace Hudson be nominated as Chairman of the Pension Board.

Motion by Courtney
 Supported by York

MOVED that nominations for Chairman of the Pension Board be closed.

yeas All-5
nays none
absent none

Wallace Hudson elected as chairman of the Pension Board by unanimous decision.

Election of Vice-Chairman cont.

1/19/65

ERS-2

Motion by Stanley
Supported by York

MOVED that Kenneth Courtney be nominated as Vice-Chairman of the Pension Board.

Motion by Stanley
Supported by York

MOVED that nominations for Vice-Chairman of the Pension Board be closed.

yeas	All-5
nays	none
absent	none

Kenneth Courtney elected as Vice-Chairman of the Pension Board by unanimous decision.

Mr. Hudson stated that we should establish a regular procedure of holding our meetings such as the City Commission.

ERS-3

Motion by Jones
Supported by York

MOVED, that all meetings be held according to Roberts Rules of Order.

yeas	All-5
nays	none
absent	none

SELECTION OF ACTUARY

Mr. Courtney gave a short resume on this matter.

ERS-4

Motion by York
Supported by Stanley

MOVED, that Gabriel, Roeder, Smith & Co. be selected as our Actuaries.

yeas	All-5
nays	none
absent	none

1/19/65

ADOPTION OF MORTALITY TABLE

ERS-5 Motion by Jones
Supported by Courtney

RESOLVED, that the adoption of a Mortality Table be tabled until we can obtain information from a representative of Gabriel, Roeder Smith, & Co.

yeas	All-5
nays	none
absent	none

INTEREST RATE

ERS-6 Motion by York
Supported by Stanley

RESOLVED, that the amount of interest credited to the members deposit fund on the 1st day of the fiscal year shall be 3% of the minimum balance during the fiscal year.

yeas	Courtney, Hudson, Stanley, York
nays	Jones
absent	none

CITY ATTORNEY'S MEMBERSHIP

ERS-7 Motion by York
Supported by Stanley

MOVED to recommend to the City Commission that Mr. Burke, City Attorney, be given membership in the Retirement System with prior service of 4 years and 4 months.

yeas	All-5
nays	none
absent	none

1/19/65

PRIOR SERVICE CREDIT

ERS-8 Motion by Stanley
Supported by Hudson

MOVED to approve the prior service credited to employees as presented.

yeas	All-5
nays	none
absent	none

A list of the employees and their prior service attached and made a part of these minutes.

RECIPROCAL RETIREMENT ACT

ERS-9 Motion by Jones
Supported by Hudson

MOVED to recommend to the City Commission that they consider the Reciprocal Retirement Act.

yeas	All-5
nays	none
absent	none

BANK ACCOUNT

ERS-10 Motion by York
Supported by Stanley

RESOLVED, that the City of Troy Employees Retirement System check account be opened as a regular City account at the Troy National Bank.

yeas	All-5
nays	none
absent	none

1/19/65

INVESTMENT ADVISORS

ERS-11 Motion by Stanley
Supported by York

MOVED to authorize Mr. Courtney to invest money in Certificate
of Deposit at the Troy National Bank.

yeas	All-5
nays	none
absent	none

The next meeting of the Pension Board will be held on Tuesday,
January 26, 1965, at 8:30 a.m.

ERS-12 Motion by Hudson
Supported by Jones

MOVED to adjourn at 9:37 a.m.

yeas	All-5
nays	none
absent	none

WALLACE B. HUDSON, Chairman

	<u>PRIOR YEARS</u>	<u>SERVICE MONTHS</u>		<u>PRIOR YEARS</u>	<u>SERVICE MONTHS</u>
W. RENSHAW	20	1	R. MITCHELL	2	4
C. TRUESDELL	8	4	S. THURSTON	2	3
W. SCHWANDT	7	8	F. YOUNK	2	3
E. SACKNER	7	6	R. VAN HESE	1	11
R. MORTENSON	6	4	R. CAIRNS	1	9
R. HOFFMAN	5	10	K. COURTNEY	1	9
L. LOCKHART	5	10	D. EVERLOVE	1	6
R. SACKNER	5	10	P. HYNES	1	6
D. LINDSEY	5	9	M. LEE	1	6
H. KRELL	5	8	T. MORRIS	1	6
R. MAJOR	5	8	G. SUNBERG	1	6
C. LACKEY	5	7	A. DEPEW	1	4
F. POOLE	5	7	C. KONCZYK	1	4
O. BROWN	5	2	S. BURKE	4	4
M. EBELING	5	2	F. FISHER	1	3
L. HALSEY	5	2	R. GRAHAM		10
G. REED	5	2	E. LAMONT		10
J. ROSKOVENSKY	5	2	J. LORAM		10
R. SPENCER	5	2	F. STANLEY		9
G. WELCOME	5	2	J. EWERS		7
F. ROBINSON	5	1	J. HARRIS		5
J. WISNIEWSKI	4	9	W. MASSIE		5
C. GREEN	4	8	E. McPHERSON		5
A. KOSS	4	8	P. YORK		4
F. TEASDALE	4	8	K. MORROW		1
C. WOMACK	4	8	J. BOCK		1
A. WHITE	4	7	M. WATSON		1
C. CAMPBELL	4	3			
A. FRANZEN	4	3			
D. BUFKIN	4	2			
E. HILDEBRANDT	4	2			
D. SCHOFIELD	4	2			
A. VENTITELLI	4	2			
L. CAPALDI	4	1			
R. ROBERTSON	4	1			
C. McPHERSON	3	9			
L. YOUNG	3	9			
E. ZANNI	3	9			
F. GREEN	3	8			
M. HILL	3	8			
A. GRESHAM	3	7			
M. FRENG	3	4			
J. McGOOGAN	3	3			
L. FORD	3	2			
R. BOOTH	3	1			
R. CLARK	3	1			
M. GLAYSHER	3	1			
W. CARR	2	11			
E. FRANZEN	2	8			
R. KILMER	2	7			

Chapter 10 Employees Retirement System

- (N) Retirement means a member's withdrawal from the employ of the city with a pension payable from the funds of the retirement system.
- (O) Retirement system or system means the city employees retirement system created and established by this chapter.
- (P) Service means personal service rendered to the city by an employee of the city.

(Rev. 02-11-91)

- 2. Board of Trustees. The Board of Trustees is vested with the power and authority to administer, manage and operate the retirement system, and to construe and make effective the provisions of this Chapter. The Board shall consist of eight trustees as follows:

(Rev. 03-01-04)

- (A) The City Manager, by virtue of his position.
- (B) The Assistant City Manager/Finance & Administration, by virtue of his position.

(Rev. 11-6-00)

- (C) A member of Council selected by the Council.

(Rev. 02-28-94)

- (D) A citizen, who is an elector of the City, and who is not a member, retirant or beneficiary of the retirement system, and who is not a member of the Council, to be appointed by the Council.

(Rev. 09-11-78)

- (E) Three members of the retirement system to be elected by the members of the system in accordance with such rules and regulations as the Board shall from time to time adopt to govern such elections.

- (F) A retiree member in the Defined Benefit plan, who shall be appointed by the City Council, and shall serve as a non-voting member.

- (g) Of the five employee members, two must be in the Defined Benefit plan. A minimum of two of the five member trustees, as set forth in paragraphs A, B or E, must be a member of the Defined Benefit plan.

(Rev. 03-01-04)

Chapter 10 Employees Retirement System

3. Terms of Office. The regular term of office for the appointed citizen, the 3 member trustees, and the Council trustee, shall be 3 years.

(Rev. 02-28-94)

Vacancy of Board

- 3.4 If a member trustee leaves the employ of the City he shall be considered to have resigned from the Board and the vacancy shall be filled for the unexpired portion of the term.

(Rev. 02-11-91)

Board Quorum, Vote, Meetings, Proceedings

- 3.5 Four trustees shall constitute a quorum at any meeting of the Board of Trustees. Each trustee shall be entitled to one vote on each question before the Board and at least four concurring votes shall be required for a decision by the Board. The Board shall hold meetings regularly, at least one in each quarter year, and shall designate the time and place thereof. The Board shall adopt its own rules of procedure.

(Rev. 02-11-91)

Board Chairman, Retirement System Officers, Employees

- 3.6 (A) The Board of Trustees shall designate from its own number a Chairman and a Vice-Chairman.
- (B) The City Treasurer shall be the Treasurer of the Retirement System.
- (C) The Assistant City Manager/Finance & Administration shall be the Administrative Officer and serve as secretary of the Retirement System and he shall be the custodian of its money and investments.
- (D) The City Attorney shall be the Legal Advisor to the Board of Trustees.
- (E) The Board of Trustees shall designate an actuary who shall be the Technical Advisor to the Board and who shall perform such other duties as are required of him under this Chapter.
- (F) The Board of Trustees may employ such other services as are approved by the City Manager and authorized by the Council.

(Rev. 06-7-99)

NOW, THEREFORE, BE IT RESOLVED, That the City of Troy recognizes the far-reaching impact of diverting transportation revenues from the Public Act 51 distribution formula and calls upon the Michigan Legislature to support the increase in the diesel fuel tax only if the additional revenue is distributed equitably to MDOT, County Road Commissions, Cities and Villages based on the distribution formula in 1951 Public Act 51; and

BE IT FURTHER RESOLVED, That a certified copy of this resolution be transmitted to State Representative Robert Gosselin, State Representative John Pappageorge and State Senator Shirley Johnson, and the State and Federal Affairs Division of the Michigan Municipal League.

Vote on Postponement

Resolution #2002-03-178
Moved by Howrylak
Seconded by Pryor

RESOLVED, That the resolution supporting the "Inequitable Distribution of Proposed Diesel Fuel Tax Increase" be postponed until the proposed legislation is passed by the Michigan Legislature.

Yes: Pryor, Beltramini, Howrylak, Kaszubski, Lambert, Pallotta
No: Schilling

MOTION CARRIED

F-9 Council Member Kaszubski's Request for the Formation of an Ethnic Community Issues Advisory Committee

Resolution #2002-03-179
Moved by Pallotta
Seconded by Howrylak

RESOLVED, That at the request of Council Member Kaszubski, Mayor and City Council approves the formation of an Ethnic Community Issues Advisory Committee, to consist of nine members rotating two-or three-year terms; and

BE IT FURTHER RESOLVED, That the Community Affairs Department and the City Manager's Office will provide staff liaisons.

Yes: All-7

Call to Order

The regular meeting was called to order at 7:05 p.m.

Roll Call

Present:	Anju Brodbine Amin Hashmi Padma Kuppa Cindy Stewart	Dhimant Chhaya Tom Kaszubski Oniell Shah
Absent:	Brian Griffen Hailu Robele	Victoria Lang

Correspondence

Tom K: Need a person from Hindu Temple to take part in Prayer Breakfast on May 2 - Padma will contact pastor.

Cindy S: One of the Troy Police Training Officers wants to speak with board members re: a diversity training tape. All agreed to let CS pass along their names & phone numbers.

Committee Name / Mission / Goals

The Board agreed on Ethnic Issues Advisory Board

Mission / Goals - email Cindy ideas for mission/goals. Board will discuss at the April meeting.

New Business**Ideas to get Board started:**

International Day - have council proclaim this in Troy. Maybe in conjunction with Prayer Breakfast and with the Schools. Breakfast is Friday, May 2. Council can proclaim International Day at the April 28th Council meeting. We need to finalize mission and goals at the April meeting.

Wass and Hill Schools at Wass Elementary on Thursday, May 15 from 6-8 pm. are doing a "Sights and Sounds of South Asia (India, Pakistan, Bangladesh)" program. Mayor/Council will get invitations. Padma will pass along Board's addresses.

Invite the co-chairs of the EthniCity Committee (JoAnn Preston & Dave Lambert) to come to the April meeting and discuss ways Board can assist this program. Eventually hope to have EthniCity as a stand-alone festival in the summer. Also ask JoAnn is Board can get copy of resource guide (organizations) that they have.

Chapter 13 - Historic Preservation

- B. Except as provided in subsection C, all of the Historic Districts established as of July 21, 2003 shall be exempt from the requirements and provisions of Section 14 of this Chapter entitled "Establishment, Modification or Elimination of a Historic District". Such exempt Historic Districts shall not be within the purview of any Historic District Study Committee and shall remain under the sole jurisdiction of the Historic District Commission, except to the extent otherwise provided in Section 5 of this Chapter for the Historic Districts included in the Troy Museum and Historic Village.
- C. A person or entity that owns a resource within an Historic District established as of July 21, 2003, may submit a request to the Commission to modify or eliminate such Historic District. In such cases, the Historic District may only be eliminated or modified in accordance with Section 14.

(Rev. 11/17/03)

4. HISTORIC DISTRICT COMMISSION

- A. Creation of Commission: In order to execute the purposes of this section, there is hereby created a Commission to be called the Historic District Commission.
- B. Membership of Commission: The Historic District Commission shall consist of seven (7) members whose residence is located in the City of Troy. The majority of the members will have a clearly demonstrated interest in or knowledge of historic preservation. The Commission shall include at least two (2) people chosen from a list submitted by a duly organized history group or groups, and, if available, one (1) architect duly registered in the State of Michigan. They shall be appointed by the City Council for terms of office of three (3) years. All members shall hold office until their successors are appointed. Members of the Commission may be reappointed after their terms expire. A vacancy occurring in the membership of the Commission for any cause shall be filled by a person appointed by the City Council for the unexpired term. The members of the Commission shall serve without compensation.

(Rev. 12/22/05)

5. DUTIES AND POWERS OF THE COMMISSION

The Commission shall have all powers and duties authorized by Public Act 169 of 1970, as amended, MCL 399.201, et seq. including but not limited to the following:

- A. The Commission shall have authority to conduct an ongoing survey to identify historically and architecturally significant, properties, structures and areas that exemplify the cultural, social, economic, political, or architectural history of the nation, state or city. The Commission may use the Michigan Historical Site Survey form as a guide, and accept the work of interested volunteers. Such Site Surveys should be kept as a part of the permanent records of the Commission, at a place designated by the Commission.
- B. It shall be the duty of this Commission to review all applications for permits required by City ordinance concerning construction, alteration, repair, moving or demolition of the exterior features of a historic resource. Plans for any work in the historic resources comprising the Troy Museum and Historic Village may be submitted based on a three-year plan based on Department of Interior Preservation briefs but without detailed specifications. For purposes of this Chapter, the historic resources of the Troy Museum

13. APPEALS

An applicant aggrieved by a decision of the Commission concerning a permit application may file an appeal with the state historic preservation review board of the Michigan Historical Commission. The appeal shall be filed within sixty (60) days after the decision is furnished to the applicant. A permit applicant aggrieved by the decision of the historic preservation review board may appeal the decision to the circuit court. Any citizen or duly organized historic preservation organization in the city, as well as resource property owners, jointly or severally aggrieved by a decision of the historic district commission concerning a matter other than a permit application, may appeal the decision to the circuit court.

(Rev. 11/17/03)

14. ESTABLISHMENT, MODIFICATION OR ELIMINATION OF A HISTORIC DISTRICT

A. Establishment of Historic District Study Committee

Before establishing, modifying or eliminating any Historic District, City Council shall appoint a Historic District Study Committee. The Committee shall contain a majority of persons who have a clearly demonstrated interest in or knowledge of historic preservation, and shall consist of at least one (1) member of the Historic District Commission and shall contain representation from at least one other duly organized local historic preservation organization. The study committee shall be an ad hoc committee established to consider the establishment, modification or elimination of historic districts in specified areas as determined by City Council and then be dissolved.

B. Duties of the Historic District Study Committee

1. The Historic District Study Committee shall do all of the following:
 - a. Conduct a photographic inventory of resources within each proposed historic district, following procedures established or approved by the Michigan Department of History, Arts, and Libraries.
 - b. Conduct basic research of each proposed historic district and the historic resources located within that District;
 - c. Determine the total number of historic and non-historic resources within a proposed historic district and the percentage of historic resources of that total. In evaluating the significance of the historic resources, the Committee shall be guided by the selection criteria for evaluation issued by the Secretary of the Interior for inclusion of resources in the National Register of Historic Places, as set forth in 36 CFR part 60.
 - d. Prepare a preliminary Historic District Study Committee report that addresses at a minimum all of the following:
 - i. The charge of the Committee;
 - ii. The composition of the Committee membership;
 - iii. The historic district or districts studied;
 - iv. The boundaries for each proposed historic district in writing and on maps;

- v. The history of each proposed historic district;
 - vi. The significance of each district as a whole, as well as a sufficient number of individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.
- e. Transmit copies of the preliminary report for review to City Council, the Planning Commission, the Historic District Commission, the Michigan Department of History, Arts and Libraries, the Michigan Historical Commission and the State Historic Preservation Review Board.
 - f. Make copies of the preliminary report available to the public.
2. The City Council may prescribe the time for preparation and transmittal of the preliminary report if the Council deems it in the public interest to do so.
 3. Not less than sixty (60) calendar days after the transmittal of the preliminary report, the Study Committee shall hold a public hearing. Public notice of the time, date, and place of the hearing shall be given in the manner required by the Open Meetings Act, 1976 PA 267, MCL 15.261, et seq. Written notice shall be mailed by first class mail not less than fourteen (14) calendar days before the hearing to the owners of properties within the proposed historic district, as listed on the tax rolls of the City of Troy.
 4. The Committee shall have no other powers, express or implied, beyond those listed in this section, except as may be otherwise expressly authorized by ordinance or resolution of City Council.

C. Actions to be Taken by the Historic District Study Committee and City Council

After the date of the public hearing, the Historic District Study Committee and City Council shall take the following actions:

1. The Committee shall prepare and submit a final report with its recommendation and the recommendation, if any, of the Planning Commission to the City Council. If the recommendation is to establish, modify or eliminate a historic district or districts, the final report shall include a draft of a proposed ordinance or ordinances.
2. After receiving a final report that recommends the establishment, modification or elimination of a historic district or districts, the City Council, at its discretion, may introduce and pass or reject an ordinance or ordinances establishing, modifying or eliminating one or more historic districts. If the City Council passes an ordinance or ordinances establishing, modifying or eliminating one or more historic districts, City Council shall file a copy of that ordinance or ordinances, including a legal description of the property or properties located within the historic district or districts, with the Register of Deeds. City Council shall not pass an ordinance establishing a contiguous historic district less than sixty days after a majority of the property owners within the proposed historic district, as listed on the City tax rolls, have approved the establishment of the historic district pursuant to a written petition.

3. At any time after expiration of the time limits set in or prescribed by City Council pursuant to this section for the Historic District Study Committee to act, the City Council may, in its discretion, proceed to introduce and pass or reject an ordinance as described in the immediately preceding paragraph 2.

D. Elimination of Districts

If considering elimination of a historic district, the Committee shall follow the procedures set forth for issuing a preliminary report, holding a public hearing and issuing a final report, but with the intent of showing one or more of the following:

1. The historic district has lost those physical characteristics that enabled establishment of the district.
2. The historic district was not significant in the way previously defined.
3. The historic district was established pursuant to defective procedures.

E. Availability

All writings prepared, owned, used, in possession of or retained by the Committee in the performance of any official function shall be made available to the public.

(Rev. 11/17/03)

15. ENFORCEMENT: VIOLATIONS

- A. After issuance of a certificate of appropriateness or notice to proceed or if a violation of this article is suspected, the city's designated representative may from time to time inspect the exterior of properties covered by this article.
- B. The enforcement of this ordinance shall be the responsibility of this Historic District Commission, in conjunction with the Director of Building and Zoning of the city. A person, individual, partnership, firm, corporation, organization, institution or agency of government that violates this act is responsible for committing a Municipal Civil Infraction subject to the provisions of Chapter 100 of the Code for the City of Troy. Each day a violation continues is a separate Municipal Civil Infraction Violation. Sanctions for violation shall include a fine of not more than \$500, costs, damages and injunctive orders as authorized by Chapter 100.

(Rev. 03/01/06)

- C. A person, individual, partnership, firm, corporation, organization, institution, or agency of government that violates this act may be ordered by the court to pay the costs to restore or replicate a resource unlawfully constructed, added to, altered, repaired, moved, excavated, or demolished.

(Rev. 11/17/03)

HISTORICAL COMMISSION

1. Establishment. There is hereby established the Historical Commission for the City which shall consist of seven members appointed by the City Council to serve without compensation.

(Rev. 10-12-81)

2. Terms of Members. Each member shall be appointed for a term of three (3) years ending on the last day of July of the third year after appointment, or upon the appointment of his successor, whichever is later. Members of the Commission can be removed at the pleasure of the City Council by a majority vote of the members elect. Vacancies occurring other than through the expiration of term shall be filled for the unexpired term by the City Council.

3. Organization. The Commission shall elect a Chairman, Vice-Chairman, Secretary and such other officers as may be necessary for the proper conduct of its affairs from its membership annually at its first meeting after the last day of July. The Commission shall conform to all the rules and regulations promulgated by the City Council that will be applicable to all other Boards and Commissions.

4. Meetings. The Commission shall hold at least one (1) regular public meeting in each quarter on such date and at such time and place as may be established by resolution of the Commission. Special meetings may be called by the Secretary on the written request of the Chairman or any two (2) members of the Commission on at least two (2) days notice. The Commission shall keep a written or printed record of its proceedings which shall be a public record and property of the City and shall adopt its own rules of procedure. Four (4) members shall constitute a quorum for the transaction of business.

(Rev. 4-23-90)

5. General Powers and Duties. The powers and duties of the Commission to be exercised and performed in conformity with the City Code and state statutes are as follows:

- (a) The Historical Commission shall be a policy making body and be responsible, with the approval of the City Manager, for the overall operation of the City owned buildings known as the Troy Museum & Historic Village. Such policies and responsibilities shall pertain to additional buildings moved to the Historic Village located at 60 W. Wattles Road.

In general, it shall be the duty of the Historical Commission to establish policy with regard to the collection, arrangement, cataloguing and preservation of historical material including books, pamphlets, maps, charts, manuscripts, papers, records and archives, paintings, statuary and other objects and materials relating to the history of the City of Troy and the surrounding area; procurement and preservation of narratives of the early residents of such area, the collection of materials of every description relative to the history, longevity, literature, progress or decay of Indian tribes; collection, preparation, and display of objects indicative of the life, customs, dress and resources of the early residents of this area, and to make available from time to time source materials and historical studies relative to and illustrative of the history of the area. The Commission shall have power, with the approval of the City Manager, to collect from the public offices in the City of Troy reproductions of any records, files, documents, books and papers which, in the opinion of the Commission, are of historical value.

(Rev. 4-23-90)

Chapter 12 - Historical Commission

- (b) The Commission shall have the power, with the consent of the City Council, to accept donations of money or historical materials (as described in Section (a) (above) for carrying out the historical purposes as provided in this Chapter. Such donations of money or historical materials vest in the City subject to Section 8.8 of the Charter of the City of Troy and in accordance with the deed, devise, bequest or grant of such property. Gifts of money shall be deposited in a special account to be established by the City Treasurer from which disbursements shall be made upon warrant of the Treasurer countersigned by the City Manager as provided in Section 8.9 of the Charter, in accordance with the terms of the instruments making such gifts.

(Rev. 4-22-74)

- (c) The Commission shall cooperate with and assist the Michigan Historical Commission in carrying out its powers and duties as established by Act 271 of the Public Acts of 1913 and Act 10 of the Public Acts of 1955.

(Rev. 4-22-74)

- (d) The Commission may recommend to the City Manager purchases of historical material including books, pamphlets, maps, charts, manuscripts, papers, copies of domestic and foreign records and archives, paintings, statuary, and other objects and material illustrative of and relating to the history of the City of Troy and the surrounding area; provided only, that all such purchases shall be accomplished in accordance with the Charter of the City of Troy and applicable Ordinances of the City of Troy.

(Rev. 4-22-74)

- (e) The Commission may receive any money appropriated to it by the State and shall deposit same with the City Treasurer as provided in Section 8.8 of the City Charter. Such funds shall be disbursed as provided in Section 5(b) of this Chapter. At the beginning of each quarterly period during a fiscal year and more often if required by the City Council, the Manager shall submit to the City Council a current statement of actual income and expenses.

(Rev. 4-22-74)

- 6. Staff. The City Manager shall appoint a Museum Director and necessary staff. All employees constituting the Museum staff shall conform and be subject to all rules and regulations governing other employees of the City. All supplies and materials used in the operation of the Historical Museum shall be obtained by the Director through the Purchasing Department in compliance with administrative rules applying to all other City Departments, or in accordance with a legal contract executed by the City for the purpose of providing such supplies and materials.

(Rev. 4-23-90)

Chapter 12 - Historical Commission

7. Annual Report. The Commission shall make and submit to the City Council an annual report of the general activities, operation and condition of the Commission for the preceding year. The Commission shall, from time to time, as the occasion requires, either in the annual report, or at any time deemed necessary by the Committee, advise the City in writing on all matters necessary and proper for and pertaining to the proper operation of the Commission and any of its activities or properties.

8. Budget Estimates. Not later than February 15 of each year, the Commission and Director shall furnish the City Manager with recommendations regarding proposed historical programs for the ensuing fiscal year which the Manager shall review and consider in preparation of the Budget to be submitted to the City Council.

(Rev. 4-23-90)

CHAPTER 9 - TROY PUBLIC LIBRARY

1. Establishment. The Public Library shall be established as a separate department of the City to be administered under the direction of the City Manager. A library Advisory Board is hereby established which shall advise the City Council in matters of policy, and the City Manager in matters of administration, with regard to the establishment, development, and operation of the library. Said Board shall consist of five members appointed by the City Council. No member of the Board shall be employed by, or be an official of the City. The members of the Board shall serve for terms of three years. Members of the Board shall serve without compensation.

(Rev. 10-29-86)

2. Organization of Board. The Library Advisory Board shall organize by electing annually at their first regular meeting in May, a president, vice president, secretary, and such other officers as may be necessary for the proper conduct of the duties of the Board. The Secretary shall notify the Council of the names of all such officers promptly after their appointment. Three members of the Board shall constitute a quorum for the transaction of business. The Board shall conform to all the rules and regulations promulgated by the City Council of the City of Troy that will be applicable to all other Boards and Commissions.

(Rev. 10-29-86)

3. Powers and Duties. It shall be the duty of the Library Advisory Board to recommend by-laws, rules and regulations for the control and governing of the library system for consideration and action by the City Manager. The Board shall recommend a reasonable schedule of fines for the infringement of established rules and regulations, and a schedule of fees for the use of library services and facilities by non-residents of the City for consideration and action by the City Council. The Board, in the name of the City, may accept donations, contributions, and gifts, for either general or specific purposes, provided that all such donations, contributions, or gifts are to become the property of the City with full rights of disposal. All monetary donations, contributions, and gifts shall be deposited with the City Treasurer in compliance with Section 8.8 of the Chapter of the City of Troy. The Board may recommend the purchase of books, periodicals, magazines, library equipment and supplies as deemed necessary and proper. And, further, the Board may recommend contracts, rules, regulations, and conditions affecting relations between the Troy Public Library and other libraries in the area and in the State of Michigan for consideration and action by the City Council.

(Rev. 10-29-86)

4. Staff. The City Manager shall appoint a librarian and necessary staff. All employees constituting the library staff shall conform and be subject to all rules and regulations governing other employees of the City.

(Rev. 5-29-67)

Chapter 9 – Troy Public Library

5. Library Building. The City Council shall provide suitable quarters for housing the library and shall provide janitor service and maintenance under the direction of the City Manager. Whenever the construction of a library building or buildings is contemplated it shall be the duty of the City Manager to have detailed plans and specifications prepared for same. Such plans and specifications shall be reviewed by the Library Advisory Board and thereafter submitted to the City Council for approval or rejection with the written recommendation of the Board. The contract or contracts for such construction shall be let by the City Council as provided by Section 12.2 of the City Charter.

(Rev. 10-29-86)

6. Records. The Library Advisory Board shall keep a complete record of its proceedings and the same shall be a public record. At the end of the fiscal year and at any other times when requested by the Manager or City Council, the Librarian shall prepare a report stating the number of books and periodicals on hand; the number added by purchase or gift during the year; the number recorded lost, missing or worn out; the number of books loaned out , and such other statistics, information and suggestions as he may deem to be of general interest.

(Rev. 10-29-86)

7. Budget Estimates. Not later than February 15, of each year, the Library Advisory Board shall furnish the City Manager with recommendations regarding proposed library programs for the ensuing fiscal year which the Manager shall review and consider in preparing the library budget to be submitted to the City Council. The budget shall be reviewed by the Board prior to submission to the City Council.

(Rev. 10-29-86)

8. Receipts and Disbursements. All funds received by the library shall be deposited with the City Treasurer, and the Treasurer may establish a petty cash fund for the handling of emergency disbursements and maintenance of fines and fees. All supplies and materials shall be obtained through the Purchasing Department in compliance with administrative rules applying to all other City departments, or in accordance with a legal contract executed by the City for the purpose of providing such supplies and materials.

(Rev. 5-29-67)

9. Use of Facilities. The Public Library shall be maintained for the use and benefit of the inhabitants and freeholders of the City of Troy. All inhabitants and freeholders of the City shall have free use of said library, subject to the rules and regulations governing the operation of the library, and subject further to the right of the City Manager, upon recommendation of the Librarian, to exclude from the use of the library any and all persons who shall willfully violate said rules. Non-residents may be granted permission to use the library under such conditions and upon payment of such fees as may be prescribed by the City Council.

(Rev. 8-28-78)

Chapter 9 – Troy Public Library

10. Contracts. The City Council is hereby empowered to contract with another library or libraries or a library system in order to provide library services to the City of Troy under such terms and conditions as the City Council shall prescribe.

(Rev. 8-28-78)

11. Whoever willfully or negligently detains or fails to return to the Troy Public Library any book, magazine, pamphlet, map, manuscript, picture, microfilm, phonograph records, clipping, or other property belonging to such library, or pay the reasonable value thereof, within thirty (30) days from the date of notice addressed to such person at the last address furnished the public library, and which notice may be given at any time after the date on which such person, under the rules of the library, should have returned the loaned property, shall be deemed guilty of a violation of this ordinance and upon conviction thereof shall be fined not less than one dollar (\$1.00) nor more than twenty-five dollars (\$25.00) for each loan transaction, or upon failure to pay such fine may be sentenced to the County jail for not more than ten (10) days.

(Rev. 10-29-86)

Liquor Commission
Established by Resolution

to legal opinion on the trans.

Feb 27, 1956

Commissioner Duncan that the opinion is:

Yeas: All-7
Nays: None

The Mayor read the recommendation of the Manager concerning the appointment of a City Liquor Committee to review license applicants and complaints, as requested by the Police Chief.

Resolution #56-110

Moved by Commissioner Ford and supported by Commissioner Gray that the Mayor be authorized to appoint five people to a City Liquor Commission which is hereby established to review applications for SLM, SDD and Class C and Tavern Licenses, and any Complaints brought against present owners of such licenses in the City, and report their findings back to the City Commission. *reported*

Yeas: Lance, Gray, Duncan, Yeokum, Lowe and Ford.
Nays: Costello

Mr. Duncan brought up the matter of the fees which are being charged by the City Attorney for attendance at the Commission meetings and stated that they are too high. Mr. Watson suggested that the City check the amount of fees being charged by Attorneys in surrounding communities, and that he would agree to accept the average for attendance at the Commission meetings. At present his fee is based on \$20.00 per hour.

Resolution #56-111

Moved by Commissioner Gray and supported by Commissioner Yeokum that the Mayor appoint a Committee of the Commission to get this information from other communities and report back to the City Commission.

Yeas: All-7
Nays: None

The Mayor announced that he appoints members of the original Committee appointed in Resolution #55-22 of Commissioners Ford and Duncan and Manager Bernard, to make this study and report back to the Commission.

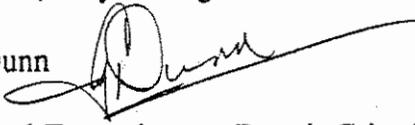
The Manager's letter recommending the confirmation of the appointment of J. Lawson Lockhart of 2650 Rochester Road as City Clerk at annual salary of \$5000.00 and Mr. Scott C. Belyea of 221 Florence St. as DPW Supt. at annual salary of \$5000.00 was read and discussed. Commissioners Duncan and Yeokum questioned the appointments and stated that better qualified men could be hired for the positions.

Resolution #56-112

Moved by Commissioner Lance and supported by Commissioner Gray that the recommendation of the acting City Manager as contained in a letter dated February 27, 1956 recommending the confirmation of the appointment of J. Lawson Lockhart as City Clerk, at an annual salary of \$5000.00 per year, with mileage allowance of 7 cents per mile in City Business, and Scott C. Belyea as Supt. of the Dept. of Public Works which is hereby created, at annual salary of \$5000.00, be approved pursuant to Section 3.9 of the City Charter, said Dept. of Public Works to include general supervisions of the City Water and Sewer operations and the City Street Maintenance program, and the Manager authorized to arrange the effective dates with these employees.

Yeas: Costello, Ford, Gray, Lance and Lowe
Nays: Duncan and Yeokum
Motion carried.

October 14, 1993 (Thursday)

To: Frank Gerstenecker, City Manager
From: Captain Glenn Dunn 
Subject: Liquor License and Entertainment Permit Criteria

On May 12, 1993 the City Council met jointly with the Liquor Advisory Committee and extensively discussed the subject issues. Certain changes were made to the draft proposals as a result. Council indicated that it would adopt the changes into formal resolution form in order to nullify the old resolutions and provide modern guidance to the Committee and the Police Department. To my knowledge, new resolutions have not been adopted. Therefore, I request that the issues of new resolutions be placed before Council for its consideration.

For your convenience, I have attached copies of the licensing and entertainment permit criteria. These copies, I believe, reflect the changes directed by Council. The old resolutions are 76-680, 80-514, and 81-168.

This issue has taken on greater importance because the Michigan Liquor Control Commission is considering the elimination its requirements that licensees obtain its entertainment permits. I attended the Commission's public hearing on the matter yesterday and gave testimony urging the Commission not to eliminate its requirements. It is my belief that the Commission's requirements provide Troy with significant, pre-event oversight options which could not be entirely replaced by ordinance. I have the impression that the Commission will, indeed, eliminate its requirements in the immediate future. The Commission is taking the action as the result of its staff's recommendation, made in an effort to conserve staff time in response to budget cuts.

If I can be of assistance in this matter, please let me know.

cc: Chief Carey
file

C-9

City of Troy
Class C and B-Hotel Liquor License Criteria

Originally
Established by resolutions 76-680, 80-514 and 81-168 of
the Troy City Council
and Revised by the Liquor Advisory Committee
as Suggested by the City Council
May 12, 1993

The following are the criteria for the issuance of Class C and B-Hotel licenses.

- (1) Food service facilities which are part of an office, service and commercial center complex, as provided in Chapter 39 of Troy's Codes for the Office-Service-Commercial district.
- (2) Facilities that accommodate large groups of people (seating more than 1,000 in banquet style) in banquet rooms and serve as exhibition halls for convention purposes.
- (3) Hotel or lodging facilities which also have restaurants, meeting rooms and banquet facilities capable of serving in excess of 200 people in "sit-down" banquet facilities.
- (4) "Supper Club" type of operations in which high quality food service is the main source of income. The establishment also has the ability to: 1) provide open public dining, 2) serve small groups in separate meeting rooms, and 3) also provide sit-down banquet facilities for groups in excess of 200 people in a single, undivided room. The food menu offers no fewer than five different entrees which are prepared on the premises.

- (5) Food service operations which have a gross seating capacity exceeding 200 in any arrangement (meeting rooms, open dining, etc.) with a menu offering no fewer than four different entrees that are prepared on the premises.

- (6) Facilities which conform to the purpose and intent of these criteria, but which are deficient in meeting the criteria. Such facilities will be given consideration upon a showing of substantial compliance with the purpose and intent of the criteria. If the facility is to be allowed, the applicant must present evidence which tends to establish overriding benefits to the citizens of the Troy. Such determination shall be based upon due consideration of the following elements:
 - (a) Whether there is a need for the facility at the location proposed.
 - (b) Whether the facility tends to provide a service, product, or function not presently available to the general public residing in Troy.
 - (c) The uniqueness of the proposed facility when contrasted against existing facilities.
 - (d) The likelihood that the facility will provide a service capable of being utilized by the majority of people residing in Troy.
 - (e) The facility will have sufficient space in the dining area to accommodate seating, as determined by

applicable standards of the Fire Department, for 200 people. However, the design and floor plan of the proposed dining area may be shown to seat fewer people than the maximum density permitted by said Fire Department.

Licenses are to be issued only after the following conditions are met or subject to the applicant having met these conditions within a stated period of time. The conditions require that:

- (1) Floor plans, seating arrangements, site plans, building elevations, future building alterations, and other pertinent physical features for the proposed buildings have been submitted to the Troy Liquor Advisory Committee.
- (2) The applicant's experience, financial capability, experience as a Class C licensee, proposed food service menus and other facts or proposals pertinent to the operation of the facility have been submitted to the Troy Liquor Advisory Committee.
- (3) Within six (6) months of the issuance of the licenses the applicant has received approval for any necessary zoning changes, site plan approval, building permits, and other approvals as may be required by the City of Troy.
- (4) Construction is pursued within eight (8) months after the issuance of a license. At that time, the progress of the applicant in meeting all of the stated conditions will be reported to the City Council by the City Manager.

- (5) No floor plan, building elevation, site plan, seating arrangement, kitchen layout, parking layout, fire plan, fact, or document submitted for approval to the Police, Fire, or Building Departments, the Troy Liquor Advisory Committee, or City Council may be changed in context after approval. Reasonable improvements in design and or service flow may be required by the City of Troy.
- (6) The failure of the applicant to meet any of the above conditions shall be reason for the City Council to deny approval at the time. Council reserves the right to withdraw approval and deny any license during review or annual review. Council also reserves the right to notify the Michigan Liquor Control Commission of its disapproval for resolutions established under Class C & B Hotel liquor license criteria for the City of Troy by written form to the Michigan Liquor Control Commission.

City of Troy

Entertainment Permit Criteria

The following criteria are established for the reviewing of applications for entertainment permits:

- (a) One permit for each 12,000 of population or major fraction thereof as determined by the last federal decennial census shall be established as a quota.
- (b) There shall be at least a minimum distance of 3,000 feet between Class C licensed establishments holding entertainment permits.
- (c) There shall be at least a minimum distance of 3,000 feet between Class B-Hotel licensed establishments holding entertainment permits.

No entertainment permit shall be issued to an establishment located within 500 feet of: 1) a church, 2) a public or private elementary or secondary school, 3) a public park adjacent to a residential area, or 4) a district restricted to residential use by Troy's comprehensive land use.

At the time of the consideration of an applicant's permit request, the City's administration shall provide to the Liquor Advisory Committee and to the City Council a map of the area in question. The map shall be drawn to scale, shall show the existing land use district of each

property within 500 feet of the perimeter of the subject lot, and shall also indicate the use of each property concerned.

The required distances between properties or establishments shall be measured along the centerline of the street or streets of the properties. The measurements shall be taken between two fixed points on the centerline. The points are to be determined by projecting straight lines, at right angles to the centerline, from the nearest extremity of the building in which the permit exists or is contemplated and the nearest point of the 1) license property, 2) church, 3) public or private elementary or secondary school, 4) public park adjacent to a residential area, or 5) a district restricted by Troy's comprehensive zoning ordinance.

Council must find no indication that the proposed use will injure or adversely affect the adjacent area or property values therein and that the proposed use will be consistent with the character of the district land use authorized therein in the Troy Master Land Use Plan and Zoning District Map.

In making this determination Council must find no indication that the proposed use will cause significant hazard, annoyance or inconvenience to the owners or occupants of nearby property, or significantly change the character of the neighborhood or reduce the value of nearby property, nor will impose any significant cost burden upon the City

of Troy, or create any significant obstacle to the implementation of the zoning plan or the Master Plan of the City of Troy.

(d) Applicants shall file a sworn affidavit concerning the type, kind, character and quality of entertainment proposed and to be presented. Such applicants shall contract with the City of Troy to assure compliance with any and all regulations or codes. Upon sale or transfer of the license and permits, the licensee or holder of the permit shall notify the prospective transferee of such contract. He shall also post the contract's stipulations and restrictions with the license and permits issued by the Liquor Control Commission.

A sale and/or transfer of such business shall include the opening of such business as a new business, the relocation of such business, or the conversion of an existing business location to any of the uses for which an entertainment permit is required.

(i) Applicant for such permit shall have been in the business of the sale of alcoholic beverages in the same location in the City of Troy for three years preceding the date of his application. However, the City Council may waive the three year requirement.

(ii) Such applicant shall not have any citation and conviction for violations of any fire, building, health or liquor statutes, ordinance or regulations within that previous three-year period.

- (iii) Fifty percent or more of the total gross receipts for an accounting year of the establishment must come from the sale, at retail, of food, goods and services. The licensee shall prove the fact annually before the renewal of the license. He shall do so by submitting a verified affidavit to the City Council.
- (iv) The facility on which the proposed permit is to be located shall be reinspected and certified by the appropriate agencies for compliance with existing fire, building and health codes. In order to assure continued compliance such inspections shall be made at least annually.
- (v) The Traffic Engineer as well as the Departments of Building, Planning, and Fire shall certify that the location has ample parking and will not contribute to, or create, any traffic problem.
- (vi) Each applicant shall submit elevation plans made under appropriate professional seals regarding the size and seating capacity of the business, the size of the dressing rooms, and locations of the stage. Each entertainment event or act shall be conducted on a stage or upon an open floor area, such as a dance floor. At the time the entertainment is conducted, that open floor or stage shall be separate from the areas occupied by customers or patrons. If the drawings and diagrams required in this subparagraph

are already on file with the City and the premises remains unchanged, the City Council may waive such requirement.

Applications for such permits shall be referred to the heads of the Building Fire, and Police Departments. Each department head shall (within a period of 30 days from the date of application) review records, make an inspection of the premises proposed to be used for the entertainment permit, and shall make a written recommendation to the City Manager concerning compliance with the law. If the heads of the Building, Fire, and Police Departments shall have previously complied with this provision for other purposes such as approvals for an amusement and/or dance permit, the City Council may waive the requirements of this paragraph and the Council may request a sworn affidavit by the applicant stating that no changes have been made to the business establishment since the issuance of the previous permit and/or permits (i.e. amusement, dance or other).

At its next regular meeting following receipt by the City Manager of all required reports, the Council shall consider such applications and the reports by departmental officials. In approving such applications, the Council may require that the issuance of the permit be conditional upon compliance by the applicant with conditions which the Council deems reasonably necessary to protect the public health, safety, and welfare. The determination with regard to such conditions shall be based upon the applications, the reports of the officials and all

facts presented during consideration of the matter. The Council shall approve or disapprove such applications within 45 days following its consideration thereof. The City Clerk shall inform the applicant in writing of the actions of the Council and shall include any conditions required by the Council.

Except for Class B-Hotel licensed operations, no such establishment shall be operated or conducted, whether directly or indirectly, with any place used for living or sleeping quarters.

The applicant shall be the owner of the establishment so licensed for entertainment and shall be solely and completely responsible for the administration and business of the establishment, for the acts of his employees, and for the scope and conduct of such business.

No place of business shall qualify for such permit if it is conducted by a manager or agent pursuant to an agreement required by the Michigan Liquor Control Commission unless said manager or agent possesses the same qualifications as herein required of the licensee.

Each applicant must be eligible for, and shall ultimately secure, an amusement license pursuant to the provisions of Chapter 68 of the Code of the City of Troy Ordinances before evaluation of his application in accordance with these guidelines and prior to a favorable recommendation by the Troy City Council to the Michigan Liquor Control Commission.

(All ordinances with reference and application to the sale of alcoholic beverages shall be amended to contain a reference to the existence of these guidelines, and that copies of such guidelines may be secured from the City Clerk's Office.)

The criteria for issuance of Class "C" Liquor Licenses and Entertainment Permits have been established by City Council resolution numbers 76-680, 80-514 and 81-168.

CRITERIA GOVERNING THE ISSUANCE OF LIQUOR LICENSES

The following are the priorities for Class "C" and Class "B" (Hotel) Liquor License

- (1) Food service facilities to be part of office, service and commercial center complexes, as provided in Chapter 39 of Troy's Codes for the Office-Service-Commercial District.
- (2) Facilities that will accommodate large groups of people (seating more than 1,000 in banquet style) in banquet rooms and serve as exhibition halls for convention purposes.
- (3) Hotel or Lodging facilities which also have restaurants, meeting rooms and banquet facilities capable of serving in excess of 200 people in "sit-down" banquet facilities.
- (4) A "Supper Club" type of operation in which high quality food service is the main source of income with the ability to provide open public dining and to serve small groups in separate meeting rooms and to also provide sit-down banquet facilities for groups in excess of 200 people in a single, undivided room, the food menu to offer no less than five different entrees which are prepared on the premises.
- (5) Food service operations which have gross seating capacities exceeding 200 in any arrangement (meeting rooms, open dining, etc.) with a menu offering no less than four different entrees to be prepared on the premises.
- (6) Facilities which conform to the purpose and intent of this resolution but which are deficient in meeting the criteria herein established in determining the priorities enumerated above. Such facilities will be given consideration upon a showing of substantial compliance with the priorities established herein where evidence presented by such applicant tends to establish the overriding benefit to the citizens of the City in allowing the facility. Such determination shall be based upon due consideration of the following elements:
 - (a) Whether there is a need for the facility at the location proposed.
 - (b) Whether the facility tends to provide a service, product, or function not presently available to the general public residing in the community.
 - (c) The uniqueness of the proposed facility when contrasted against existing facilities.
 - (d) The likelihood that the facility will provide a service capable of being utilized by the average person residing in the City, taking the City as a whole.
 - (e) The facility will have sufficient space in the dining area to accommodate seating for 200 persons as determined by applicable standards of the Fire Department; however, the design and floor plan of the proposed dining area may be shown to seat fewer persons than the maximum density permitted by said Fire Department.

All licenses to be issued only after the following conditions are met and/or subject to the applicant meeting certain conditions within a stated period of time:

- (1) That floor plans, seating arrangements, site plans, building elevations, future building alterations, and other pertinent physical features for proposed buildings be submitted to the Troy Liquor Committee.
- (2) That the applicant's experience, financial capability, history of experience as a Class "C" licensee, proposed food service menus and other facts or proposals pertinent to the operation of the proposed facility be submitted to the Troy Liquor Committee.

- (3) That the issuance of licenses be contingent upon the application for and receipt of site plan approval, building permits, zoning changes and other necessary approvals by Troy within six (6) months after the issuance.
- (4) That construction be pursued within eight (8) months after the issuance of a license, at which time the progress of the applicant in meeting all of the above stated conditions will be reported by the City Manager to the City Council.
- (5) That no floor plan, building elevation, site plan, seating arrangement, kitchen layout or other pertinent facts, drawings or documents submitted to the Troy Liquor Committee and the City Council at the time of their approvals may be changed, unless it is a reasonable improvement in design or service function of the facility, at such time the applicant seeks approval at any of the other administrative divisions of the City, nor upon final construction of buildings or alterations of them.
- (6) That the failure of any applicant to meet any of the above conditions shall be reason for the City Council to deny the annual renewal of any of the licenses issued and, that a review of any license which has not been activated by the licensee will be conducted by the City Council, and, if satisfactory performance pursuant to the above conditions is not found, then the City Council reserves the right to withdraw its approval and deny the license at the time of review, or at the time of annual renewal.

ENTERTAINMENT PERMITS

That the following criteria be established for review of applications for entertainment permits:

- (a) One permit for each 15,000 of population or major fraction thereof as determined by the last federal decennial census shall be established as a quota.
- (b) There shall be at least a minimum distance of 3,000 feet between Class "C" licensed establishments holding entertainment permits.
- (c) There shall be at least a minimum distance of 3,000 feet between "B-Hotel" licensed establishments holding entertainment permits.

No entertainment permits shall be issued for establishments located within 500 feet of a church, a public or private elementary or secondary school or a district restricted to residential use by the comprehensive zoning ordinance of the City or a public park adjacent to residential areas.

In considering such applications for permits, an area map drawn to scale indicating the existing zoning district classifications of all land within 500 feet of the perimeter of the subject lot and any such uses, as above delineated, located within such distance shall be provided by the City's administration at the meeting considering the granting of such petition.

Such distances between establishments shall be measured along the centerline of the street or streets of the address between two fixed points on the centerline determined by projecting straight lines, at right angles to the centerline, from the part of the facility contemplated and from the part of the location holding such permit.

Council must affirmatively find that the proposed use will not injure or adversely affect the adjacent area or property values therein and that the proposed use will be consistent with the character of the district land use authorized therein in the Troy Master Land Use Plan and Zoning District Map.

In making this determination Council must find that the proposed use will cause no significant hazard, annoyance or inconvenience to the owners or occupants of nearby property, will not significantly change the character of the neighborhood or reduce the value of nearby property, will not impose any significant cost burden upon the City of Troy and will not create any significant obstacle to implementation of the zoning plan or the Master Plan of the City of Troy.

(d) Applicants shall file a sworn affidavit concerning the type, kind, character and quality of entertainment proposed and to be presented. Such applicants shall contract with the City of Troy to assure compliance with any and all regulations or codes. Upon sale or transfer of the license and permits, shall notify the prospective transferee of such contract. He shall also post such limitations with the license and permits issued by the Liquor Control Commission.

A sale and/or transfer of such business shall include the opening of such business as a new business, the relocation of such business, or the conversion of an existing business location to any of the uses for which an entertainment permit is required.

- (i) Applicant for such permit shall have been in the business of the sale of alcoholic beverages in the same location in the City of Troy for three years preceding the date of his application. However, the City Council may waive the three year requirement on a new applicant if the new applicant is purchasing or assuming an interest in a business that holds an entertainment permit if said entertainment permit is used for the same purpose and at the same location.
- (ii) Such applicant shall not have any citation and conviction for violations of any fire, building, health or liquor statutes, ordinance or regulations within that previous three-year period.
- (iii) Fifty percent or more of the total gross receipts for an accounting year of the establishment must come from the sale, at retail, of food, goods and services. This fact shall be proved by verified affidavit of the licensee, annually before renewal of the license.
- (iv) The facility on which the proposed permit is to be located shall be reinspected and certified by the appropriate agencies for compliance existing fire, building and health codes. Such inspections shall be periodically made to assure continued compliance but in no event less than annually.
- (v) The Department of Building, Planning, Fire and the Traffic Engineer shall certify the location has ample parking and will not contribute to or create any traffic problem.
- (vi) Applicants shall submit elevation plans under appropriate professional seals regarding the size and seating capacity of the business and dressing rooms and locations of the stage. All entertainment shall be conducted on a stage or upon an open floor area, such as a dance floor which shall be separate from the areas occupied by customers or patrons at all times when the entertainment is conducted. If the information requirement in this subparagraph is already on file with the City, the City Council may waive such requirement.

Applications for such permits shall be referred to the Heads of the Building Department, Fire and Police, each of which within a period of 30 days from the date of application shall review records and make an inspection of the premises proposed to be used for the entertainment permit and shall make a written recommendation to the City Manager concerning compliance with the law. If the Heads of the Building Department, Fire and Police shall have previously complied with this provision for other purposes such as approvals for an amusement and/or dance permit, the City Council may waive the requirements of this sub-paragraph and the Council may request a sworn affidavit by applicant stating th changes have been made to the business establishment since issuance of the previous permit and/or permits (i.e. amusement, dance or other).

The Council shall consider such applications together with the reports by Departmental Officials with regard to the herein above-required reports at its next regular meeting following receipt by the City Manager of all said required reports. In approving such applications the Council may require that the issuance of the license be conditional upon compliance by the applicant with conditions which the Council deems reasonably necessary to protect the public health, safety and welfare. The termination with regard to such conditions shall be based upon the applications, the reports of the officers and all facts presented during consideration of the matter. The Council shall approve or disapprove such applications within not more than 45 days following its consideration thereof. The City Clerk shall inform the applicant in writing of the actions of the Council including all conditions required by the Council.

Except for 'B' Hotel licensed operations, no such establishment shall be operated or conducted wither directly or indirectly with any place used for living or sleeping quarters.

The applicant shall be the owner of the establishment so licensed for entertainment and shall be solely and completely responsible for the administration and business of the establishment for the acts of his employees and the scope and conduct of such business.

No place of business shall qualify for such permit if it is conducted by a manager or agent pursuant to an agreement required by the Michigan Liquor Control Commission unless said manager or agent possesses the same qualifications as herein required of the licensee

All applicants shall be eligible for and ultimately secure an amusement license pursuant to the provisions of Chapter 68 of the Code of the City of Troy Ordinances before evaluation of his application in accordance with these guidelines and prior to a favorable recommendation by the Troy City Council to the Michigan Liquor Control Commission.

(All ordinances with reference and application to the sale of alcoholic beverages shall be amended to contain a reference to the existence of these guidelines, and that copies of such guidelines may be secured from the City Clerk's Office.)

A Special meeting of the Troy City Council held Wednesday, May 12, 1993, at City Hall, 500 W. Big Beaver. The meeting was called to order by Mayor Jeanne M. Stine at 7:30 p.m.

PRESENT: Jeanne M. Stine, Mayor

Council Members

Henry W. Allemon
Robert M. Gosselin
Randall J. Husk
Anthony N. Pallotta
Matt Pryor
John R. Stevens

* * * * *

JOINT MEETING WITH LIQUOR ADVISORY COMMITTEE

LIQUOR LICENSE AND ENTERTAINMENT PERMIT CRITERIA

Captain Glenn Dunn reviewed the Committee's report on the criteria for the issuance of Class C and B Hotel licenses, and the entertainment permit criteria. The Committee and the Council discussed the criteria and the recommended changes. The Council amended the language of the criteria proposal for future consideration and adoption.

REGULAR BUSINESS - CONTINUED

1/11/93

Revision of Class C and B-Hotel License and Entertainment Permit Criteria: (a) Resolution to Revise Criteria as Submitted by the Liquor Advisory Committee; (b) Resolution to Establish a Joint Meeting Date with the Liquor Advisory Committee C-5

- (a) Resolution to Revise Criteria as Submitted by the Liquor Advisory Committee

No action was taken on this item.

- (b) Resolution to Establish Joint Meeting Date with Liquor Advisory Committee

Resolution #93-11
Moved by Pallotta
Supported by Allemon

RESOLVED, that a Joint Meeting of the City Council and Liquor Advisory Committee of the City of Troy is hereby established for May 12, 1993, at 7:30 p.m., in the Lower Level Conference Room at City Hall, 500 W. Big Beaver, to discuss possible revision of the Class C and B-Hotel Liquor License Criteria, as established by Resolutions #76-6890, #80-514 and #81-168 of the Troy City Council.

Yeas: All-6
Absent: Schilling

Tuesday, December 15, 1992

To: Frank Gerstenecker, City Manager
From: Captain Glenn Dunn
Subject: Revision of Class C and B-Hotel Liquor License and
Entertainment Permit Criteria

City Council directed that the Liquor Advisory Committee review the subject criteria and make recommendations for their revision. That project was completed by the committee on December 14, 1992. A copy of the existing and revised criteria is attached. The two are arranged so as to facilitate comparison.

For the most part, the revisions were more in form than in substance. The committee felt that the original criteria were not as clear as they might have been and has attempted to remove some of the confusion that it discovered.

The committee was not entirely sure of the intent of the licensing criteria as originally adopted. You will note that the committee has stated in its revision that the criteria are now listed in descending priority order. It felt that doing so clarified the intent of the document and provided more specific guidance to those charged with administering the document. However, the committee did not alter the arrangement of the priorities, but felt that City Council was in a better position to order priorities.

The most substantive change in the Entertainment Permit portion of the document is the increasing of the number of permits allowed by changing the ratio from 1 permit for each 15,000 in population to 1 permit for each 12,000 in population. There are presently five permits in use and there is one in escrow.

cc: Chief Carey
file

EXISTING EXISTING EXISTING EXISTING EXISTING

City of Troy
Class C and B-Hotel Liquor License Criteria
Established by resolutions 76-680, 80-514 and 81-168 of
the Troy City Council

The following are the priorities for Class C and Class B-Hotel Liquor Licenses:

- (1) Food service facilities to be part of office, service and commercial center complexes, as provided in Chapter 39 of Troy's Codes for the Office-Service-Commercial district.
- (2) Facilities that will accommodate large groups of people (seating more than 1,000 in banquet style) in banquet rooms and serve as exhibition halls for convention purposes.
- (3) Hotel or Lodging facilities which also have restaurants, meeting rooms and banquet facilities capable of serving in excess of 200 people in "sit-down" banquet facilities.
- (4) A "Supper Club" type of operation in which high quality food service is the main source of income with the ability to provide open public dining and to serve small groups in separate meeting rooms and to also provide sit-down banquet facilities for groups in excess of 200 people in a single, undivided room, the food menu to offer no less than five different entrees which are prepared on the premises.

City of Troy
Class C and B-Hotel Liquor License Criteria

Originally
Established by resolutions 76-680, 80-514 and 81-168 of
the Troy City Council
and Revised as Suggested by the Liquor Advisory Committee
December 1992

The following are the criteria for the issuance of Class C and B-Hotel licenses. They are listed in descending priority order.

- (1) Food service facilities which are part of an office, service and commercial center complex, as provided in Chapter 39 of Troy's Codes for the Office-Service-Commercial district.
- (2) Facilities that accommodate large groups of people (seating more than 1,000 in banquet style) in banquet rooms and serve as exhibition halls for convention purposes.
- (3) Hotel or lodging facilities which also have restaurants, meeting rooms and banquet facilities capable of serving in excess of 200 people in "sit-down" banquet facilities.
- (4) "Supper Club" type of operations in which high quality food service is the main source of income. The establishment also has the ability to: 1) provide open public dining, 2) serve small groups in separate meeting rooms, and 3) also provide sit-down banquet facilities for groups in excess of 200 people in a single, undivided room. The food menu offers no fewer than five different entrees which are prepared on the premises.

- (5) Food service operations which have gross seating capacities exceeding 200 in any arrangement (meeting rooms, open dining, etc.) with a menu offering no less than four different entrees to be prepared on the premises.
- (6) Facilities which conform to the purpose and intent of this resolution but which are deficient in meeting the criteria herein established in determining the priorities enumerated above. Such facilities will be given considerations upon a showing of substantial compliance with the priorities established herein where evidence presented by such applicant tends to establish the overriding benefit to the citizens of the City in allowing the facility. Such determination shall be based upon due consideration of the following elements:
- (a) Whether there is a need for the facility at the location proposed.
 - (b) Whether the facility tends to provide a service, product, or function not presently available to the general public residing in the community.
 - (c) The uniqueness of the proposed facility when contrasted against existing facilities.
 - (d) The likelihood that the facility will provide a service capable of being utilized by the average person residing in the City, taking the City as a whole.

- (5) Food service operations which have a gross seating capacity exceeding 200 in any arrangement (meeting rooms, open dining, etc.) with a menu offering no fewer than four different entrees that are prepared on the premises.
- (6) Facilities which conform to the purpose and intent of these criteria, but which are deficient in meeting the criteria. Such facilities will be given consideration upon a showing of substantial compliance with the purpose and intent of the criteria. If the facility is to be allowed, the applicant must present evidence which tends to establish overriding benefits to the citizens of the Troy. Such determination shall be based upon due consideration of the following elements:
- (a) Whether there is a need for the facility at the location proposed.
 - (b) Whether the facility tends to provide a service, product, or function not presently available to the general public residing in the Troy.
 - (c) The uniqueness of the proposed facility when contrasted against existing facilities.
 - (d) The likelihood that the facility will provide a service capable of being utilized by the majority of persons residing in Troy.

- (e) The facility will have sufficient space in the dining area to accommodate seating for 200 persons as determined by applicable standards of the Fire Department; however, the design and floor plan of the proposed dining area may be shown to seat fewer persons than the maximum density permitted by said Fire Department.

All licenses to be issued only after the following conditions are met and/or subject to the applicant meeting certain conditions within a stated period of time.

- (1) That floor plans, seating arrangements, site plans, building elevations, future building alterations, and other pertinent physical features for proposed buildings be submitted to the Troy Liquor Committee.
- (2) That the applicant's experience, financial capability, history of experience as a Class C licensee, proposed food service menus and other facts or proposals pertinent to the operation of the proposed facility be submitted to the Troy Liquor Committee.
- (3) That the issuance of licenses be contingent upon the application for and receipt of site plan approval, building permits, zoning changes and other necessary approvals by Troy within six (6) months after the issuance.

- (e) The facility will have sufficient space in the dining area to accommodate seating, as determined by applicable standards of the Fire Department, for 200 persons. However, the design and floor plan of the proposed dining area may be shown to seat fewer persons than the maximum density permitted by said Fire Department.

Licenses are to be issued only after the following conditions are met or subject to the applicant having met these conditions within a stated period of time. The conditions require that:

- (1) Floor plans, seating arrangements, site plans, building elevations, future building alterations, and other pertinent physical features for the proposed buildings have been submitted to the Troy Liquor Advisory Committee.
- (2) The applicant's experience, financial capability, experience as a Class C licensee, proposed food service menus and other facts or proposals pertinent to the operation of the facility have been submitted to the Troy Liquor Advisory Committee.
- (3) Within six (6) months of the issuance of the licenses the applicant has received approval for any necessary zoning changes, site plan approval, building permits, and other approvals as may be required by the City of Troy.

EXISTING
CLASS C AND B-HOTEL LICENSE and
ENTERTAINMENT PERMIT CRITERIA

page #4

- (4) That construction be pursued within eight (8) months after the issuance of a license, at which time the progress of the applicant in meeting all of the above stated conditions will be reported by the City Manager to the City Council.
- (5) That no floor plan, building elevation, site plan, seating arrangement, kitchen layout or other pertinent facts, drawings or documents submitted to the Troy Liquor Committee and the City Council at the time of their approvals may be changed, unless it is a reasonable improvement in design or service function of the facility, at such time the applicant seeks approval at any of the other administrative divisions of the City, nor upon final construction of buildings or alterations of them.
- (6) That the failure of any applicant to meet any of the above conditions shall be reason for the City Council to deny the annual renewal of any of the licenses issued and, that a review of any license which has not been activated by the licensee will be conducted by the City Council, and, if satisfactory performance pursuant to the above conditions is not found, then the City Council reserves the right to withdraw its approval and deny the license at the time of review, or at the time of annual renewal.

REVISED
CLASS C AND B-HOTEL LIQUOR LICENSE and
ENTERTAINMENT PERMIT CRITERIA

page #4

- (4) Construction is pursued within eight (8) months after the issuance of a license. At that time, the progress of the applicant in meeting all of the stated conditions will be reported to the City Council by the City Manager.
- (5) No floor plan, building elevation, site plan, seating arrangement, kitchen layout, parking layout, fire plan, fact, or document submitted for approval to the Police, Fire, or Building Departments, the Troy Liquor Advisory Committee, or City Council may be changed in context after approval. Reasonable improvements in design and or service flow may be required by the City of Troy.
- (6) The failure of the applicant to meet any of the above conditions shall be reason for the City Council to deny approval at the time. Council reserves the right to withdraw approval and deny any license during review or annual review. Council also reserves the right to notify the Michigan Liquor Control Commission of its disapproval for resolutions established under Class C & B Hotel liquor license criteria for the City of Troy by written form to the Michigan Liquor Control Commission.

City of Troy

Entertainment Permit Criteria

The following criteria are established for the reviewing of applications for entertainment permits:

- (a) One permit for each 15,000 of population or major fraction thereof as determined by the last federal decennial census shall be established as a quota.
- (b) There shall be at least a minimum distance of 3,000 feet between Class C licensed establishments holding entertainment permits.
- (c) There shall be at least a minimum distance of 3,000 feet between Class B-Hotel licensed establishments holding entertainment permits.

No entertainment permits shall be issued for establishments located within 500 feet of a church, a public or private elementary or secondary school or a district restricted to residential use by the comprehensive zoning ordinance of the City or a public park adjacent to residential areas.

City of Troy

Entertainment Permit Criteria

The following criteria are established for the reviewing of applications for entertainment permits:

- (a) One permit for each 12,000 of population or major fraction thereof as determined by the last federal decennial census shall be established as a quota.
- (b) There shall be at least a minimum distance of 3,000 feet between Class C licensed establishments holding entertainment permits.
- (c) There shall be at least a minimum distance of 3,000 feet between Class B-Hotel licensed establishments holding entertainment permits.

No entertainment permit shall be issued to an establishment located within 500 feet of: 1) a church, 2) a public or private elementary or secondary school, 3) a public park adjacent to a residential area, or 4) a district restricted to residential use by Troy's comprehensive zoning ordinance.

EXISTING
CLASS C AND B-HOTEL LICENSE and
ENTERTAINMENT PERMIT CRITERIA

page #6

In considering such applications for permits, an area map drawn to scale indicating the existing zoning district classifications of all land within 500 feet of the perimeter of the subject lot and any such uses, as above delineated, located within such distance shall be provided by the City's administration at the meeting considering the granting of such petition.

Such distances between establishments shall be measured along the centerline of the street or streets of the address between two fixed points on the centerline determined by projecting straight lines, at right angles to the centerline, from the part of the facility contemplated and from the part of the location holding such permit. Council must affirmatively find that the proposed use will not injure or adversely affect the adjacent area or property values therein and that the proposed use will be consistent with the character of the district land use authorized therein in the Troy Master Land Use Plan and Zoning District Map.

REVISED
CLASS C AND B-HOTEL LIQUOR LICENSE and
ENTERTAINMENT PERMIT CRITERIA

page #6

At the time of the consideration of an applicant's permit request, the City's administration shall provide to the Liquor Advisory Committee and to the City Council a map of the area in question. The map shall be drawn to scale, shall show the existing zoning district of each property within 500 feet of the perimeter of the subject lot, and shall also indicate the use of each property concerned.

The required distances between properties or establishments shall be measured along the centerline of the street or streets of the properties. The measurements shall be taken between two fixed points on the centerline. The points are to be determined by projecting straight lines, at right angles to the centerline, from the nearest extremity of the building in which the permit exists or is contemplated and the nearest point of the 1) license property, 2) church, 3) public or private elementary or secondary school, 4) public park adjacent to a residential area, or 5) a district restricted by Troy's comprehensive zoning ordinance.

Council must affirmatively find that the proposed use will not injure or adversely affect the adjacent area or property values therein and that the proposed use will be consistent with the character of the district land use authorized therein in the Troy Master Land Use Plan and Zoning District Map.

In making this determination Council must find that the proposed use will cause no significant hazard, annoyance or inconvenience to the owners or occupants of nearby property, will not significantly change the character of the neighborhood or reduce the value of nearby property, will not impose any significant cost burden upon the City of Troy and will not create any significant obstacle to implementation of the zoning plan or the Master Plan of the City of Troy.

- (d) Applicants shall file a sworn affidavit concerning the type, kind, character and quality of entertainment proposed and to be presented. Such applicants shall contract with the City of Troy to assure compliance with any and all regulations or codes. Upon sale or transfer of the license and permits, he shall notify the prospective transferee of such contract. He shall also post such limitations with the license and permits issued by the Liquor Control Commission.

A sale and/or transfer of such business shall include the opening of such business as a new business, the relocation of such business, or the conversion of an existing business location to any of the uses for which an entertainment permit is required.

In making this determination Council must find that the proposed use will cause no significant hazard, annoyance or inconvenience to the owners or occupants of nearby property, will not significantly change the character of the neighborhood or reduce the value of nearby property, will not impose any significant cost burden upon the City of Troy, and will not create any significant obstacle to the implementation of the zoning plan or the Master Plan of the City of Troy.

- (d) Applicants shall file a sworn affidavit concerning the type, kind, character and quality of entertainment proposed and to be presented. Such applicants shall contract with the City of Troy to assure compliance with any and all regulations or codes. Upon sale or transfer of the license and permits, the licensee or holder of the permit shall notify the prospective transferee of such contract. He shall also post the contract's stipulations and restrictions with the license and permits issued by the Liquor Control Commission.

A sale and/or transfer of such business shall include the opening of such business as a new business, the relocation of such business, or the conversion of an existing business location to any of the uses for which an entertainment permit is required.

- (i) Applicant for such permit shall have been in the business of the sale of alcoholic beverages in the same location in the City of Troy for three years preceding the date of his application. However, the City Council may waive the three year requirement on a new applicant if the new applicant is purchasing or assuming an interest in a business that holds an entertainment permit if said entertainment permit is used for the same purpose and at the same location.
- (ii) Such applicant shall not have any citation and conviction for violations of any fire, building, health or liquor statutes, ordinance or regulations within that previous three-year period.
- (iii) Fifty percent or more of the total gross receipts for an accounting year of the establishment must come from the sale, at retail, of food, goods and services. This fact shall be proved by verified affidavit of the licensee, annually before renewal of the license.
- (iv) The facility on which the proposed permit is to be located shall be reinspected and certified by the appropriate agencies for compliance with existing fire, building and health codes. Such inspections shall be periodically made to assure continued compliance but in no event less than annually.

- (i) Applicant for such permit shall have been in the business of the sale of alcoholic beverages in the same location in the City of Troy for three years preceding the date of his application. However, the City Council may waive the three year requirement on a new applicant if the new applicant is purchasing or assuming an interest in a business that holds an entertainment permit if said entertainment permit is used for the same purpose and at the same location.
- (ii) Such applicant shall not have any citation and conviction for violations of any fire, building, health or liquor statutes, ordinance or regulations within that previous three-year period.
- (iii) Fifty percent or more of the total gross receipts for an accounting year of the establishment must come from the sale, at retail, of food, goods and services. The licensee shall prove the fact annually before the renewal of the license. He shall do so by submitting a verified affidavit to the City Council.
- (iv) The facility on which the proposed permit is to be located shall be reinspected and certified by the appropriate agencies for compliance with existing fire, building and health codes. In order to assure continued compliance such inspections shall be made at least annually.

- (v) The Departments of Building, Planning, Fire and the Traffic Engineer shall certify the location has ample parking and will not contribute to or create any traffic problem.
- (vi) Applicants shall submit elevation plans under appropriate professional seals regarding the size and seating capacity of the business and dressing rooms and locations of the stage. All entertainment shall be conducted on a stage or upon an open floor area, such as a dance floor which shall be separate from the areas occupied by customers or patrons at all times when the entertainment is conducted. If the information requirement in this subparagraph is already on file with the City, the City Council may waive such requirement.

- (v) The Traffic Engineer as well as the Departments of Building, Planning, and Fire shall certify that the location has ample parking and will not contribute to, or create, any traffic problem.
- (vi) Each applicant shall submit elevation plans made under appropriate professional seals regarding the size and seating capacity of the business, the size of the dressing rooms, and locations of the stage. Each entertainment event or act shall be conducted on a stage or upon an open floor area, such as a dance floor. At the time the entertainment is conducted, that open floor or stage shall be separate from the areas occupied by customers or patrons. If the drawings and diagrams required in this subparagraph are already on file with the City and the premises remains unchanged, the City Council may waive such requirement.

Applications for such permits shall be referred to the heads of the Building Department, Fire and Police, each of which within a period of 30 days from the date of application shall review records and make an inspection of the premises proposed to be used for the entertainment permit and shall make a written recommendation to the City Manager concerning compliance with the law. If the heads of the Building Department, Fire and Police shall have previously complied with this provision for other purposes such as approvals for an amusement and/or dance permit, the City Council may waive the requirements of this sub-paragraph and the Council may request a sworn affidavit by applicant stating that no changes have been made to the business establishment since issuance of the previous permit and/or permits (i.e. amusement, dance or other).

The Council shall consider such applications together with the reports by Departmental officials with regard to the herein above-required reports at its next regular meeting following receipt by the City Manager of all said required reports. In approving such applications the Council may require that the issuance of the license be conditional upon compliance by the applicant with conditions which the Council deems reasonably necessary to protect the public health, safety and welfare. The termination with regard to such conditions shall be based upon the applications, the reports of the officers and all facts presented during consideration of the matter. The Council shall approve or disapprove such applications within not more than 45 days following its consideration thereof. The City Clerk shall inform

Applications for such permits shall be referred to the heads of the Building Fire, and Police Departments. Each department head shall (within a period of 30 days from the date of application) review records, make an inspection of the premises proposed to be used for the entertainment permit, and shall make a written recommendation to the City Manager concerning compliance with the law. If the heads of the Building, Fire, and Police Departments shall have previously complied with this provision for other purposes such as approvals for an amusement and/or dance permit, the City Council may waive the requirements of this paragraph and the Council may request a sworn affidavit by the applicant stating that no changes have been made to the business establishment since the issuance of the previous permit and/or permits (i.e. amusement, dance or other).

At its next regular meeting following receipt by the City Manager of all required reports, the Council shall consider such applications and the reports by departmental officials. In approving such applications, the Council may require that the issuance of the permit be conditional upon compliance by the applicant with conditions which the Council deems reasonably necessary to protect the public health, safety, and welfare. The determination with regard to such conditions shall be based upon the applications, the reports of the officials and all facts presented during consideration of the matter. The Council shall approve or disapprove such applications within 45 days following its consideration thereof. The City Clerk shall inform the applicant in

EXISTING EXISTING EXISTING EXISTING EXISTING

City of Troy
Class C and B-Hotel Liquor License Criteria

Established by resolutions 76-680, 80-514 and 81-168 of
the Troy City Council

The following are the priorities for Class C and Class B-Hotel Liquor Licenses:

- (1) Food service facilities to be part of office, service and commercial center complexes, as provided in Chapter 39 of Troy's Codes for the Office-Service-Commercial district.
- (2) Facilities that will accommodate large groups of people (seating more than 1,000 in banquet style) in banquet rooms and serve as exhibition halls for convention purposes.
- (3) Hotel or Lodging facilities which also have restaurants, meeting rooms and banquet facilities capable of serving in excess of 200 people in "sit-down" banquet facilities.
- (4) A "Supper Club" type of operation in which high quality food service is the main source of income with the ability to provide open public dining and to serve small groups in separate meeting rooms and to also provide sit-down banquet facilities for groups in excess of 200 people in a single, undivided room, the food menu to offer no less than five different entrees which are prepared on the premises.

City of Troy
Class C and B-Hotel Liquor License Criteria

Originally
Established by resolutions 76-680, 80-514 and 81-168 of
the Troy City Council
and Revised as Suggested by the Liquor Advisory Committee
December 1992

The following are the criteria for the issuance of Class C and B-Hotel licenses. They are listed in descending priority order.

- (1) Food service facilities which are part of an office, service and commercial center complex, as provided in Chapter 39 of Troy's Codes for the Office-Service-Commercial district.
- (2) Facilities that accommodate large groups of people (seating more than 1,000 in banquet style) in banquet rooms and serve as exhibition halls for convention purposes.
- (3) Hotel or lodging facilities which also have restaurants, meeting rooms and banquet facilities capable of serving in excess of 200 people in "sit-down" banquet facilities.
- (4) "Supper Club" type of operations in which high quality food service is the main source of income. The establishment also has the ability to: 1) provide open public dining, 2) serve small groups in separate meeting rooms, and 3) also provide sit-down banquet facilities for groups in excess of 200 people in a single, undivided room. The food menu offers no fewer than five different entrees which are prepared on the premises.

- (5) Food service operations which have gross seating capacities exceeding 200 in any arrangement (meeting rooms, open dining, etc.) with a menu offering no less than four different entrees to be prepared on the premises.
- (6) Facilities which conform to the purpose and intent of this resolution but which are deficient in meeting the criteria herein established in determining the priorities enumerated above. Such facilities will be given considerations upon a showing of substantial compliance with the priorities established herein where evidence presented by such applicant tends to establish the overriding benefit to the citizens of the City in allowing the facility. Such determination shall be based upon due consideration of the following elements:
- (a) Whether there is a need for the facility at the location proposed.
 - (b) Whether the facility tends to provide a service, product, or function not presently available to the general public residing in the community.
 - (c) The uniqueness of the proposed facility when contrasted against existing facilities.
 - (d) The likelihood that the facility will provide a service capable of being utilized by the average person residing in the City, taking the City as a whole.

- (5) Food service operations which have a gross seating capacity exceeding 200 in any arrangement (meeting rooms, open dining, etc.) with a menu offering no fewer than four different entrees that are prepared on the premises.
- (6) Facilities which conform to the purpose and intent of these criteria, but which are deficient in meeting the criteria. Such facilities will be given consideration upon a showing of substantial compliance with the purpose and intent of the criteria. If the facility is to be allowed, the applicant must present evidence which tends to establish overriding benefits to the citizens of the Troy. Such determination shall be based upon due consideration of the following elements:
- (a) Whether there is a need for the facility at the location proposed.
 - (b) Whether the facility tends to provide a service, product, or function not presently available to the general public residing in the Troy.
 - (c) The uniqueness of the proposed facility when contrasted against existing facilities.
 - (d) The likelihood that the facility will provide a service capable of being utilized by the majority of persons residing in Troy.

- (e) The facility will have sufficient space in the dining area to accommodate seating for 200 persons as determined by applicable standards of the Fire Department; however, the design and floor plan of the proposed dining area may be shown to seat fewer persons than the maximum density permitted by said Fire Department.

All licenses to be issued only after the following conditions are met and/or subject to the applicant meeting certain conditions within a stated period of time.

- (1) That floor plans, seating arrangements, site plans, building elevations, future building alterations, and other pertinent physical features for proposed buildings be submitted to the Troy Liquor Committee.
- (2) That the applicant's experience, financial capability, history of experience as a Class C licensee, proposed food service menus and other facts or proposals pertinent to the operation of the proposed facility be submitted to the Troy Liquor Committee.
- (3) That the issuance of licenses be contingent upon the application for and receipt of site plan approval, building permits, zoning changes and other necessary approvals by Troy within six (6) months after the issuance.

- (e) The facility will have sufficient space in the dining area to accommodate seating, as determined by applicable standards of the Fire Department, for 200 persons. However, the design and floor plan of the proposed dining area may be shown to seat fewer persons than the maximum density permitted by said Fire Department.

Licenses are to be issued only after the following conditions are met or subject to the applicant having met these conditions within a stated period of time. The conditions require that:

- (1) Floor plans, seating arrangements, site plans, building elevations, future building alterations, and other pertinent physical features for the proposed buildings have been submitted to the Troy Liquor Advisory Committee.
- (2) The applicant's experience, financial capability, experience as a Class C licensee, proposed food service menus and other facts or proposals pertinent to the operation of the facility have been submitted to the Troy Liquor Advisory Committee.
- (3) Within six (6) months of the issuance of the licenses the applicant has received approval for any necessary zoning changes, site plan approval, building permits, and other approvals as may be required by the City of Troy.

EXISTING
CLASS C AND B-HOTEL LICENSE and
ENTERTAINMENT PERMIT CRITERIA

page #4

- (4) That construction be pursued within eight (8) months after the issuance of a license, at which time the progress of the applicant in meeting all of the above stated conditions will be reported by the City Manager to the City Council.
- (5) That no floor plan, building elevation, site plan, seating arrangement, kitchen layout or other pertinent facts, drawings or documents submitted to the Troy Liquor Committee and the City Council at the time of their approvals may be changed, unless it is a reasonable improvement in design or service function of the facility, at such time the applicant seeks approval at any of the other administrative divisions of the City, nor upon final construction of buildings or alterations of them.
- (6) That the failure of any applicant to meet any of the above conditions shall be reason for the City Council to deny the annual renewal of any of the licenses issued and, that a review of any license which has not been activated by the licensee will be conducted by the City Council, and, if satisfactory performance pursuant to the above conditions is not found, then the City Council reserves the right to withdraw its approval and deny the license at the time of review, or at the time of annual renewal.

REVISED
CLASS C AND B-HOTEL LIQUOR LICENSE and
ENTERTAINMENT PERMIT CRITERIA

page #4

- (4) Construction is pursued within eight (8) months after the issuance of a license. At that time, the progress of the applicant in meeting all of the stated conditions will be reported to the City Council by the City Manager.
- (5) No floor plan, building elevation, site plan, seating arrangement, kitchen layout, parking layout, fire plan, fact, or document submitted for approval to the Police, Fire, or Building Departments, the Troy Liquor Advisory Committee, or City Council may be changed in context after approval. Reasonable improvements in design and or service flow may be required by the City of Troy.
- (6) The failure of the applicant to meet any of the above conditions shall be reason for the City Council to deny approval at the time. Council reserves the right to withdraw approval and deny any license during review or annual review. Council also reserves the right to notify the Michigan Liquor Control Commission of its disapproval for resolutions established under Class C & B Hotel liquor license criteria for the City of Troy by written form to the Michigan Liquor Control Commission.

City of Troy

Entertainment Permit Criteria

The following criteria are established for the reviewing of applications for entertainment permits:

- (a) One permit for each 15,000 of population or major fraction thereof as determined by the last federal decennial census shall be established as a quota.
- (b) There shall be at least a minimum distance of 3,000 feet between Class C licensed establishments holding entertainment permits.
- (c) There shall be at least a minimum distance of 3,000 feet between Class B-Hotel licensed establishments holding entertainment permits.

No entertainment permits shall be issued for establishments located within 500 feet of a church, a public or private elementary or secondary school or a district restricted to residential use by the comprehensive zoning ordinance of the City or a public park adjacent to residential areas.

City of Troy

Entertainment Permit Criteria

The following criteria are established for the reviewing of applications for entertainment permits:

- (a) One permit for each 12,000 of population or major fraction thereof as determined by the last federal decennial census shall be established as a quota.
- (b) There shall be at least a minimum distance of 3,000 feet between Class C licensed establishments holding entertainment permits.
- (c) There shall be at least a minimum distance of 3,000 feet between Class B-Hotel licensed establishments holding entertainment permits.

No entertainment permit shall be issued to an establishment located within 500 feet of: 1) a church, 2) a public or private elementary or secondary school, 3) a public park adjacent to a residential area, or 4) a district restricted to residential use by Troy's comprehensive zoning ordinance.

EXISTING
CLASS C AND B-HOTEL LICENSE and
ENTERTAINMENT PERMIT CRITERIA

page #6

In considering such applications for permits, an area map drawn to scale indicating the existing zoning district classifications of all land within 500 feet of the perimeter of the subject lot and any such uses, as above delineated, located within such distance shall be provided by the City's administration at the meeting considering the granting of such petition.

Such distances between establishments shall be measured along the centerline of the street or streets of the address between two fixed points on the centerline determined by projecting straight lines, at right angles to the centerline, from the part of the facility contemplated and from the part of the location holding such permit. Council must affirmatively find that the proposed use will not injure or adversely affect the adjacent area or property values therein and that the proposed use will be consistent with the character of the district land use authorized therein in the Troy Master Land Use Plan and Zoning District Map.

REVISED
CLASS C AND B-HOTEL LIQUOR LICENSE and
ENTERTAINMENT PERMIT CRITERIA

page #6

At the time of the consideration of an applicant's permit request, the City's administration shall provide to the Liquor Advisory Committee and to the City Council a map of the area in question. The map shall be drawn to scale, shall show the existing zoning district of each property within 500 feet of the perimeter of the subject lot, and shall also indicate the use of each property concerned.

The required distances between properties or establishments shall be measured along the centerline of the street or streets of the properties. The measurements shall be taken between two fixed points on the centerline. The points are to be determined by projecting straight lines, at right angles to the centerline, from the nearest extremity of the building in which the permit exists or is contemplated and the nearest point of the 1) license property, 2) church, 3) public or private elementary or secondary school, 4) public park adjacent to a residential area, or 5) a district restricted by Troy's comprehensive zoning ordinance.

Council must affirmatively find that the proposed use will not injure or adversely affect the adjacent area or property values therein and that the proposed use will be consistent with the character of the district land use authorized therein in the Troy Master Land Use Plan and Zoning District Map.

In making this determination Council must find that the proposed use will cause no significant hazard, annoyance or inconvenience to the owners or occupants of nearby property, will not significantly change the character of the neighborhood or reduce the value of nearby property, will not impose any significant cost burden upon the City of Troy and will not create any significant obstacle to implementation of the zoning plan or the Master Plan of the City of Troy.

- (d) Applicants shall file a sworn affidavit concerning the type, kind, character and quality of entertainment proposed and to be presented. Such applicants shall contract with the City of Troy to assure compliance with any and all regulations or codes. Upon sale or transfer of the license and permits, he shall notify the prospective transferee of such contract. He shall also post such limitations with the license and permits issued by the Liquor Control Commission.

A sale and/or transfer of such business shall include the opening of such business as a new business, the relocation of such business, or the conversion of an existing business location to any of the uses for which an entertainment permit is required.

In making this determination Council must find that the proposed use will cause no significant hazard, annoyance or inconvenience to the owners or occupants of nearby property, will not significantly change the character of the neighborhood or reduce the value of nearby property, will not impose any significant cost burden upon the City of Troy, and will not create any significant obstacle to the implementation of the zoning plan or the Master Plan of the City of Troy.

- (d) Applicants shall file a sworn affidavit concerning the type, kind, character and quality of entertainment proposed and to be presented. Such applicants shall contract with the City of Troy to assure compliance with any and all regulations or codes. Upon sale or transfer of the license and permits, the licensee or holder of the permit shall notify the prospective transferee of such contract. He shall also post the contract's stipulations and restrictions with the license and permits issued by the Liquor Control Commission.

A sale and/or transfer of such business shall include the opening of such business as a new business, the relocation of such business, or the conversion of an existing business location to any of the uses for which an entertainment permit is required.

- (i) Applicant for such permit shall have been in the business of the sale of alcoholic beverages in the same location in the City of Troy for three years preceding the date of his application. However, the City Council may waive the three year requirement on a new applicant if the new applicant is purchasing or assuming an interest in a business that holds an entertainment permit if said entertainment permit is used for the same purpose and at the same location.
- (ii) Such applicant shall not have any citation and conviction for violations of any fire, building, health or liquor statutes, ordinance or regulations within that previous three-year period.
- (iii) Fifty percent or more of the total gross receipts for an accounting year of the establishment must come from the sale, at retail, of food, goods and services. This fact shall be proved by verified affidavit of the licensee, annually before renewal of the license.
- (iv) The facility on which the proposed permit is to be located shall be reinspected and certified by the appropriate agencies for compliance with existing fire, building and health codes. Such inspections shall be periodically made to assure continued compliance but in no event less than annually.

- (i) Applicant for such permit shall have been in the business of the sale of alcoholic beverages in the same location in the City of Troy for three years preceding the date of his application. However, the City Council may waive the three year requirement on a new applicant if the new applicant is purchasing or assuming an interest in a business that holds an entertainment permit if said entertainment permit is used for the same purpose and at the same location.
- (ii) Such applicant shall not have any citation and conviction for violations of any fire, building, health or liquor statutes, ordinance or regulations within that previous three-year period.
- (iii) Fifty percent or more of the total gross receipts for an accounting year of the establishment must come from the sale, at retail, of food, goods and services. The licensee shall prove the fact annually before the renewal of the license. He shall do so by submitting a verified affidavit to the City Council.
- (iv) The facility on which the proposed permit is to be located shall be reinspected and certified by the appropriate agencies for compliance with existing fire, building and health codes. In order to assure continued compliance such inspections shall be made at least annually.

EXISTING
CLASS C AND B-HOTEL LICENSE and
ENTERTAINMENT PERMIT CRITERIA

page #11

the applicant in writing of the actions of the Council including all conditions required by the Council.

Except for Class B-Hotel licensed operations, no such establishment shall be operated or conducted whether directly or indirectly with any place used for living or sleeping quarters.

The applicant shall be the owner of the establishment so licensed for entertainment and shall be solely and completely responsible for the administration and business of the establishment for the acts of his employees and the scope and conduct of such business.

No place of business shall qualify for such permit if it is conducted by a manager or agent pursuant to an agreement required by the Michigan Liquor Control Commission unless said manager or agent possesses the same qualifications as herein required of the licensee.

All applicants shall be eligible for and ultimately secure an amusement license pursuant to the provisions of Chapter 68 of the Code of the City of Troy Ordinances before evaluation of his application in accordance with these guidelines and prior to a favorable recommendation by the Troy City Council to the Michigan Liquor Control Commission.

REVISED
CLASS C AND B-HOTEL LIQUOR LICENSE and
ENTERTAINMENT PERMIT CRITERIA

page #11

writing of the actions of the Council and shall include any conditions required by the Council.

Except for Class B-Hotel licensed operations, no such establishment shall be operated or conducted, whether directly or indirectly, with any place used for living or sleeping quarters.

The applicant shall be the owner of the establishment so licensed for entertainment and shall be solely and completely responsible for the administration and business of the establishment, for the acts of his employees, and for the scope and conduct of such business.

No place of business shall qualify for such permit if it is conducted by a manager or agent pursuant to an agreement required by the Michigan Liquor Control Commission unless said manager or agent possesses the same qualifications as herein required of the licensee.

Each applicant must be eligible for, and shall ultimately secure, an amusement license pursuant to the provisions of Chapter 68 of the Code of the City of Troy Ordinances before evaluation of his application in accordance with these guidelines and prior to a favorable recommendation by the Troy City Council to the Michigan Liquor Control Commission.

EXISTING
CLASS C AND B-HOTEL LICENSE and
ENTERTAINMENT PERMIT CRITERIA

page #12

(All ordinances with reference and application to the sale of alcoholic beverages shall be amended to contain a reference to the existence of these guidelines, and that copies of such guidelines may be secured from the City Clerk's Office.)

REVISED
CLASS C AND B-HOTEL LIQUOR LICENSE and
ENTERTAINMENT PERMIT CRITERIA

page #12

(All ordinances with reference and application to the sale of alcoholic beverages shall be amended to contain a reference to the existence of these guidelines, and that copies of such guidelines may be secured from the City Clerk's Office.)

THE LOCAL DEVELOPMENT FINANCING ACT
Act 281 of 1986

AN ACT to encourage local development to prevent conditions of unemployment and promote economic growth; to provide for the establishment of local development finance authorities and to prescribe their powers and duties; to provide for the creation of a board to govern an authority and to prescribe its powers and duties; to provide for the creation and implementation of development plans; to authorize the acquisition and disposal of interests in real and personal property; to permit the issuance of bonds and other evidences of indebtedness by an authority; to prescribe powers and duties of certain public entities and state officers and agencies; to reimburse authorities for certain losses of tax increment revenues; and to authorize and permit the use of tax increment financing.

History: 1986, Act 281, Eff. Feb. 1, 1987;—Am. 1993, Act 333, Eff. Mar. 15, 1994;—Am. 2000, Act 248, Imd. Eff. June 29, 2000.

The People of the State of Michigan enact:

125.2151 Legislative findings; short title.

Sec. 1. (1) The legislature finds all of the following:

(a) That there exists in this state conditions of unemployment, underemployment, and joblessness detrimental to the state economy and the economic growth of the state economy.

(b) That government programs are desirable and necessary to eliminate the causes of unemployment, underemployment, and joblessness therefore benefiting the economic growth of the state.

(c) That it is appropriate to finance these government programs by means available to the state and local units of government, including tax increment financing.

(d) That tax increment financing is a government financing program which contributes to economic growth and development by dedicating a portion of the tax base resulting from the economic growth and development to certain public facilities and structures or improvements of the type designed and dedicated to public use and thereby facilitate certain projects which create economic growth and development.

(e) That it is necessary for the legislature to exercise the sovereign power to legislate tax increment financing as authorized in this act and in the exercise of this sovereign power to mandate the transfer of tax increment revenues by city, village, township, school district, and county treasurers to authorities created under this act in order to effectuate the legislated government programs to eliminate the conditions of unemployment, underemployment, and joblessness and to promote state economic growth.

(f) That the creation of jobs and the promotion of economic growth in the state are essential governmental functions and constitute essential public purposes.

(g) That the creation of jobs and the promotion of economic growth stabilize and strengthen the tax bases upon which local units of government rely and that government programs to eliminate causes of unemployment, underemployment, and joblessness benefit local units of government and are for the use of those local units of government.

(h) That the provisions of this act are enacted to provide a means for local units of government to eliminate the conditions of unemployment, underemployment, and joblessness and to promote economic growth in the communities served by these local units of government.

(2) This act shall be known and may be cited as “the local development financing act”.

History: 1986, Act 281, Eff. Feb. 1, 1987.

Constitutionality: The capture of tax increment revenue by a local development finance authority and the use of the revenues by the authority for purposes authorized by the Local Development Financing Act are not unconstitutional diversions of tax revenues from the taxing entity or unconstitutional lending's of credit by the state or a municipality. Advisory Opinion on 1986 PA 281, 430 Mich. 93, 422 N.W.2d 186 (1988).

125.2152 Definitions.

Sec. 2. As used in this act:

(a) “Advance” means a transfer of funds made by a municipality to an authority or to another person on behalf of the authority in anticipation of repayment by the authority. Evidence of the intent to repay an advance may include, but is not limited to, an executed agreement to repay, provisions contained in a tax increment financing plan approved prior to the advance, or a resolution of the authority or the municipality.

(b) “Assessed value” means 1 of the following:

(i) For valuations made before January 1, 1995, the state equalized valuation as determined under the general property tax act, 1893 PA 206, MCL 211.1 to 211.157.

(ii) For valuations made after December 31, 1994, the taxable value as determined under section 27a of the general property tax act, 1893 PA 206, MCL 211.27a.

(c) "Authority" means a local development finance authority created pursuant to this act.

(d) "Authority district" means an area or areas within which an authority exercises its powers.

(e) "Board" means the governing body of an authority.

(f) "Business development area" means an area designated as a certified industrial park under this act prior to the effective date of the amendatory act that added this subdivision, or an area designated in the tax increment financing plan that meets all of the following requirements:

(i) The area is zoned to allow its use for eligible property.

(ii) The area has a site plan or plat approved by the city, village, or township in which the area is located.

(g) "Business incubator" means real and personal property that meets all of the following requirements:

(i) Is located in a certified technology park.

(ii) Is subject to an agreement under section 12a.

(iii) Is developed for the primary purpose of attracting 1 or more owners or tenants who will engage in activities that would each separately qualify the property as eligible property under subdivision (p)(iii).

(h) "Captured assessed value" means the amount in any 1 year by which the current assessed value of the eligible property identified in the tax increment financing plan or, for a certified technology park, the real and personal property included in the tax increment financing plan, including the current assessed value of property for which specific local taxes are paid in lieu of property taxes as determined pursuant to subdivision (cc), exceeds the initial assessed value. The state tax commission shall prescribe the method for calculating captured assessed value.

(i) "Certified business park" means a business development area that has been designated by the Michigan economic development corporation as meeting criteria established by the Michigan economic development corporation. The criteria shall establish standards for business development areas including, but not limited to, use, types of building materials, landscaping, setbacks, parking, storage areas, and management.

(j) "Certified technology park" means that portion of the authority district designated by a written agreement entered into pursuant to section 12a between the authority, the municipality, and the Michigan economic development corporation.

(k) "Chief executive officer" means the mayor or city manager of a city, the president of a village, or, for other local units of government or school districts, the person charged by law with the supervision of the functions of the local unit of government or school district.

(l) "Development plan" means that information and those requirements for a development set forth in section 15.

(m) "Development program" means the implementation of a development plan.

(n) "Eligible advance" means an advance made before August 19, 1993.

(o) "Eligible obligation" means an obligation issued or incurred by an authority or by a municipality on behalf of an authority before August 19, 1993 and its subsequent refunding by a qualified refunding obligation. Eligible obligation includes an authority's written agreement entered into before August 19, 1993 to pay an obligation issued after August 18, 1993 and before December 31, 1996 by another entity on behalf of the authority.

(p) "Eligible property" means land improvements, buildings, structures, and other real property, and machinery, equipment, furniture, and fixtures, or any part or accessory thereof whether completed or in the process of construction comprising an integrated whole, located within an authority district, of which the primary purpose and use is or will be 1 of the following:

(i) The manufacture of goods or materials or the processing of goods or materials by physical or chemical change.

(ii) Agricultural processing.

(iii) A high technology activity.

(iv) The production of energy by the processing of goods or materials by physical or chemical change by a small power production facility as defined by the federal energy regulatory commission pursuant to the public utility regulatory policies act of 1978, Public Law 95-617, 92 Stat. 3117, which facility is fueled primarily by biomass or wood waste. This act does not affect a person's rights or liabilities under law with respect to groundwater contamination described in this subparagraph. This subparagraph applies only if all of the following requirements are met:

(A) Tax increment revenues captured from the eligible property will be used to finance, or will be pledged for debt service on tax increment bonds used to finance, a public facility in or near the authority district designed to reduce, eliminate, or prevent the spread of identified soil and groundwater contamination, pursuant to law.

(B) The board of the authority exercising powers within the authority district where the eligible property is located adopted an initial tax increment financing plan between January 1, 1991 and May 1, 1991.

(C) The municipality that created the authority establishes a special assessment district whereby not less than 50% of the operating expenses of the public facility described in this subparagraph will be paid for by special assessments. Not less than 50% of the amount specially assessed against all parcels in the special assessment district shall be assessed against parcels owned by parties potentially responsible for the identified groundwater contamination pursuant to law.

(v) A business incubator.

(q) "Fiscal year" means the fiscal year of the authority.

(r) "Governing body" means the elected body having legislative powers of a municipality creating an authority under this act.

(s) "High technology activity" means that term as defined in section 3 of the Michigan economic growth authority act, 1995 PA 24, MCL 207.803.

(t) "Initial assessed value" means the assessed value of the eligible property identified in the tax increment financing plan or, for a certified technology park, the assessed value of any real and personal property included in the tax increment financing plan, at the time the resolution establishing the tax increment financing plan is approved as shown by the most recent assessment roll for which equalization has been completed at the time the resolution is adopted or, for property that becomes eligible property in other than a certified technology park after the date the plan is approved, at the time the property becomes eligible property. Property exempt from taxation at the time of the determination of the initial assessed value shall be included as zero. Property for which a specific local tax is paid in lieu of property tax shall not be considered exempt from taxation. The initial assessed value of property for which a specific local tax was paid in lieu of property tax shall be determined as provided in subdivision (cc).

(u) "Michigan economic development corporation" means the public body corporate created under section 28 of article VII of the state constitution of 1963 and the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512, by a contractual interlocal agreement effective April 5, 1999 between local participating economic development corporations formed under the economic development corporations act, 1974 PA 338, MCL 125.1601 to 125.1636, and the Michigan strategic fund. If the Michigan economic development corporation is unable for any reason to perform its duties under this act, those duties may be exercised by the Michigan strategic fund.

(v) "Michigan strategic fund" means the Michigan strategic fund as described in the Michigan strategic fund act, 1984 PA 270, MCL 125.2001 to 125.2093.

(w) "Municipality" means a city, village, or urban township.

(x) "Obligation" means a written promise to pay, whether evidenced by a contract, agreement, lease, sublease, bond, or note, or a requirement to pay imposed by law. An obligation does not include a payment required solely because of default upon an obligation, employee salaries, or consideration paid for the use of municipal offices. An obligation does not include those bonds that have been economically defeased by refunding bonds issued under this act. Obligation includes, but is not limited to, the following:

(i) A requirement to pay proceeds derived from ad valorem property taxes or taxes levied in lieu of ad valorem property taxes.

(ii) A management contract or a contract for professional services.

(iii) A payment required on a contract, agreement, bond, or note if the requirement to make or assume the payment arose before August 19, 1993.

(iv) A requirement to pay or reimburse a person for the cost of insurance for, or to maintain, property subject to a lease, land contract, purchase agreement, or other agreement.

(v) A letter of credit, paying agent, transfer agent, bond registrar, or trustee fee associated with a contract, agreement, bond, or note.

(y) "On behalf of an authority", in relation to an eligible advance made by a municipality or an eligible obligation or other protected obligation issued or incurred by a municipality, means in anticipation that an authority would transfer tax increment revenues or reimburse the municipality from tax increment revenues in an amount sufficient to fully make payment required by the eligible advance made by a municipality, or eligible obligation or other protected obligation issued or incurred by the municipality, if the anticipation of the transfer or receipt of tax increment revenues from the authority is pursuant to or evidenced by 1 or more of the following:

(i) A reimbursement agreement between the municipality and an authority it established.

(ii) A requirement imposed by law that the authority transfer tax increment revenues to the municipality.

(iii) A resolution of the authority agreeing to make payments to the incorporating unit.

(iv) Provisions in a tax increment financing plan describing the project for which the obligation was incurred.

(z) "Other protected obligation" means:

(i) A qualified refunding obligation issued to refund an obligation described in subparagraph (ii) or (iii), an obligation that is not a qualified refunding obligation that is issued to refund an eligible obligation, or a qualified refunding obligation issued to refund an obligation described in this subparagraph.

(ii) An obligation issued or incurred by an authority or by a municipality on behalf of an authority after August 19, 1993, but before December 31, 1994, to finance a project described in a tax increment finance plan approved by the municipality in accordance with this act before August 19, 1993, for which a contract for final design is entered into by the municipality or authority before March 1, 1994.

(iii) An obligation incurred by an authority or municipality after August 19, 1993, to reimburse a party to a development agreement entered into by a municipality or authority before August 19, 1993, for a project described in a tax increment financing plan approved in accordance with this act before August 19, 1993, and undertaken and installed by that party in accordance with the development agreement.

(iv) An ongoing management or professional services contract with the governing body of a county that was entered into before March 1, 1994 and that was preceded by a series of limited term management or professional services contracts with the governing body of the county, the last of which was entered into before August 19, 1993.

(aa) "Public facility" means 1 or more of the following:

(i) A street, road, bridge, storm water or sanitary sewer, sewage treatment facility, facility designed to reduce, eliminate, or prevent the spread of identified soil or groundwater contamination, drainage system, retention basin, pretreatment facility, waterway, waterline, water storage facility, rail line, electric, gas, telephone or other communications, or any other type of utility line or pipeline, or other similar or related structure or improvement, together with necessary easements for the structure or improvement. Except for rail lines, utility lines, or pipelines, the structures or improvements described in this subparagraph shall be either owned or used by a public agency, functionally connected to similar or supporting facilities owned or used by a public agency, or designed and dedicated to use by, for the benefit of, or for the protection of the health, welfare, or safety of the public generally, whether or not used by a single business entity. Any road, street, or bridge shall be continuously open to public access. A public facility shall be located on public property or in a public, utility, or transportation easement or right-of-way.

(ii) The acquisition and disposal of land that is proposed or intended to be used in the development of eligible property or an interest in that land, demolition of structures, site preparation, and relocation costs.

(iii) All administrative and real and personal property acquisition and disposal costs related to a public facility described in subparagraphs (i) and (iv), including, but not limited to, architect's, engineer's, legal, and accounting fees as permitted by the district's development plan.

(iv) An improvement to a facility used by the public or a public facility as those terms are defined in section 1 of 1966 PA 1, MCL 125.1351, which improvement is made to comply with the barrier free design requirements of the state construction code promulgated under the Stille-DeRossett-Hale single state construction code act, 1972 PA 230, MCL 125.1501 to 125.1531.

(v) All of the following costs approved by the Michigan economic development corporation:

(A) Operational costs and the costs related to the acquisition, improvement, preparation, demolition, disposal, construction, reconstruction, remediation, rehabilitation, restoration, preservation, maintenance, repair, furnishing, and equipping of land and other assets that are or may become eligible for depreciation under the internal revenue code of 1986 for a business incubator located in a certified technology park.

(B) Costs related to the acquisition, improvement, preparation, demolition, disposal, construction, reconstruction, remediation, rehabilitation, restoration, preservation, maintenance, repair, furnishing, and equipping of land and other assets that, if privately owned, would be eligible for depreciation under the internal revenue code of 1986 for laboratory facilities, research and development facilities, conference facilities, teleconference facilities, testing, training facilities, and quality control facilities that are or that support eligible property under subdivision (p)(iii), that are owned by a public entity, and that are located within a certified technology park.

(vi) Operating and planning costs included in a plan pursuant to section 12(1)(f), including costs of marketing property within the district and attracting development of eligible property within the district.

(bb) "Qualified refunding obligation" means an obligation issued or incurred by an authority or by a municipality on behalf of an authority to refund an obligation if the refunding obligation meets both of the following:

(i) The net present value of the principal and interest to be paid on the refunding obligation, including the cost of issuance, will be less than the net present value of the principal and interest to be paid on the

obligation being refunded, as calculated using a method approved by the department of treasury.

(ii) The net present value of the sum of the tax increment revenues described in subdivision (ee)(ii) and the distributions under section 11a to repay the refunding obligation will not be greater than the net present value of the sum of the tax increment revenues described in subdivision (ee)(ii) and the distributions under section 11a to repay the obligation being refunded, as calculated using a method approved by the department of treasury.

(cc) "Specific local taxes" means a tax levied under 1974 PA 198, MCL 207.551 to 207.572, the obsolete property rehabilitation act, 2000 PA 146, MCL 125.2781 to 125.2797, the commercial redevelopment act, 1978 PA 255, MCL 207.651 to 207.668, the enterprise zone act, 1985 PA 224, MCL 125.2101 to 125.2123, 1953 PA 189, MCL 211.181 to 211.182, and the technology park development act, 1984 PA 385, MCL 207.701 to 207.718. The initial assessed value or current assessed value of property subject to a specific local tax is the quotient of the specific local tax paid divided by the ad valorem millage rate. However, after 1993, the state tax commission shall prescribe the method for calculating the initial assessed value and current assessed value of property for which a specific local tax was paid in lieu of a property tax.

(dd) "State fiscal year" means the annual period commencing October 1 of each year.

(ee) "Tax increment revenues" means the amount of ad valorem property taxes and specific local taxes attributable to the application of the levy of all taxing jurisdictions upon the captured assessed value of eligible property within the district or, for purposes of a certified technology park, real or personal property that is located within the certified technology park and included within the tax increment financing plan, subject to the following requirements:

(i) Tax increment revenues include ad valorem property taxes and specific local taxes attributable to the application of the levy of all taxing jurisdictions, other than the state pursuant to the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, and local or intermediate school districts, upon the captured assessed value of real and personal property in the development area for any purpose authorized by this act.

(ii) Tax increment revenues include ad valorem property taxes and specific local taxes attributable to the application of the levy of the state pursuant to the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, and local or intermediate school districts upon the captured assessed value of real and personal property in the development area in an amount equal to the amount necessary, without regard to subparagraph (i), for the following purposes:

(A) To repay eligible advances, eligible obligations, and other protected obligations.

(B) To fund or to repay an advance or obligation issued by or on behalf of an authority to fund the cost of public facilities related to or for the benefit of eligible property located within a certified technology park to the extent the public facilities have been included in an agreement under section 12a(3), not to exceed 50%, as determined by the state treasurer, of the amounts levied by the state pursuant to the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, and local and intermediate school districts for a period not to exceed 15 years, as determined by the state treasurer, if the state treasurer determines that the capture under this subparagraph is necessary to reduce unemployment, promote economic growth, and increase capital investment in the municipality.

(iii) Tax increment revenues do not include any of the following:

(A) Ad valorem property taxes or specific local taxes that are excluded from and not made part of the tax increment financing plan.

(B) Ad valorem property taxes and specific local taxes attributable to ad valorem property taxes excluded by the tax increment financing plan of the authority from the determination of the amount of tax increment revenues to be transmitted to the authority.

(C) Ad valorem property taxes exempted from capture under section 4(3) or specific local taxes attributable to such ad valorem property taxes.

(D) Ad valorem property taxes specifically levied for the payment of principal and interest of obligations approved by the electors or obligations pledging the unlimited taxing power of the local governmental unit or specific local taxes attributable to such ad valorem property taxes.

(E) The amount of ad valorem property taxes or specific taxes captured by a downtown development authority under 1975 PA 197, MCL 125.1651 to 125.1681, tax increment financing authority under the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830, or brownfield redevelopment authority under the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2672, if those taxes were captured by these other authorities on the date that the initial assessed value of a parcel of property was established under this act.

(iv) The amount of tax increment revenues authorized to be included under subparagraph (ii), and required to be transmitted to the authority under section 13(1), from ad valorem property taxes and specific local taxes attributable to the application of the levy of the state education tax act, 1993 PA 331, MCL 211.901 to

211.906, or a local school district or an intermediate school district upon the captured assessed value of real and personal property in a development area shall be determined separately for the levy by the state, each school district, and each intermediate school district as the product of sub-subparagraphs (A) and (B):

(A) The percentage that the total ad valorem taxes and specific local taxes available for distribution by law to the state, local school district, or intermediate school district, respectively, bears to the aggregate amount of ad valorem millage taxes and specific taxes available for distribution by law to the state, each local school district, and each intermediate school district.

(B) The maximum amount of ad valorem property taxes and specific local taxes considered tax increment revenues under subparagraph (ii).

(ff) "Urban township" means a township that meets 1 or more of the following:

(i) Meets all of the following requirements:

(A) Has a population of 20,000 or more, or has a population of 10,000 or more but is located in a county with a population of 400,000 or more.

(B) Adopted a master zoning plan before February 1, 1987.

(C) Provides sewer, water, and other public services to all or a part of the township.

(ii) Meets all of the following requirements:

(A) Has a population of less than 20,000.

(B) Is located in a county with a population of 250,000 or more but less than 400,000, and that county is located in a metropolitan statistical area.

(C) Has within its boundaries a parcel of property under common ownership that is 800 acres or larger and is capable of being served by a railroad, and located within 3 miles of a limited access highway.

(D) Establishes an authority before December 31, 1998.

(iii) Meets all of the following requirements:

(A) Has a population of less than 20,000.

(B) Has a state equalized value for all real and personal property located in the township of more than \$200,000,000.00.

(C) Adopted a master zoning plan before February 1, 1987.

(D) Is a charter township under the charter township act, 1947 PA 359, MCL 42.1 to 42.34.

(E) Has within its boundaries a combination of parcels under common ownership that is 800 acres or larger, is immediately adjacent to a limited access highway, is capable of being served by a railroad, and is immediately adjacent to an existing sewer line.

(F) Establishes an authority before March 1, 1999.

(iv) Meets all of the following requirements:

(A) Has a population of 13,000 or more.

(B) Is located in a county with a population of 150,000 or more.

(C) Adopted a master zoning plan before February 1, 1987.

(v) Meets all of the following requirements:

(A) Is located in a county with a population of 1,000,000 or more.

(B) Has a written agreement with an adjoining township to develop 1 or more public facilities on contiguous property located in both townships.

(C) Has a master plan in effect.

History: 1986, Act 281, Eff. Feb. 1, 1987;—Am. 1991, Act 101, Imd. Eff. Aug. 21, 1991;—Am. 1992, Act 287, Imd. Eff. Dec. 18, 1992;—Am. 1993, Act 333, Eff. Mar. 15, 1994;—Am. 1994, Act 282, Imd. Eff. July 11, 1994;—Am. 1994, Act 331, Imd. Eff. Oct. 14, 1994;—Am. 1996, Act 270, Imd. Eff. June 12, 1996;—Am. 1998, Act 1, Imd. Eff. Jan. 30, 1998;—Am. 1998, Act 92, Imd. Eff. May 14, 1998;—Am. 2000, Act 248, Imd. Eff. June 29, 2000;—Am. 2003, Act 20, Imd. Eff. June 20, 2003;—Am. 2004, Act 17, Imd. Eff. Mar. 4, 2004.

125.2153 Authority; establishment; powers.

Sec. 3. (1) Except as otherwise provided by subsection (2), a municipality may establish not more than 1 authority under the provisions of this act. An authority established under this subsection shall exercise its powers in all authority districts.

(2) In addition to an authority established under subsection (1), a municipality may join with 1 or more other municipality located within the same county to establish an authority under this act. An authority created under this subsection may only exercise its powers in a certified technology park designated in an agreement made under section 12a. A municipality shall not establish more than 1 authority under this subsection.

(3) The authority shall be a public body corporate which may sue and be sued in any court of this state. The authority possesses all the powers necessary to carry out the purpose of its incorporation. The

enumeration of a power in this act shall not be construed as a limitation upon the general powers of the authority. The powers granted in this act to an authority may be exercised notwithstanding that bonds are not issued by the authority.

History: 1986, Act 281, Eff. Feb. 1, 1987;—Am. 2000, Act 248, Imd. Eff. June 29, 2000.

125.2154 Resolution of intent; notice of public hearing; hearing; resolution exempting taxes from capture; resolution establishing authority and designating boundaries; filing and publication; alteration or amendment of boundaries; validity of proceedings; establishment of authority by 2 or more municipalities.

Sec. 4. (1) The governing body of a municipality may declare by resolution adopted by a majority of its members elected and serving its intention to create and provide for the operation of an authority.

(2) In the resolution of intent, the governing body proposing to create the authority shall set a date for holding a public hearing on the adoption of a proposed resolution creating the authority and designating the boundaries of the authority district or districts. Notice of the public hearing shall be published twice in a newspaper of general circulation in the municipality, not less than 20 nor more than 40 days before the date of the hearing. Not less than 20 days before the hearing, the governing body proposing to create the authority shall also mail notice of the hearing to the property taxpayers of record in a proposed authority district and, for a public hearing to be held after February 15, 1994, to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the authority is established and a tax increment financing plan is approved. Beginning June 1, 2005, the notice of hearing within the time frame described in this subsection shall be mailed by certified mail to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the authority is established and a tax increment financing plan is approved. Failure of a property taxpayer to receive the notice shall not invalidate these proceedings. The notice shall state the date, time, and place of the hearing, and shall describe the boundaries of the proposed authority district or districts. At that hearing, a resident, taxpayer, or property owner from a taxing jurisdiction in which the proposed district is located or an official from a taxing jurisdiction with millage that would be subject to capture has the right to be heard in regard to the establishment of the authority and the boundaries of that proposed authority district. The governing body of the municipality in which a proposed district is to be located shall not incorporate land into an authority district not included in the description contained in the notice of public hearing, but it may eliminate lands described in the notice of public hearing from an authority district in the final determination of the boundaries.

(3) Not more than 60 days after a public hearing held after February 15, 1994, the governing body of a taxing jurisdiction with millage that would otherwise be subject to capture may exempt its taxes from capture by adopting a resolution to that effect and filing a copy with the clerk of the municipality proposing to create the authority. However, a resolution by a governing body of a taxing jurisdiction to exempt its taxes from capture is not effective for the capture of taxes that are used for a certified technology park. The resolution takes effect when filed with that clerk and remains effective until a copy of a resolution rescinding that resolution is filed with that clerk.

(4) Not less than 60 days after the public hearing, if the governing body creating the authority intends to proceed with the establishment of the authority, it shall adopt, by majority vote of its members elected and serving, a resolution establishing the authority and designating the boundaries of the authority district or districts within which the authority shall exercise its powers. The adoption of the resolution is subject to any applicable statutory or charter provisions with respect to the approval or disapproval of resolutions by the chief executive officer of the municipality and the adoption of a resolution over his or her veto. This resolution shall be filed with the secretary of state promptly after its adoption and shall be published at least once in a newspaper of general circulation in the municipality.

(5) The governing body may alter or amend the boundaries of an authority district to include or exclude lands from that authority district or create new authority districts pursuant to the same requirements prescribed for adopting the resolution creating the authority.

(6) The validity of the proceedings establishing an authority shall be conclusive unless contested in a court of competent jurisdiction within 60 days after the last of the following takes place:

- (a) Publication of the resolution creating the authority as adopted.
- (b) Filing of the resolution creating the authority with the secretary of state.

(7) Except as otherwise provided by this subsection, if 2 or more municipalities desire to establish an authority under section 3(2), each municipality in which the authority district will be located shall comply with the procedures prescribed by this act. The notice required by subsection (2) may be published jointly by the municipalities establishing the authority. The resolutions establishing the authority shall include, or shall

approve an agreement including, provisions governing the number of members on the board, the method of appointment, the members to be represented by governmental units or agencies, the terms of initial and subsequent appointments to the board, the manner in which a member of the board may be removed for cause before the expiration of his or her term, the manner in which the authority may be dissolved, and the disposition of assets upon dissolution. An authority described in this subsection shall not be considered established unless all of the following conditions are satisfied:

(a) A resolution is approved and filed with the secretary of state by each municipality in which the authority district will be located.

(b) The same boundaries have been approved for the authority district by the governing body of each municipality in which the authority district will be located.

(c) The governing body of the county in which a majority of the authority district will be located has approved by resolution the creation of the authority.

History: 1986, Act 281, Eff. Feb. 1, 1987;—Am. 1993, Act 333, Eff. Mar. 15, 1994;—Am. 2000, Act 248, Imd. Eff. June 29, 2000;—Am. 2005, Act 15, Imd. Eff. May 4, 2005.

125.2155 Board; appointment, qualification, and terms of members; vancancy; reimbursement for expenses; chairperson; oath of office; rules; procedure; meetings; removal of member; publicizing expense items; financial records open to public.

Sec. 5. (1) The authority shall be under the supervision and control of a board of 7 members appointed by the chief executive officer of the city, village, or urban township creating the authority subject to the approval of the governing body creating the authority. The board shall include 1 member appointed by the county board of commissioners of the county in which the authority is located. The board shall include 1 member representing a community or junior college in whose district the authority is located appointed by the chief executive officer of that community or junior college. The board shall also include 2 members appointed by the chief executive officer of each local governmental unit, other than the city, village, or urban township creating the authority, which levied 20% or more of the ad valorem property taxes levied against all property located in an authority district in the year before the year in which the authority district is established. However, those additional members shall only vote on matters relating to authority districts located within their respective local unit of government. Of the members first appointed, an equal number, as near as possible, shall have terms designated by the governing body creating the authority of 1 year, 2 years, 3 years, and 4 years. However, a member shall hold office until the member's successor is appointed. After the first appointment, each member shall serve for a term of 4 years. An appointment to fill a vacancy shall be made in the same manner as the original appointment. An appointment to fill an unexpired term shall be for the unexpired portion of the term only. Members of the board shall serve without compensation, but shall be reimbursed for actual and necessary expenses.

(2) The chairperson of the board shall be elected by the board.

(3) Before assuming the duties of office, a member shall qualify by taking and subscribing to the constitutional oath of office.

(4) The board shall adopt rules governing its procedure and the holding of regular meetings, subject to the approval of the governing body. Special meetings may be held when called in the manner provided in the rules of the board. Meetings of the board shall be open to the public, in accordance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws.

(5) Subject to notice and an opportunity to be heard, a member of the board may be removed before the expiration of his or her term for cause by the governing body. Removal of a member is subject to review by the circuit court.

(6) All expense items of the authority shall be publicized annually and the financial records shall be open to the public pursuant to the freedom of information act, Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: 1986, Act 281, Eff. Feb. 1, 1987.

125.2156 Director, employment; compensation; term; oath of office; bond; chief executive officer; duties; acting director; appointment or employment, compensation, and duties of treasurer; appointment or employment, compensation, and duties of secretary; legal counsel; employment of other personnel; municipal retirement and insurance programs.

Sec. 6. (1) The board may employ and fix the compensation of a director, subject to the approval of the governing body creating the authority. The director shall serve at the pleasure of the board. A member of the board is not eligible to hold the position of director. Before entering upon the duties of the office, the director shall take and subscribe to the constitutional oath of office and shall furnish bond by posting a bond in the

penal sum determined in the resolution establishing the authority. The bond shall be payable to the authority for the use and benefit of the authority, approved by the board, and filed with the clerk of the municipality. The premium on the bond shall be considered an operating expense of the authority, payable from funds available to the authority for expenses of operation. The director shall be the chief executive officer of the authority. Subject to the approval of the board, the director shall supervise and be responsible for the preparation of plans and the performance of the functions of the authority in the manner authorized by this act. The director shall attend the meetings of the board and shall render to the board and to the governing body a regular report covering the activities and financial condition of the authority. If the director is absent or disabled, the board may designate a qualified person as acting director to perform the duties of the office. Before entering upon the duties of the office, the acting director shall take and subscribe to the constitutional oath of office and furnish bond as required of the director. The director shall furnish the board with information or reports governing the operation of the authority as the board requires.

(2) The board may appoint or employ and fix the compensation of a treasurer who shall keep the financial records of the authority and who, together with the director, if a director is appointed, shall approve all vouchers for the expenditure of funds of the authority. The treasurer shall perform other duties as may be delegated by the board and shall furnish bond in an amount as prescribed by the board.

(3) The board may appoint or employ and fix the compensation of a secretary who shall maintain custody of the official seal and of records, books, documents, or other papers not required to be maintained by the treasurer. The secretary shall attend meetings of the board and keep a record of its proceedings and shall perform other duties as may be delegated by the board.

(4) The board may retain legal counsel to advise the board in the proper performance of its duties. The legal counsel may represent the authority in actions brought by or against the authority.

(5) The board may employ other personnel considered necessary by the board.

(6) The employees of an authority may be eligible to participate in municipal retirement and insurance programs of the municipality as if they were civil service employees on the same basis as civil service employees.

History: 1986, Act 281, Eff. Feb. 1, 1987.

125.2157 Powers of board generally.

Sec. 7. The board may:

(a) Study and analyze unemployment, underemployment, and joblessness and the impact of growth upon the authority district or districts.

(b) Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration, preservation, or reconstruction of a public facility.

(c) Develop long-range plans, in cooperation with the agency which is chiefly responsible for planning in the municipality, to promote the growth of the authority district or districts, and take the steps that are necessary to implement the plans to the fullest extent possible to create jobs, and promote economic growth.

(d) Implement any plan of development necessary to achieve the purposes of this act in accordance with the powers of the authority as granted by this act.

(e) Make and enter into contracts necessary or incidental to the exercise of the board's powers and the performance of its duties.

(f) Acquire by purchase or otherwise on terms and conditions and in a manner the authority considers proper, own or lease as lessor or lessee, convey, demolish, relocate, rehabilitate, or otherwise dispose of real or personal property, or rights or interests in that property, which the authority determines is reasonably necessary to achieve the purposes of this act, and to grant or acquire licenses, easements, and options with respect to the property.

(g) Improve land, prepare sites for buildings, including the demolition of existing structures, and construct, reconstruct, rehabilitate, restore and preserve, equip, improve, maintain, repair, or operate a building, and any necessary or desirable appurtenances to a building, as provided in section 12(2) for the use, in whole or in part, of a public or private person or corporation, or a combination thereof.

(h) Fix, charge, and collect fees, rents, and charges for the use of a building or property or a part of a building or property under the board's control, or a facility in the building or on the property, and pledge the fees, rents, and charges for the payment of revenue bonds issued by the authority.

(i) Lease a building or property or part of a building or property under the board's control.

(j) Accept grants and donations of property, labor, or other things of value from a public or private source.

(k) Acquire and construct public facilities.

(l) Incur costs in connection with the performance of the board's authorized functions including, but not limited to, administrative costs, and architects, engineers, legal, and accounting fees.

(m) Plan, propose, and implement an improvement to a public facility on eligible property to comply with the barrier free design requirements of the state construction code promulgated under the state construction code act of 1972, Act No. 230 of the Public Acts of 1972, being sections 125.1501 to 125.1531 of the Michigan Compiled Laws.

History: 1986, Act 281, Eff. Feb. 1, 1987;—Am. 1993, Act 333, Eff. Mar. 15, 1994.

Administrative rules: R 408.30401 et seq. of the Michigan Administrative Code.

125.2158 Authority as instrumentality of political subdivision.

Sec. 8. The authority shall be considered an instrumentality of a political subdivision for purposes of Act No. 227 of the Public Acts of 1972, being sections 213.321 to 213.332 of the Michigan Compiled Laws.

History: 1986, Act 281, Eff. Feb. 1, 1987.

125.2159 Taking, transfer, and use of private property.

Sec. 9. A municipality may take private property under the uniform condemnation procedures act, Act No. 87 of the Public Acts of 1980, being sections 213.51 to 213.77 of the Michigan Compiled Laws, for the purpose of transfer to the authority, and may transfer the property to the authority for use as authorized in the development plan, on terms and conditions it considers appropriate. The taking, transfer, and use shall be considered necessary for public purposes and for the benefit of the public.

History: 1986, Act 281, Eff. Feb. 1, 1987.

125.2160 Financing activities of authority.

Sec. 10. The activities of the authority shall be financed from 1 or more of the following sources:

- (a) Contributions to the authority for the performance of its functions.
- (b) Revenues from any property, building, or facility owned, leased, licensed, or operated by the authority or under its control, subject to the limitations imposed upon the authority by trusts or other agreements.
- (c) Tax increment revenues received pursuant to a tax increment financing plan established under sections 12 to 14.
- (d) Proceeds of tax increment bonds issued pursuant to section 14.
- (e) Proceeds of revenue bonds issued pursuant to section 11.
- (f) Money obtained from any other legal source approved by the governing body of the municipality or otherwise authorized by law for use by the authority or the municipality to finance a development program.
- (g) Money obtained pursuant to section 11a.
- (h) Loans from the Michigan strategic fund or the Michigan economic development corporation.

History: 1986, Act 281, Eff. Feb. 1, 1987;—Am. 1993, Act 333, Eff. Mar. 15, 1994;—Am. 2000, Act 248, Imd. Eff. June 29, 2000.

125.2161 Revenue bonds.

Sec. 11. (1) The authority may borrow money and issue its negotiable revenue bonds pursuant to the revenue bond act of 1933, Act No. 94 of the Public Acts of 1933, being sections 141.101 to 141.139 of the Michigan Compiled Laws. Except as provided in subsection (2), revenue bonds issued by the authority shall not be considered a debt of the municipality or of the state.

(2) The municipality by a majority vote of the members of its governing body may make a limited tax pledge to support the authority's revenue bonds or, if authorized by the voters of the municipality, may pledge its full faith and credit to support the authority's revenue bonds.

History: 1986, Act 281, Eff. Feb. 1, 1987.

125.2161a Insufficient tax increment revenues for repayment of advance or payment of obligation; appropriation; filing claim; information required in claim; distributions; determination of amounts; limitations; distribution subject to lien; indebtedness, liability, or obligation; certification of distribution amount; basis for calculation of distributions and claims reports; use of 12-month debt payment period.

Sec. 11a. (1) If the amount of tax increment revenues lost as a result of the reduction of taxes levied by local school districts for school operating purposes required by the millage limitations under section 1211 of the revised school code, 1976 PA 451, MCL 380.1211, reduced by the amount of tax increment revenues received from the capture of taxes levied under or attributable to the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, will cause the tax increment revenues received in a fiscal year by an authority under section 13 to be insufficient to repay an eligible advance or to pay an eligible obligation, the legislature shall appropriate and distribute to the authority the amount described in subsection (5).

(2) Not less than 30 days before the first day of a fiscal year, an authority eligible to retain tax increment revenues from taxes levied by a local or intermediate school district or this state or to receive a distribution under this section for that fiscal year shall file a claim with the department of treasury. The claim shall include the following information:

(a) The property tax millage rates levied in 1993 by local school districts within the jurisdictional area of the authority for school operating purposes.

(b) The property tax millage rates expected to be levied by local school districts within the jurisdictional area of the authority for school operating purposes for that fiscal year.

(c) The tax increment revenues estimated to be received by the authority for that fiscal year based upon actual property tax levies of all taxing jurisdictions within the jurisdictional area of the authority plus any tax increment revenues the authority would have received for the fiscal year from property that is exempt from taxation pursuant to the Michigan renaissance zone act, 1996 PA 376, MCL 125.2681 to 125.2696, based on the property's taxable value at the time the zone is designated.

(d) The tax increment revenues the authority estimates it would have received for that fiscal year if property taxes were levied by local school districts within the jurisdictional area of the authority for school operating purposes at the millage rates described in subdivision (a) and if no property taxes were levied by this state under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906.

(e) A list and documentation of eligible obligations and eligible advances and the payments due on each of those eligible obligations or eligible advances in that fiscal year, and the total amount of all the payments due on those eligible obligations and eligible advances in that fiscal year.

(f) The amount of money, other than tax increment revenues, estimated to be received in that fiscal year by the authority that is primarily pledged to, and to be used for, the payment of an eligible obligation or the repayment of an eligible advance. That amount shall not include excess tax increment revenues of the authority that are permitted by law to be retained by the authority for purposes that further the development program. However, that amount shall include money to be obtained from sources authorized by law, which law is enacted on or after December 1, 1993, for use by the municipality or authority to finance a development project.

(g) The amount of a distribution received pursuant to this act for a fiscal year in excess of or less than the distribution that would have been required if calculated upon actual tax increment revenues received for that fiscal year.

(h) A list and documentation of other protected obligations and the payments due on each of those other protected obligations in that fiscal year, and the total amount of all the payments due on those other protected obligations in that fiscal year.

(3) For the fiscal year that commences after September 30, 1993 and before October 1, 1994, an authority may make a claim with all information required by subsection (2) at any time after March 15, 1994.

(4) After review and verification of claims submitted pursuant to this section, amounts appropriated by the state in compliance with this act shall be distributed as 2 equal payments on March 1 and September 1 after receipt of a claim. An authority shall allocate a distribution it receives for an eligible obligation issued on behalf of a municipality to the municipality.

(5) Subject to subsections (6) and (7), the aggregate amount to be appropriated and distributed pursuant to this section to an authority shall be the sum of the amounts determined pursuant to subdivisions (a) and (b) minus the amount determined pursuant to subdivision (c), as follows:

(a) The amount by which the tax increment revenues the authority would have received for the fiscal year, if property taxes were levied by local school districts on property, including property that is exempt from taxation pursuant to the Michigan renaissance zone act, 1996 PA 376, MCL 125.2681 to 125.2696, based on the property's taxable value at the time the zone is designated, for school operating purposes at the millage rates described in subsection (2)(a) and if no property taxes were levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906, exceed the sum of tax increment revenues the authority actually received for the fiscal year plus any tax increment revenues the authority would have received for the fiscal year from property that is exempt from taxation pursuant to the Michigan renaissance zone act, 1996 PA 376, MCL 125.2681 to 125.2696, based on the property's taxable value at the time the zone is designated.

(b) A shortfall required to be reported pursuant to subsection (2)(g) that had not previously increased a distribution.

(c) An excess amount required to be reported pursuant to subsection (2)(g) that had not previously decreased a distribution.

(6) The amount distributed under subsection (5) shall not exceed the difference between the amount described in subsection (2)(e) and the sum of the amounts described in subsection (2)(c) and (f).

(7) If, based upon the tax increment financing plan in effect on August 19, 1993, the payment due on eligible obligations or eligible advances anticipates the use of excess prior year tax increment revenues permitted by law to be retained by the authority, and if the sum of the amounts described in subsection (2)(c) and (f) plus the amount to be distributed under subsections (5) and (6) is less than the amount described in subsection (2)(e), the amount to be distributed under subsections (5) and (6) shall be increased by the amount of the shortfall. However, the amount authorized to be distributed pursuant to this section shall not exceed that portion of the cumulative difference, for each preceding fiscal year, between the amount that could have been distributed pursuant to subsection (5) and the amount actually distributed pursuant to subsections (5) and (6) and this subsection.

(8) A distribution under this section replacing tax increment revenues pledged by an authority or a municipality is subject to the lien of the pledge, whether or not there has been physical delivery of the distribution.

(9) Obligations for which distributions are made pursuant to this section are not a debt or liability of this state; do not create or constitute an indebtedness, liability, or obligation of this state; and are not and do not constitute a pledge of the faith and credit of this state.

(10) Not later than July 1 of each year, the authority shall certify to the local tax collecting treasurer the amount of the distribution required under subsection (5), calculated without regard to the receipt of tax increment revenues attributable to local or intermediate school district operating taxes or attributable to taxes levied under the state education tax act, 1993 PA 331, MCL 211.901 to 211.906.

(11) Calculations of distributions under this section and claims reports required to be made under subsection (2) shall be made on the basis of each development area of the authority.

(12) The state tax commission may provide that the reimbursement calculations under this section and the calculation of allowable capture of school taxes shall be made for each calendar year's tax increment revenues using a 12-month debt payment period used by the authority and approved by the state tax commission.

History: Add. 1993, Act 333, Eff. Mar. 15, 1994;—Am. 1994, Act 282, Imd. Eff. July 11, 1994;—Am. 1996, Act 270, Imd. Eff. June 12, 1996;—Am. 1996, Act 452, Imd. Eff. Dec. 19, 1996;—Am. 1998, Act 1, Imd. Eff. Jan. 30, 1998.

125.2162 Tax increment financing plan generally.

Sec. 12. (1) If the board determines that it is necessary for the achievement of the purposes of this act, the board shall prepare and submit a tax increment financing plan to the governing body. The plan shall be in compliance with section 13 and shall include a development plan as provided in section 15. The plan shall also contain the following:

(a) A statement of the reasons that the plan will result in the development of captured assessed value that could not otherwise be expected. The reasons may include, but are not limited to, activities of the municipality, authority, or others undertaken before formulation or adoption of the plan in reasonable anticipation that the objectives of the plan would be achieved by some means.

(b) An estimate of the captured assessed value for each year of the plan. The plan may provide for the use of part or all of the captured assessed value or, subject to subsection (3), of the tax increment revenues attributable to the levy of any taxing jurisdiction, but the portion intended to be used shall be clearly stated in the plan. The board or the municipality creating the authority may exclude from captured assessed value a percentage of captured assessed value as specified in the plan or growth in property value resulting solely from inflation. If excluded, the plan shall set forth the method for excluding growth in property value resulting solely from inflation.

(c) The estimated tax increment revenues for each year of the plan.

(d) A detailed explanation of the tax increment procedure.

(e) The maximum amount of note or bonded indebtedness to be incurred, if any.

(f) The amount of operating and planning expenditures of the authority and municipality, the amount of advances extended by or indebtedness incurred by the municipality, and the amount of advances by others to be repaid from tax increment revenues.

(g) The costs of the plan anticipated to be paid from tax increment revenues as received.

(h) The duration of the development plan and the tax increment plan.

(i) An estimate of the impact of tax increment financing on the revenues of all taxing jurisdictions in which the eligible property is or is anticipated to be located.

(j) A legal description of the eligible property to which the tax increment financing plan applies or shall apply upon qualification as eligible property.

(k) An estimate of the number of jobs to be created as a result of implementation of the tax increment financing plan.

(l) The proposed boundaries of a certified technology park to be created under an agreement proposed to be entered into pursuant to section 12a, an identification of the real property within the certified technology park to be included in the tax increment financing plan for purposes of determining tax increment revenues, and whether personal property located in the certified technology park is exempt from determining tax increment revenues.

(2) Except as provided in subsection (7), a tax increment financing plan shall provide for the use of tax increment revenues for public facilities for eligible property whose captured assessed value produces the tax increment revenues or, to the extent the eligible property is located within a business development area, for other eligible property located in the business development area. Public facilities for eligible property include the development or improvement of access to and around, or within the eligible property, of road facilities reasonably required by traffic flow to be generated by the eligible property, and the development or improvement of public facilities that are necessary to service the eligible property, whether or not located on that eligible property. If the eligible property identified in the tax increment financing plan is property to which section 2(p)(iv) applies, the tax increment financing plan shall not provide for the use of tax increment revenues for public facilities other than those described in the development plan as of April 1, 1991. Whether or not provided in the tax increment financing plan, if the eligible property identified in the tax increment financing plan is property to which section 2(p)(iv) applies, then to the extent that captured tax increment revenues are utilized for the costs of cleanup of identified soil and groundwater contamination, the captured tax increment revenues shall be first credited against the shares of responsibility for the total costs of cleanup of uncollectible parties who are responsible for the identified soil and groundwater contamination pursuant to law, and then shall be credited on a pro rata basis against the shares of responsibility for the total costs of cleanup of other parties who are responsible for the identified soil and groundwater contamination pursuant to law.

(3) The percentage of taxes levied for school operating purposes that is captured and used by the tax increment financing plan and the tax increment financing plans under 1975 PA 197, MCL 125.1651 to 125.1681, the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830, and the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2672, shall not be greater than the percentage capture and use of taxes levied by a municipality or county for operating purposes under the tax increment financing plan and tax increment financing plans under 1975 PA 197, MCL 125.1651 to 125.1681, the tax increment finance authority act, 1980 PA 450, MCL 125.1801 to 125.1830, and the brownfield redevelopment financing act, 1996 PA 381, MCL 125.2651 to 125.2672. For purposes of the previous sentence, taxes levied by a county for operating purposes include only millage allocated for county or charter county purposes under the property tax limitation act, 1933 PA 62, MCL 211.201 to 211.217a.

(4) Except as otherwise provided by this subsection, approval of the tax increment financing plan shall be in accordance with the notice, hearing, disclosure, and approval provisions of sections 16 and 17. If the development plan is part of the tax increment financing plan, only 1 hearing and approval procedure is required for the 2 plans together. For a plan submitted by an authority established by 2 or more municipalities under sections 3(2) and 4(7), the notice required by section 16 may be published jointly by the municipalities in which the authority district is located. The plan shall not be considered approved unless each governing body in which the authority district is located makes the determinations required by section 17 and approves the same plan, including the same modifications, if any, made to the plan by any other governing body.

(5) Before the public hearing on the tax increment financing plan, the governing body shall provide a reasonable opportunity to the taxing jurisdictions levying taxes subject to capture to express their views and recommendations regarding the tax increment financing plan. The authority shall fully inform the taxing jurisdictions about the fiscal and economic implications of the proposed tax increment financing plan. The taxing jurisdictions may present their recommendations at the public hearing on the tax increment financing plan. The authority may enter into agreements with the taxing jurisdictions and the governing body of the municipality in which the authority district is located to share a portion of the captured assessed value of the district or to distribute tax increment revenues among taxing jurisdictions. Upon adoption of the plan, the collection and transmission of the amount of tax increment revenues, as specified in this act, shall be binding on all taxing units levying ad valorem property taxes or specific local taxes against property located in the authority district.

(6) Property qualified as a public facility under section 2(aa)(ii) that is acquired by an authority may be sold, conveyed, or otherwise disposed to any person, public or private, for fair market value or reasonable monetary consideration established by the authority with the concurrence of the Michigan economic development corporation and the municipality in which the eligible property is located based on a fair market value appraisal from a fee appraiser only if the property is sold for fair market value. Unless the property acquired by an authority was located within a certified business park or a certified technology park at the time

of disposition, an authority shall remit all monetary proceeds received from the sale or disposition of property that qualified as a public facility under section 2(aa)(ii) and was purchased with tax increment revenues to the taxing jurisdictions. Proceeds distributed to taxing jurisdictions shall be remitted in proportion to the amount of tax increment revenues attributable to each taxing jurisdiction in the year the property was acquired. If the property was acquired in part with funds other than tax increment revenues, only that portion of the monetary proceeds received upon disposition that represent the proportion of the cost of acquisition paid with tax increment revenues is required to be remitted to taxing jurisdictions. If the property is located within a certified business park or certified technology park at the time of disposition, the monetary proceeds received from the sale or disposition of that property may be retained by the authority for any purpose necessary to further the development program for the certified business park or certified technology park in accordance with the tax increment financing plan.

(7) The tax increment financing plan may provide for the use of tax increment revenues from a certified technology park for public facilities for any eligible property located in the certified technology park.

(8) If title to property qualified as a public facility under section 2(aa)(ii) and acquired by an authority with tax increment revenues is sold, conveyed, or otherwise disposed of pursuant to subsection (6) for less than fair market value, the authority shall enter into an agreement relating to the use of the property with the person to whom the property is sold, conveyed, or disposed of, which agreement shall include a penalty provision addressing repayment to the authority if any interest in the property is sold, conveyed, or otherwise disposed of by the person within 12 years after the person received title to the property from the authority. This subsection shall not require enforcement of a penalty provision for a conveyance incident to a merger, acquisition, reorganization, sale-lease back transaction, employee stock ownership plan, or other change in corporate or business form or structure.

(9) The penalty provision described in subsection (8) shall not be less than an amount equal to the difference between the fair market value of the property when originally sold, conveyed, or otherwise disposed of and the actual consideration paid by the person to whom the property was originally sold, conveyed, or otherwise disposed of.

History: 1986, Act 281, Eff. Feb. 1, 1987;—Am. 1991, Act 101, Imd. Eff. Aug. 21, 1991;—Am. 1993, Act 333, Eff. Mar. 15, 1994;—Am. 2000, Act 248, Imd. Eff. June 29, 2000.

125.2162a Designation as certified technology park; application to Michigan economic development corporation; agreement.

Sec. 12a. (1) A municipality that has created an authority may apply to the Michigan economic development corporation for designation of all or a portion of the authority district as a certified technology park and to enter into an agreement governing the terms and conditions of the designation. The form of the application shall be in a form specified by the Michigan economic development corporation and shall include information the Michigan economic development corporation determines necessary to make the determinations required under this section.

(2) After receipt of an application, the Michigan economic development corporation may designate, pursuant to an agreement entered into under subsection (3), a certified technology park that is determined by the Michigan economic development corporation to satisfy 1 or more of the following criteria based on the application:

(a) A demonstration of significant support from an institution of higher education or a private research-based institute located within the proximity of the proposed certified technology park, as evidenced by, but not limited to, the following types of support:

(i) Grants of preferences for access to and commercialization of intellectual property.

(ii) Access to laboratory and other facilities owned by or under control of the institution of higher education or private research-based institute.

(iii) Donations of services.

(iv) Access to telecommunication facilities and other infrastructure.

(v) Financial commitments.

(vi) Access to faculty, staff, and students.

(vii) Opportunities for adjunct faculty and other types of staff arrangements or affiliations.

(b) A demonstration of a significant commitment on behalf of the institution of higher education or private research-based institute to the commercialization of research produced at the certified technology park, as evidenced by the intellectual property and, if applicable, tenure policies that reward faculty and staff for commercialization and collaboration with private businesses.

(c) A demonstration that the proposed certified technology park will be developed to take advantage of the unique characteristics and specialties offered by the public and private resources available in the area in which

the proposed certified technology park will be located.

(d) The existence of or proposed development of a business incubator within the proposed certified technology park that exhibits the following types of resources and organization:

(i) Significant financial and other types of support from the public or private resources in the area in which the proposed certified technology park will be located.

(ii) A business plan exhibiting the economic utilization and availability of resources and a likelihood of successful development of technologies and research into viable business enterprises.

(iii) A commitment to the employment of a qualified full-time manager to supervise the development and operation of the business incubator.

(e) The existence of a business plan for the proposed certified technology park that identifies its objectives in a clearly focused and measurable fashion and that addresses the following matters:

(i) A commitment to new business formation.

(ii) The clustering of businesses, technology, and research.

(iii) The opportunity for and costs of development of properties under common ownership or control.

(iv) The availability of and method proposed for development of infrastructure and other improvements, including telecommunications technology, necessary for the development of the proposed certified technology park.

(v) Assumptions of costs and revenues related to the development of the proposed certified technology park.

(f) A demonstrable and satisfactory assurance that the proposed certified technology park can be developed to principally contain eligible property as defined by section 2(p)(iii) and (v).

(3) An authority and a municipality that incorporated the authority may enter into an agreement with the Michigan economic development corporation establishing the terms and conditions governing the certified technology park. Upon designation of the certified technology park pursuant to the terms of the agreement, the subsequent failure of any party to comply with the terms of the agreement shall not result in the termination or rescission of the designation of the area as a certified technology park. The agreement shall include, but is not limited to, the following provisions:

(a) A description of the area to be included within the certified technology park.

(b) Covenants and restrictions, if any, upon all or a portion of the properties contained within the certified technology park and terms of enforcement of any covenants or restrictions.

(c) The financial commitments of any party to the agreement and of any owner or developer of property within the certified technology park.

(d) The terms of any commitment required from an institution of higher education or private research-based institute for support of the operations and activities at eligible properties within the certified technology park.

(e) The terms of enforcement of the agreement, which may include the definition of events of default, cure periods, legal and equitable remedies and rights, and penalties and damages, actual or liquidated, upon the occurrence of an event of default.

(f) The public facilities to be developed for the certified technology park.

(g) The costs approved for public facilities under section 2(aa).

(4) If the Michigan economic development corporation has determined that a sale price or rental value at below market rate will assist in increasing employment or private investment in the certified technology park, the authority and municipality have authority to determine the sale price or rental value for public facilities owned or developed by the authority and municipality in the certified technology park at below market rate.

(5) If public facilities developed pursuant to an agreement entered into under this section are conveyed or leased at less than fair market value or at below market rates, the terms of the conveyance or lease shall include legal and equitable remedies and rights to assure the public facilities are used as eligible property. Legal and equitable remedies and rights may include penalties and actual or liquidated damages.

(6) Except as otherwise provided in this subsection, an agreement designating a certified technology park may not be made after December 31, 2002, but any agreement made on or before December 31, 2002 may be amended after that date. However, the Michigan economic development corporation may enter into an agreement with a municipality after December 31, 2002 and on or before December 31, 2005 if that municipality has adopted a resolution of interest to create a certified technology park before December 31, 2002.

(7) The Michigan economic development corporation shall market the certified technology parks and the certified business parks. The Michigan economic development corporation and an authority may contract with each other or any third party for these marketing services.

(8) Except as otherwise provided in subsection (9), the Michigan economic development corporation shall

not designate more than 10 certified technology parks. For purposes of this subsection only, 2 certified technology parks located in a county that contains a city with a population of more than 750,000, shall be counted as 1 certified technology park. Not more than 7 of the certified technology parks designated under this section may not include a firm commitment from at least 1 business engaged in a high technology activity creating a significant number of jobs.

(9) The Michigan economic development corporation may designate an additional 5 certified technology parks after November 1, 2002. The Michigan economic development corporation shall not accept applications for the additional certified technology parks under this subsection until after November 1, 2002.

(10) The Michigan economic development corporation shall give priority to applications that include new business activity.

(11) For an authority established by 2 or more municipalities under sections 3(2) and 4(7), each municipality in which the authority district is located by a majority vote of the members of its governing body may make a limited tax pledge to support the authority's tax increment bonds issued under section 14 or, if authorized by the voters of the municipality, may pledge its full faith and credit for the payment of the principal of and interest on the bonds. The municipalities that have made a pledge to support the authority's tax increment bonds may approve by resolution an agreement among themselves establishing obligations each may have to the other party or parties to the agreement for reimbursement of all or any portion of a payment made by a municipality related to its pledge to support the authority's tax increment bonds.

(12) Not including certified technology parks designated under subsection (8), but for certified technology parks designated under subsection (9) only, this state shall do all of the following:

(a) Reimburse intermediate school districts each year for all tax revenue lost that was captured by an authority for a certified technology park designated by the Michigan economic development corporation after the effective date of the amendatory act that added this subdivision.

(b) Reimburse local school districts each year for all tax revenue lost that was captured by an authority for a certified technology park designated by the Michigan economic development corporation after the effective date of the amendatory act that added this subdivision.

(c) Reimburse the school aid fund from funds other than those appropriated in section 11 of the state school aid act of 1979, 1979 PA 94, MCL 388.1611, for an amount equal to the reimbursement calculations under subdivisions (a) and (b) and for all revenue lost that was captured by an authority for a certified technology park designated by the Michigan economic development corporation after the effective date of the amendatory act that added this subdivision. Foundation allowances calculated under section 20 of the state school aid act of 1979, 1979 PA 94, MCL 388.1620, shall not be reduced as a result of tax revenue lost that was captured by an authority for a certified technology park designated by the Michigan economic development corporation under subsection (9) after the effective date of the amendatory act that added this subdivision.

History: Add. 2000, Act 248, Imd. Eff. June 29, 2000;—Am. 2002, Act 575, Imd. Eff. Oct. 3, 2002;—Am. 2004, Act 365, Imd. Eff. Oct. 7, 2004.

125.2163 Tax increment revenues transmitted to authority; expenditure of tax increment revenues; retention or reversion of excess revenue; prohibition; abolition of tax increment financing plan; annual financial report.

Sec. 13. (1) The city, village, township, school district, and county treasurers shall transmit to the authority tax increment revenues.

(2) The authority shall expend the tax increment revenues received for the development program only in accordance with the tax increment financing plan. Tax increment revenues in excess of the estimated tax increment revenues or of the actual costs of the plan to be paid by the tax increment revenues may be retained by the authority only for purposes, that by resolution of the board, are determined to further the development program in accordance with the tax increment financing plan. The excess tax increment revenues not so used shall revert proportionately to the respective taxing jurisdictions. These revenues shall not be used to circumvent existing property tax laws or a local charter that provides a maximum authorized rate for the levy of property taxes. The governing body may abolish the tax increment financing plan if it finds that the purposes for which the plan was established are accomplished. However, the tax increment financing plan may not be abolished until the principal of and interest on bonds issued pursuant to section 14 have been paid or funds sufficient to make that payment have been segregated and placed in an irrevocable trust for the benefit of the holders of the bonds.

(3) The authority shall submit annually to the governing body and the state tax commission a financial report on the status of the tax increment financing plan. The report shall include the following:

- (a) The amount and source of tax increment revenues received.
- (b) The amount in any bond reserve account.
- (c) The amount and purpose of expenditures of tax increment revenues.
- (d) The amount of principal and interest on any outstanding bonded indebtedness of the authority.
- (e) The initial assessed value of the eligible property.
- (f) The captured assessed value of the eligible property retained by the authority.
- (g) The number of jobs created as a result of the implementation of the tax increment financing plan.
- (h) Any additional information the governing body or the state tax commission considers necessary.

History: 1986, Act 281, Eff. Feb. 1, 1987;—Am. 1993, Act 333, Eff. Mar. 15, 1994.

125.2164 Tax increment bonds; qualified refunding obligation.

Sec. 14. (1) By resolution of its board and subject to the limitations set forth in this section, the authority may authorize, issue, and sell its tax increment bonds to finance a development program. The bonds are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821. The authority may pledge for debt service requirements the tax increment revenues to be received from an eligible property. The bonds issued under this section shall be considered a single series for the purposes of the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(2) The municipality by majority vote of the members of its governing body may make a limited tax pledge to support the authority's tax increment bonds or, if authorized by the voters of the municipality, pledge its full faith and credit for the payment of the principal of and interest on the authority's tax increment bonds. The municipality may pledge as additional security for the bonds any money received by the authority or the municipality pursuant to section 10.

(3) Bonds and notes issued by the authority and the interest on and income from those bonds and notes are exempt from taxation by the state or a political subdivision of this state.

(4) Notwithstanding any other provision of this act, if the state treasurer determines that an authority or municipality can issue a qualified refunding obligation and the authority or municipality does not make a good faith effort to issue the qualified refunding obligation as determined by the state treasurer, the state treasurer may reduce the amount claimed by the authority or municipality under section 11a by an amount equal to the net present value saving that would have been realized had the authority or municipality refunded the obligation or the state treasurer may require a reduction in the capture of tax increment revenues from taxes levied by a local or intermediate school district or this state by an amount equal to the net present value savings that would have been realized had the authority or municipality refunded the obligation. This subsection does not authorize the state treasurer to require the authority or municipality to pledge security greater than the security pledged for the obligation being refunded.

History: 1986, Act 281, Eff. Feb. 1, 1987;—Am. 1993, Act 333, Eff. Mar. 15, 1994;—Am. 1996, Act 270, Imd. Eff. June 12, 1996;—Am. 2002, Act 235, Imd. Eff. Apr. 29, 2002.

125.2165 Development plan generally.

Sec. 15. (1) If a board decides to finance a project under this act, it shall prepare a development plan.

(2) To the extent necessary to accomplish the proposed development program the development plan shall contain:

(a) A description of the property to which the plan applies in relation to the boundaries of the authority district and a legal description of the property.

(b) The designation of boundaries of the property to which the plan applies in relation to highways, streets, or otherwise.

(c) The location and extent of existing streets and other public facilities in the vicinity of the property to which the plan applies; the location, character, and extent of the categories of public and private land uses then existing and proposed for the property to which the plan applies, including residential, recreational, commercial, industrial, educational, and other uses.

(d) A description of public facilities to be acquired for the property to which the plan applies, a description of any repairs and alterations necessary to make those improvements, and an estimate of the time required for completion of the improvements.

(e) The location, extent, character, and estimated cost of the public facilities for the property to which the plan applies, and an estimate of the time required for completion.

(f) A statement of the construction or stages of construction planned, and the estimated time of completion of each stage.

(g) A description of any portions of the property to which the plan applies, which the authority desires to sell, donate, exchange, or lease to or from the municipality and the proposed terms.

- (h) A description of desired zoning changes and changes in streets, street levels, intersections, and utilities.
 - (i) An estimate of the cost of the public facility or facilities, a statement of the proposed method of financing the public facility or facilities, and the ability of the authority to arrange the financing.
 - (j) Designation of the person or persons, natural or corporate, to whom all or a portion of the public facility or facilities is to be leased, sold, or conveyed and for whose benefit the project is being undertaken, if that information is available to the authority.
 - (k) The procedures for bidding for the leasing, purchasing, or conveying of all or a portion of the public facility or facilities upon its completion, if there is no express or implied agreement between the authority and persons, natural or corporate, that all or a portion of the development will be leased, sold, or conveyed to those persons.
 - (l) Estimates of the number of persons residing on the property to which the plan applies and the number of families and individuals to be displaced. If occupied residences are designated for acquisition and clearance by the authority, a development plan shall include a survey of the families and individuals to be displaced, including their income and racial composition, a statistical description of the housing supply in the community, including the number of private and public units in existence or under construction, the condition of those in existence, the number of owner-occupied and renter-occupied units, the annual rate of turnover of the various types of housing and the range of rents and sale prices, an estimate of the total demand for housing in the community, and the estimated capacity of private and public housing available to displaced families and individuals.
 - (m) A plan for establishing priority for the relocation of persons displaced by the development.
 - (n) Provision for the costs of relocating persons displaced by the development, and financial assistance and reimbursement of expenses, including litigation expenses and expenses incident to the transfer of title, in accordance with the standards and provisions of the federal uniform relocation assistance and real property acquisition policies act of 1970, 42 U.S.C. 4601 to 4655.
 - (o) A plan for compliance with Act No. 227 of the Public Acts of 1972, being sections 213.321 to 213.332 of the Michigan Compiled Laws.
 - (p) Other material which the authority or governing body considers pertinent.
- (3) It shall not be necessary for the board to prepare a development plan pursuant to this section if a development plan that adequately provides for accomplishing the proposed development program has already been prepared and where the development plan has been approved by the board and governing body pursuant to sections 16 and 17.

History: 1986, Act 281, Eff. Feb. 1, 1987.

125.2166 Adoption of resolution approving development plan or tax increment financing plan; public hearing; notice; record.

Sec. 16. (1) Before adoption of a resolution approving or amending a development plan or approving or amending a tax increment financing plan, the governing body shall hold a public hearing on the development plan. Notice of the time and place of the hearing shall be given by publication twice in a newspaper of general circulation designated by the municipality, the first of which shall not be less than 20 days before the date set for the hearing. Beginning June 1, 2005, the notice of hearing within the time frame described in this subsection shall be mailed by certified mail to the governing body of each taxing jurisdiction levying taxes that would be subject to capture if the development plan or the tax increment financing plan is approved or amended.

(2) Notice of the time and place of hearing on a development plan shall contain the following:

(a) A description of the property to which the plan applies in relation to highways, streets, streams, or otherwise.

(b) A statement that maps, plats, and a description of the development plan, including the method of relocating families and individuals who may be displaced from the area, are available for public inspection at a place designated in the notice, and that all aspects of the development plan will be open for discussion at the public hearing.

(c) Other information that the governing body considers appropriate.

(3) At the time set for hearing, the governing body shall provide an opportunity for interested persons to be heard and shall receive and consider communications in writing with reference to the matter. The hearing shall provide the fullest opportunity for expression of opinion, for argument on the merits, and for introduction of documentary evidence pertinent to the development plan. The governing body shall make and preserve a record of the public hearing, including all data presented at that time.

History: 1986, Act 281, Eff. Feb. 1, 1987;—2005, Act 15, Imd. Eff. May 4, 2005.

125.2167 Development plan or tax increment financing plan as constituting public purpose; approval or rejection; considerations; amendments; procedure, notice, findings, and amendment as conclusive; contest.

Sec. 17. (1) After a public hearing on the development plan or the tax increment financing plan, or both, with notice of the hearing given pursuant to section 16, the governing body shall determine whether the development plan or tax increment financing plan, or both, constitutes a public purpose. If the governing body determines that the development plan or tax increment financing plan, or both, constitutes a public purpose, the governing body may then approve or reject the plan, or approve it with modification, by resolution, based on the following considerations:

(a) Whether the development plan meets the requirements set forth in section 15(2) and the tax increment financing plan meets the requirements set forth in section 12(1), (2), and (3).

(b) Whether the proposed method of financing the public facility or facilities is feasible and the authority has the ability to arrange the financing.

(c) Whether the development is reasonable and necessary to carry out the purposes of this act.

(d) Whether the amount of captured assessed value estimated to result from adoption of the plan is reasonable.

(e) Whether the land to be acquired under the development plan is reasonably necessary to carry out the purposes of the plan and the purposes of this act.

(f) Whether the development plan is in reasonable accord with the approved master plan of the municipality, if an approved master plan exists.

(g) Whether public services, such as fire and police protection and utilities, are or will be adequate to service the property.

(h) Whether changes in zoning, streets, street levels, intersections, and utilities are reasonably necessary for the project and for the municipality.

(2) Except as provided in this subsection, amendments to an approved development plan or tax increment plan must be submitted by the authority to the governing body for approval or rejection following the same notice and public hearing provisions that are necessary for approval or rejection of the original plan. Notice and hearing shall not be necessary for revisions in the estimates of captured assessed value and tax increment revenues.

(3) The procedure, adequacy of notice, and findings with respect to purpose and captured assessed value shall be conclusive unless contested in a court of competent jurisdiction within 60 days after adoption of the resolution adopting the plan. An amendment, adopted by resolution, to a conclusive plan shall likewise be conclusive unless contested within 60 days after adoption of the resolution adopting the amendment. If a resolution adopting an amendment to the plan is contested, the resolution adopting the plan is not open to contest.

History: 1986, Act 281, Eff. Feb. 1, 1987;—Am. 1993, Act 333, Eff. Mar. 15, 1994.

125.2168 Relocation of person; notice to vacate.

Sec. 18. A person to be relocated under this act shall be given not less than 90 days' written notice to vacate unless modified by court order for good cause.

History: 1986, Act 281, Eff. Feb. 1, 1987.

125.2169 Budget; cost of handling and auditing funds; audit.

Sec. 19. (1) The director of the authority shall prepare and submit for the approval of the board a budget for the operation of the authority for the ensuing fiscal year. The budget shall be prepared in the manner and contain the information required of municipal departments. Before the budget may be adopted by the board, it shall be approved by the governing body. Funds of the municipality shall not be included in the budget of the authority except those funds authorized in this act or by the governing body.

(2) The governing body may assess a reasonable pro rata share of the funds for the cost of handling and auditing the funds against the funds of the authority, other than those committed for designated purposes, which cost shall be paid annually by the board pursuant to an appropriate item in its budget.

(3) The auditor general or a certified public accountant appointed by the auditor general shall annually audit the authority whose authority district includes eligible property to which section 2(l)(iv) applies. The audit shall be limited to matters pertaining to that district. Upon completion of the audit, the auditor general shall submit a report on the audit to the committees of the senate and the house of representatives primarily responsible for taxation and environmental protection issues. The department of natural resource shall biannually report to these committees and to the auditor general the status of the remediation of the soil and

groundwater contamination described in section 2(l)(iv).

History: 1986, Act 281, Eff. Feb. 1, 1987;—Am. 1991, Act 101, Imd. Eff. Aug. 21, 1991;—Am. 1993, Act 333, Eff. Mar. 15, 1994.

125.2170 Dissolution of authority; resolution; disposition of property and assets.

Sec. 20. An authority that completes the purposes for which it was organized shall be dissolved by resolution of the governing body. The property and assets of the authority remaining after the satisfaction of the obligations of the authority shall belong to the municipality or to an agency or instrumentality designated by resolution of the municipality.

History: 1986, Act 281, Eff. Feb. 1, 1987.

125.2171 Proceedings to enforce act.

Sec. 21. The state tax commission may institute proceedings to compel enforcement of this act.

History: 1986, Act 281, Eff. Feb. 1, 1987.

125.2172 Effective date.

Sec. 22. This act shall take effect on February 1, 1987.

History: 1986, Act 281, Eff. Feb. 1, 1987.

125.2173 Conditional effective date.

Sec. 23. This act shall not take effect unless House Bill No. 5729 of the 83rd Legislature is enacted into law.

History: 1986, Act 281, Eff. Feb. 1, 1987.

Compiler's note: House Bill No. 5729, referred to in §§ 125.2173, was filed with the Secretary of State December 22, 1986, and became P.A. 1986, No. 280, Imd. Eff. Dec. 22, 1986.

125.2174 Constitutionality of act.

Sec. 24. Pursuant to section 8 of article III of the state constitution of 1963, it is the intent of the legislature, by concurrent resolution, to request the opinion of the supreme court as to the constitutionality of this 1986 act if the governor has not already requested an opinion.

History: 1986, Act 281, Eff. Feb. 1, 1987.

March 16, 2003

TO: Honorable Mayor and City Council

FROM: John Szerlag, City Manager
Doug Smith, Real Estate and Development Director 

SUBJECT: Appointments to the Local Development Finance Authority

Central to City of Troy participating in the Automation Alley SmartZone is the establishment of a joint Local Development Finance Authority (LDFA) under Public Act 281 of 1986. This LDFA will be coterminous with the certified technology park, which is a requirement by the Michigan Economic Development Corporation (MEDC) for Oakland County to receive the Automation Alley SmartZone designation.

The SmartZone legislation (PA281 of 1986) requires an agreement between the two municipalities in establishing the joint LDFA. The statute permits some freedom in selecting the number of members and the terms. The agreement between the two communities, modeled on the other joint LDFA's already established in the state, is the following:

The Mayor of the City shall appoint five members of the authority board subject to the approval of the Troy City Council. Initial terms of the members shall be staggered, so that two (2) of the members shall be appointed to terms ending June 30, 2004; two (2) shall be appointed to terms ending June 30, 2005, and one (1) member shall be appointed to a term ending June 30, 2006. The appointees shall not be elected officials of the City Council.

Consistent with the appointments that Southfield is making, it is recommended that three administrative staff, City Manager, John Szerlag, Assistant City Manager/Finance. John Lamerato, and Real Estate and Development Director, Doug Smith be appointed to the LDFA along with Alan Kiriluk, Chair of the Downtown Development Authority and Keith Pretty, President of Walsh College. Mr. Kiriluk's appointment provides for coordination with the Downtown Development Authority, which, like the LDFA area, is along the Big Beaver corridor and will allow the two bodies to work closely together. Mr. Pretty's appointment as President of Walsh College is being recommended since Walsh College will be the local institution involved with the delivery of services in the business incubator.

DS/pg

FORMATION
OF THE
JOINT LOCAL DEVELOPMENT FINANCE
AUTHORITY

STATE LAW
Act 281 of the Public Acts of 1986

Council Resolutions: May 5, 2003

Resolution #2003-05-231-1

Resolution #2003-05-231-2

Resolution #2003-05-231-3

**CITY OF TROY
OAKLAND COUNTY, MICHIGAN**

RESOLUTION

Establishment for the Automation Alley SmartZone

1) Resolution to Approve Participation in the Automation Alley SmartZone Through the Creation of a Certified Technology Park (CTP)

At a Regular meeting of the Troy City Council held on Monday, May 5, 2003, the following Resolution was passed:

Resolution #2003-05-231-1

Moved by Pryor

Seconded by Beltramini

WHEREAS, The Michigan Legislative passed and the Governor signed Public Act 248 of 2000 to promote, the development of high technology businesses throughout the State of Michigan; and

WHEREAS, The MEDC has been authorized by Public Act 281 of 1986, as amended, being MCL 125.2151 et seq., to designate a certain number of certified technology parks ("Certified Technology Parks") within the State of Michigan, by December 31, 2002; and

WHEREAS, The MEDC for strategic marketing purposes, has chosen to designate the aforementioned Certified Technology Parks as "SmartZones"; and

WHEREAS, On July 26, 2000, the MEDC issued a proposal for SmartZone designation; and

WHEREAS, On October 16, 2000, the MEDC received a proposal (the "Proposal") requesting designation as a Certified Technology Park if certain areas located within the City's jurisdiction, and within another district within the Authority's boundaries, to be known as the "Automation Alley Certified Technology Park"; and

WHEREAS, The Automation Alley SmartZone Agreement (hereinafter called "Agreement") was entered on the 16th day of December, 2002, by and among the Michigan Economic Development Corporation, a public body corporate, with office at 201 N. Washington Square, Lansing, Michigan 48913 (hereinafter called "MEDC"), the City of Southfield, a municipal corporation with offices

at 26000 Evergreen Road, Southfield, Michigan 48076, (hereinafter collectively called the "City"), and the City's Local Development Finance Authority with offices at 26000 Evergreen Road, Southfield, Michigan 48076 (hereinafter called the "Authority");

WHEREAS, The MEDC, the City, and the Authority have through the Agreement established a joint local development finance authority (which would include, the Automation Alley Certified Technology Park), as a shared effort between the City and one or more municipalities (as hereinafter defined) within the County of Oakland; and

WHEREAS, The MEDC, the City and the Authority have invited the City of Troy to identify a certified technology park to be included in this agreement.

NOW, THEREFORE, BE IT RESOLVED, The City of Troy **ENTER** into an Agreement to designate the Authority District (as herein after defined) both as a Certified Technology Park and as a SmartZone and to **ESTABLISH** terms and conditions of this designation and to **ENTER** an Agreement with the MEDC, the City and the Authority.

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

I, Barbara A. Holmes, duly appointed Deputy Clerk of the City of Troy, do hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Troy City Council at a Regular Meeting duly called and held on Monday, the Fifth day of May, 2003.

Barbara A. Holmes
Deputy City Clerk

**CITY OF TROY
OAKLAND COUNTY, MICHIGAN**

RESOLUTION

Establishment for the Automation Alley SmartZone

2) Resolution to Establish a SmartZone, Certified Technology Park and Associated Multi-Jurisdictional Local Development Finance Authority (L.D.F.A.)

At a Regular meeting of the Troy City Council held on Monday, May 5, 2003, the following Resolution was passed:

Resolution #2003-05-231-2

Moved by Pryor

Seconded by Beltramini

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

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

WHEREAS, Section 4 (7) of Act 281 [MCL 125.2154] provides that the city councils of two or more municipalities may declare by resolution their intention to create and provide for the operation of a joint authority, and establish the time and place of a public hearing or hearings at which a resident, taxpayer or property owner of one of the municipality's has a right to be heard in regard to the establishment of the joint authority and the boundaries of the proposed authority district, and

WHEREAS, Troy City Council did adopt a resolution of intent at a public hearing on March 3, 2003; and

WHEREAS, The City of Troy and Michigan Economic Development Corporation will enter into an agreement that establishes the boundaries of a certified technology park within the City,

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Troy determines that it is in the best interests of the public to increase property tax valuation, and to promote growth in the area of the City of Troy defined as a certified technology park, particularly growth related to industries engaged in a high-technology, including, but not limited to, advanced manufacturing, advanced computing, research and development, life sciences and biotechnology, and

BE IT FURTHER RESOLVED, That the City Council of the City of Troy does hereby declare its intention to **CREATE AND PROVIDE FOR THE OPERATION** of a Joint Local Development Finance Authority with the City of Southfield pursuant to Public Act 281 of 1986, **PENDING THE APPROVAL** by its City Council of a Resolution of Intent, and

BE IT FURTHER RESOLVED, That the City of Troy's boundaries of the Joint Local Development Finance Authority District are coterminous with the boundaries of the Troy Certified Technology Park, further described as:

PART OF THE NORTH ½ SECTION 26, T. 2N., R. 11E., CITY OF TROY, OAKLAND COUNTY, MICHIGAN, BEING DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF SECTION 26, THENCE S 89° 42' 00" W. 720.60 FEET ALONG THE NORTH LINE OF SECTION 26; THENCE S. 00° 29' 22" E. 102.00 FEET TO THE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH LINE OF BIG BEAVER ROAD (204.00 FEET WIDE); THENCE CONTINUING S. 00° 29' 22" E. 837.99 FEET (RECORDED AS S. 00° 11' 31" W.); THENCE S. 89° 42' 00" W. 600.00 FEET; THENCE S. 00° 29' 22" E. 1,231.93 FEET (RECORDED AS S. 00° 11' 31" W.); THENCE N. 89° 21' 30" W. 275.00 FEET (RECORDED AS DUE WEST) TO THE CENTERLINE OF THE STURGIS DRAIN EASEMENT; THENCE N. 55° 11' 44" W. 785.73 FEET (RECORDED AS N. 53° 50' 14" W.) ALONG THE CENTERLINE OF STURGIS DRAIN EASEMENT; THENCE N. 64° 27' 00" W. 141.02 FEET (RECORDED AS N. 65° 05' 30" W.) ALONG THE CENTERLINE OF THE STURGIS DRAIN EASEMENT; THENCE N. 66° 04' 33" W. 497.19 FEET; THENCE N. 47° 34' 57" W. 200.22 FEET; THENCE N. 74° 32' 17" W. 210.77 FEET; THENCE N. 71° 34' 14" W. 397.45 FEET; THENCE N. 00° 35' 17" W. 1025.71 FEET; THENCE N. 89° 34' 43" E. 50.76 FEET; THENCE S. 00° 35' 17" E. 698 FEET; THENCE N. 89° 34' 43" E. 325 FEET; THENCE S. 01° 06' 40" E. 18.72 FEET; THENCE N 89° 31' 16" E. 510.00 FEET; THENCE N. 00° 36' 00" W. 716.12 (RECORDED AS N. 00° 56' 45" E.) TO THE SOUTH LINE OF BIG BEAVER ROAD; THENCE N. 89° 35' 11" E. 14.37 FEET (RECORDED AS S. 88° 53' 15" E.) ALONG

THE SOUTH LINE OF BIG BEAVER ROAD TO THE NORTH AND SOUTH ¼ LINE OF SECTION 26; THENCE S. 00° 36' 00" E. 410 FEET (RECORDED AS S. 00° 04' 55" E.) ALONG THE NORTH AND SOUTH ¼ LINE OF SECTION 26; THENCE N. 89° 42' 00" E. 358.00 FEET; THENCE N. 00° 36' 00" W. 410.00 FEET (RECORDED AS N. 00° 04' 55" W.) TO THE SOUTH LINE OF BIG BEAVER ROAD; THENCE N. 89° 42' 00" E. 1564.00 FEET ALONG THE SOUTHERLY LINE OF BIG BEAVER ROAD (204 FEET WIDE) TO THE POINT OF BEGINNING. CONTAINING 73.61 ACRES MORE OR LESS.

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

I, Barbara A. Holmes, duly appointed Deputy Clerk of the City of Troy, do hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Troy City Council at a Regular Meeting duly called and held on Monday, the Fifth day of May, 2003.

Barbara A. Holmes
Deputy City Clerk

**CITY OF TROY
OAKLAND COUNTY, MICHIGAN**

RESOLUTION

Establishment for the Automation Alley SmartZone

3) Approval of the Agreement Between the City of Southfield and the City of Troy Creating a Joint Local Development Finance Authority

At a Regular meeting of the Troy City Council held on Monday, May 5, 2003, the following Resolution was passed:

Resolution #2003-05-231-3

Moved by Pryor

Seconded by Beltramini

RESOLVED, That Troy City Council **APPROVE** the Agreement between the City of Southfield and the City of Troy, County of Oakland, Michigan creating a Joint Local Development Finance Authority pursuant to PA 281 of 1986; and
BE IT RESOLVED, That Troy City Council's **APPROVAL** of the Agreement between the City of Southfield and the City of Troy, County of Oakland, Michigan creating a Joint Local Development Finance Authority pursuant to PA 281 of 1986 is **CONTINGENT** upon the following: 1) Establishment of a 15-year Sunset as Section 13 of the Agreement; 2) All Joint Local Development Finance Authority meetings must be televised; 3) Section 6 must be modified to clarify that the Authority does not have the authority to modify the Budget absent approval from the appropriate municipal sub-committee(s); 4) The clerical error, where there are two section 2s in the agreement shall be corrected. ; 5) All Joint Local Development Finance Authority meetings must be held in government buildings; 6) Two City of Troy City Council Members shall be designated as alternate members to the Joint Local Development Finance Authority to eliminate the ability for the Troy Board members to participate through electronic means; ; and

BE IT RESOLVED, That three of the five City of Troy members of the Joint Local Development Finance Authority must be City of Troy residents; and

BE IT FURTHER RESOLVED, That the Mayor and City Clerk are hereby authorized to **EXECUTE** the Agreement, a copy of which

shall be **ATTACHED** to and made part of the original Minutes of this meeting.

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

I, Barbara A. Holmes, duly appointed Deputy Clerk of the City of Troy, do hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the Troy City Council at a Regular Meeting duly called and held on Monday, the Fifth day of May, 2003.

Barbara A. Holmes, CMC
Deputy City Clerk

FORMATION

of the

MUNICIPAL BUILDING

AUTHORITY

State Law

Act 31 of the Public Acts of 1948

(First Extra Session)

Council Resolution - September 23, 1963

ORDINANCE NO. 1

AN ORDINANCE PROVIDING FOR THE ACQUISITION, CONSTRUCTION AND MAINTENANCE BY THE MUNICIPAL BUILDING AUTHORITY OF TROY OF A BUILDING FOR THE USE OF THE CITY OF TROY AS A CITY HALL; PROVIDING FOR THE ISSUANCE OF REVENUE BONDS TO DEFRAY A PART OF THE COST THEREOF, AND PROVIDING FOR OTHER MATTERS RELATIVE TO SAID BUILDING AND THE SAID BONDS.

WHEREAS, the Authority has been duly incorporated by the City of Troy, a municipal corporation of the State of Michigan pursuant to the provisions of Act 31, Public Acts of Michigan 1948 (First Extra Session), as amended, for the purpose of acquiring, furnishing, equipping, owning, improving, enlarging, operating and/or maintaining a building or buildings and the necessary site or sites therefor for lease to and the use of the City of Troy;

AND WHEREAS, the Authority, pursuant to the authority granted to it by Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended, and its Articles of Incorporation, proposes to acquire the necessary site and construct a certain building thereon for use by the City of Troy as a city hall, said building to be constructed on the following described parcel of land:

A parcel of land in the S.W. 1/4 of the S.E. 1/4 of Section 21, T. 2N, R. 11 E., City of Troy, Oakland County, Michigan, beginning at a point 781.00 feet S. 88° 47' 50" E. and 340.00 feet N.

1° 21' 40" E. from the S. 1/4 corner of said Section 21, thence extending N. 1° 21' 40" e. 220.00 feet; thence N. 88° 47' 50" W. 320.00 feet; thence S. 1° 21' 40" W. 220.00 feet; thence 88° 47' 50" W. 320.00 feet to the point of being and containing 1.616 acres of land.

AND WHEREAS, plans, specifications and estimates of cost of the said building and site have been prepared under the direction of the Authority by Frank Straub & Associates, architects of Birmingham, Michigan and the total estimated cost of said building and site is Seven Hundred Eleven Thousand Six Hundred Thirty-Four (\$711,634.00) Dollars;

AND WHEREAS, the Authority proposes, in accordance with the authorization contained in Act 31, Public Acts of Michigan, 1948 (First Extra Session), as amended, to provide at this time for the issuance of Revenue Bonds in the aggregate principal sum of Six Hundred Thirty Thousand (\$630,000.00) Dollars to finance part of the cost of the construction and acquisition of said building and site, as specified in the contract hereinafter set forth in full, the balance of the cost of said building and site to be defrayed from a single initial rental payment to be made by the City;

AND WHEREAS, said Authority and the City of Troy have entered into a contract for the leasing of said building and site, which said is herein set forth in full and made a part of this Ordinance, as follows:

LEASE

MADE AND EXECUTED this _____ day of _____, 1965, by and between the Municipal Building Authority of Troy, a public corporation organized and existing under the authority of Act 31, Public Acts of Michigan, 1948, First Extra Session, as amended, hereinafter referred to as the AUTHORITY, and the City of Troy, a Michigan Municipal Corporation, organized and existing under the Constitution and laws of the state of Michigan hereinafter referred to as the CITY:

WITNESSETH:

WHEREAS the AUTHORITY has been incorporated under and in pursuance of the provisions of Act 31, Public Acts of Michigan, 1948, First Extra Session, as amended, for the purpose of acquiring, furnishing, equipping, owning, improving, enlarging, operating, and/or maintaining a building or buildings, or additions to buildings, and the necessary site or sites therefor for the use of the CITY; and

WHEREAS, the CITY desires to acquire the use of a municipal building as a city hall (herein sometimes called "building") and the AUTHORITY is willing to acquire and construct said building and lease the same to the CITY: and

WHEREAS, if this agreement were not executed between these parties, the CITY would be compelled to lease and rent other space from other parties in the foreseeable future to provide the necessary facilities provided by said building; and

WHEREAS, the AUTHORITY will acquire as a site for the said building a parcel of land situated and being in the City of Troy, County of Oakland State of Michigan to-wit:

A parcel of land in the S.W. 1/4 of the S.E. 1/4 of Section 21, T. 2N, R. 11 E., City of Troy, Oakland County, Michigan, beginning at a point 781.00 feet S. 88° 47' 50" E. and 340.00 feet N. 1° 21' 40" E. from the S. 1/4 corner of said Section 21, thence extending N. 1° 21' 40" e. 220.00 feet; thence N. 88° 47' 50" W. 320.00 feet; thence S. 1° 21' 40" W. 220.00 feet; thence 88° 47' 50" W. 320.00 feet to the point of being and containing 1.616 acres of land.

and upon which site the AUTHORITY will construct the said building in accordance with the plans and specifications to be prepared by Frank Straub & Associates, architects of Birmingham, Michigan; and

WHEREAS, the total cost of the construction of the said building is estimated by the said architects to be the sum of Seven Hundred Eleven Thousand Six Hundred Thirty-four (\$711,634.00) Dollars, which will include the necessary site, architects' fees, legal and financing fees, capitalized interest and other contingencies; and

WHEREAS, a part of the cost of said building, to-wit the sum of Six Hundred Thirty Thousand (\$630,000.00) Dollars, is to be provided by authorizing the issuance of revenue bonds by the AUTHORITY, pursuant to the provisions of Act 94 of the Public Acts of Michigan, 1933, as amended, the balance of the cost thereof to be provided from the proceeds of an initial rental payment to be made by the City, as hereinafter provided; and

WHEREAS, as a prerequisite to the authorization and issuance of such bonds, it is necessary for the parties hereto to enter into a final lease contract whereby the AUTHORITY will lease to the CITY and the CITY will hire from the AUTHORITY the said building and site for a period extending beyond the last maturity date of the said bonds, but not to exceed a period of forty (40) years.

IT IS THEREFORE AGREED BY AND BETWEEN THE PARTIES HERETO, for and in consideration of the agreements and covenants of each other and moneys to be paid one to the other, as follows:

1. The AUTHORITY will, on or before April 1, 1965, enter into final construction contracts for the construction or the building on the site described in the preamble hereto, with the successful bidder or bidders, following the preparation of detailed plans and working drawings and advertising for bids; said building to be constructed and completed for the use of the CITY on or before January 1, 1966, in accordance with the plans and specifications therefor to be prepared by the aforesaid architects.

2. In consideration of the rentals and other terms and conditions herein specified, the AUTHORITY does hereby let and lease to the CITY, the building to be acquired and constructed and the site on which it is to be located; TO HAVE AND TO HOLD for a term commencing on or before the first day of January, 1966, and ending on a day forty (40) years from the date hereof, or such lesser period as may be authorized by the provisions of this contract.

3. The annual rental to be paid by the CITY shall be Forty-Two Thousand (\$42,000.00) Dollars, payable on the first of September, 1966 and on the first day of September each year thereafter (which annual rental

payments shall be made until all of the revenue bonds to be issued by the authority to defray a part of the cost of the building and site have been paid in full, both as to principal and interest, or until the AUTHORITY has sufficient funds therefor on hand in the Bond and Interest Redemption Fund. In addition, the CITY will pay to the AUTHORITY a single initial rental payment of \$81,634.00 on or before September 1, 1965. Such amount shall be used directly to finance construction of the building and acquisition of the site therefor, and shall be deposited, as soon as received, in the CONSTRUCTION FUND to be established in the bond authorizing ordinance to be adopted by the AUTHORITY.

The fixed annual rentals herein required are in an amount sufficient to meet, as they mature, the principal and interest payments on the revenue bonds of the AUTHORITY in the total authorized principal sum of Six HundredThirty Thousand (\$630,000.00) Dollars, and to provide for a debt service reserve therefor, in the amount of not to exceed Forty-Two Thousand (\$42,000.00) Dollars. The CITY shall receive a credit for each fixed annual rental payment due equal to the sum then held by the AUTHORITY in the Bond and Interest Redemption Fund on the due date of each of said fixed annual rental payments over and above the debt service reserve requirements and the amount of the fixed annual rental paid by the CITY shall be reduced by the amount so held, but no such credit and reduction shall be given until the debt service reserve is established in its full required amount.

In the event an increase in the fixed annual rentals herein provided becomes necessary in order to provide adequate funds for the

AUTHORITY to meet its debt service requirements on the bonds issued and outstanding and the necessary reserve requirements, the CITY agrees to pay the increased annual rental.

The CITY, in its sole discretion, in any annual period, may pay in advance any proportion of its fixed annual rental in excess of the annual requirement, in which event the AUTHORITY shall credit the CITY with advance payment of the succeeding annual requirements to the extent of such excess payments.

4. The CITY, at its own expense during the term of the within lease, shall operate, maintain and keep in repair the building and site, and the expense in connection therewith shall be borne and paid by the CITY, in addition to all other rentals herein required. Operation and maintenance shall be deemed, to include, but not to the exclusion of any other items not herein specified, light, water, heat and other utility services, cleaning, janitorial and caretaker services, and all the administrative cost of the AUTHORITY. Insurance premiums on fire and extended coverage on the said building and all liability insurance in connection therewith, or as hereinafter specified, shall be deemed to be an operation and maintenance expense to be paid by the CITY.

5. The CITY will include in its budget for the fiscal year commencing July 1, 1966, and shall include in its budget each fiscal year thereafter, an amount sufficient to pay the total obligations under this contract, including the fixed annual rentals and the operation and maintenance costs of the building and site as herein specified for the next ensuing fiscal year. The fixed annual rentals and obligations for operation and maintenance costs specified in this contract shall be deemed to be an operating expense of the CITY. On or before the third Monday of April

of each and every fiscal year hereafter, the CITY shall prepare a statement of the moneys to be included in the next ensuing fiscal budget for the fixed annual rentals and operation and maintenance costs of the building and the site therefor hereinbefore mentioned. The AUTHORITY shall have the right and privilege to communicate directly with the City Commission of the CITY regarding any disputed items in said budget, except that the said budget shall be reasonably adequate to cover the obligations or the CITY herein contained in this lease. In no event shall the amounts to be included by the CITY in its annual budget for the maintenance, operating and rental expenses in connection with this lease be less than the amount required to reasonably maintain said building, and to pay promptly and fully all obligations maturing under this lease, as well as the debt service in connection with any revenue bonds issued, or to be issued, by the AUTHORITY in connection with the construction and leasing of the building herein described, and in no event shall the CITY's obligation in any such annual budget be less than the amount required by law.

6. The CITY may install in the building such equipment, fixtures or furniture as it may desire, but shall not make any permanent alterations to the building without the written consent of the AUTHORITY.

7. The CITY covenants and agrees that it will not permit the use of the leased premises in any manner that will substantially increase the rate of insurance thereon, or for any purpose which will result in a violation of Local, State or Federal laws, rules, or regulations, now or hereafter in force and applicable thereto, and shall keep the AUTHORITY harmless and indemnified at all times against any loss, cost, damage or expense by reason of any accident, loss, casualty, or damage resulting to any person or property through any use, misuse, or non-use of said premises or by reason of any act or thing done or not done on

in or about said leased premises or in relation thereto. The CITY further covenants and agrees that it will promptly and at its own expense, make and pay for any and all changes and alterations in or about the leased premises, which, during the terms of this lease, may be required to be made any time by reason of Local, State or Federal laws; and to save the AUTHORITY harmless and free from all cost or damage in respect thereto.

8. To carry out the acquisition and construction of the building and the acquisition of the necessary site and the financing thereof, in accordance with the provisions of Act 31, Public Acts of Michigan, 1948, First Extra Session, as amended, the following actions shall be taken by the AUTHORITY:

- (a) The AUTHORITY will, immediately upon the execution of this Lease, enact the necessary ordinance to authorize the issuance of revenue bonds in the aggregate principal sum of Six HundredThirty Thousand (\$630,000.00) Dollars, pursuant to the authorization contained in Act 31, Public Acts of Michigan, 1948 (First Extra Session, as amended), being the amount estimated to be sufficient, together with the proceeds of the initial rental payment to be received to pay the cost of the construction of said building, together with necessary site, architect fees, legal and financing expenses and contingencies.

The AUTHORITY will offer for sale, and take such other necessary legal procedure as may be necessary to sell said bonds as soon as final construction bids have been received, said bids to be held for final acceptance pending sale of said bonds.

- (b) The AUTHORITY will immediately upon the sale of the bonds herein provided for, but prior to the delivery thereof, enter into and execute a contract for the construction of said building with the successful bidder or bidders, said construction to be in accordance with the plans and specifications therefor prepared by the aforesaid architects and approved by the AUTHORITY and the CITY, and no changes in said plans and specifications shall be made by the AUTHORITY without the consent of the CITY, said contract to specify a completion date of not later than January 1, 1966. In addition, the AUTHORITY will immediately upon the sale of the bonds herein provided for, but prior to the delivery thereof, take such other additional steps as are necessary either to vest title in fee simple in the AUTHORITY or to secure for the AUTHORITY binding rights to acquire such title in fee simple. The AUTHORITY shall not execute any construction contract until the same has been approved by the City Commission of the CITY.
- (c) The AUTHORITY will require and secure from the contractor undertaking the construction of the said building necessary and proper bonds to guarantee the performance of said contract in such amount and in such form as may be approved by the City Attorney of the CITY and such labor and material bonds as are required by law.
- (d) The AUTHORITY will, immediately upon receipt of the proceeds of the sale of the revenue bonds, comply with all requirements provided for in the ordinance relative to the disposition and use of such proceeds.

(e) In the event for any reason there are not sufficient funds to complete the construction of the building and the acquisition or tile site to be acquired and additional funds become necessary therefor, it is agreed by the parties hereto, that either of the following methods of providing said additional funds shall be used:

(1) The CITY may pay the necessary funds as additional advance rentals, and obtain credit or repayment therefor out of future rentals due under the terms of this contract after all outstanding revenue bonds of the AUTHORITY are paid.

(2) Increase the amount of the fixed annual rental to be paid by the CITY in an amount fully sufficient to amortize any additional revenue bonds issued by the AUTHORITY.

(f) The AUTHORITY shall provide insurance during construction of the building to the full extent of the insurable value of the property; said insurance to be payable to the AUTHORITY and/or the CITY as their interest may appear.

9. The AUTHORITY shall deliver possession of the space leased by this contract to the CITY not later than January, 1, 1966. In the event the construction of the building, for reasons unforeseen, is not completed by that date, the obligation of the CITY for the payment of the fixed annual rentals shall in any event remain in full force and effect, in order to provide for the payment of interest and principal on the revenue bonds issued by the AUTHORITY.

10. The CITY shall provide fire and extended coverage insurance on said building in an amount at least equal to the principal amount of any revenue bonds of the AUTHORITY issued for the purpose of defraying the cost of the building which may be outstanding: Provided. However, that in case the face value of said revenue bonds shall be greater than the insurable interest in said building, the CITY shall insure the building to its full insurable value, which insurance shall be payable to the AUTHORITY. In case of loss, the AUTHORITY shall apply the proceeds of bond revenues to the repair and restoration of the building to its former condition, or in such a manor as shall make said building usable or tenantable to the satisfaction of the CITY. There shall be no abatement of the fixed annual rentals required to be made by the CITY in the event of a causality that results in the building being not tenantable. If, in the judgment of the AUTHORITY, the funds received from such insurance policies, or otherwise, shall be insufficient to make the building usable or tenantable, then, in that case, the AUTHORITY shall hold and/or invest the funds paid to it by reason of such loss for the benefit of the holders of outstanding revenue bonds of the AUTHORITY, and when upon receipt of sufficient rentals from the CITY, which together with the proceeds of the insurance, will be sufficient to pay the principal and interest upon all outstanding revenue bonds of the AUTHORITY, said moneys shall be deposited by the AUTHORITY in trust for the benefit of the bondholders and used to pay the principal and interest on said bonds as they mature or as said bonds become callable. Such funds so held may be invested in bonds, notes, bills and certificates of the United State of America.

11. The CITY shall provide liability insurance in an adequate

amount protecting the AUTHORITY and the CITY against loss on account of damage or injury to persons or property, imposed by reason of the ownership of the building or site, or resulting from any act of omission or commission on the part of the AUTHORITY, or the CITY, their agents, officers and employees, in connection with the operation, maintenance or repair of said building and site, or the furnishing of any service to the CITY. The AUTHORITY shall require a sufficient fidelity bond from any person handling the funds of the AUTHORITY.

12. The leasehold rights, duties and obligations of the CITY, as specified in this contract, shall not be assigned nor sublet in whole or in part during the terms of this contract, or while any of the revenue bonds of the AUTHORITY issued for the purpose of defraying the cost of the said building are outstanding and unpaid.

13. The AUTHORITY, its agents, servants, or employees, shall have the right at all times of entering upon the leased premises for the purpose of inspecting said property and determining whether all of the terms, agreements, covenants and conditions herein contained are being complied with.

14. The CITY covenants and agrees that it will continue to pay to the AUTHORITY, in accordance with the terms of this contract, the fixed annual rentals herein specified and the operation and maintenance costs of the building herein established without abatement for any cause or reason whatsoever, until the principal and interest of all revenue bonds issued by the AUTHORITY to finance the cost of construction of the building are paid in full.

15. At such times as the principal and interest or all outstanding revenue bonds issued by the AUTHORITY to defray the cost of

the building and acquisition of the site are paid in full, the AUTHORITY shall convey by good and sufficient deed to the CITY the land described above, together with the building thereon, unless the parties hereto shall mutually agree otherwise.

16. The CITY covenants and agrees that if, before all revenue bonds issued by the AUTHORITY to defray the Cost of the building have been retired, default shall at any time be made by the CITY in payments of the fixed annual rentals or operation and maintenance costs as herein required, the AUTHORITY shall have the right to use all the remedies provided by law to correct said default, including those specifically set forth in Act 94, Public Acts of Michigan, 1933, as amended.

In addition to the other remedies provided by law, the parties hereto recognize the rights and remedies which exist in bondholders, by virtue of the provisions of Act 94, Public Acts of Michigan, 1933, as amended, and Ordinance to be enacted by the AUTHORITY providing for the issuance of revenue bonds under the provisions of said Act, as provided for and authorized by the provisions of Act 31, Public Acts of Michigan, 1948, First Extra Session, as amended.

17. The AUTHORITY and the CITY each recognize that the holders from time to time of the revenue bonds of the AUTHORITY issued pursuant to law to defray the cost of the building and site to be acquired will have contractual rights in this Lease, and it is, therefore covenanted and agreed by each of them that so long as any of said revenue bonds shall remain outstanding and unpaid, the provisions of this Lease shall not be subject to any alteration or revision which would in any manner unfavorably affect either the security of the bonds or the prompt payment

of principal or interest thereon. The AUTHORITY and the CITY further covenant and agree that they will each comply with their respective duties and obligations under the terms of this Leases promptly at the times and in the manner herein set forth, and will not suffer to be done any act which would in any way impair the said bonds, the security therefor, or the prompt payment of principal and interest thereon.

18. Any notice necessary or proper to be given to any of the parties hereto may be served in the following manner:

- (a) If to the AUTHORITY, by delivering the same to any member of the Commission thereof, or to any duly appointed officer.
- (b) If to the CITY, by delivering the same to the City Clerk or his deputy.

19. This contract shall remain in full force and effect for a period of forty (40) years from the date hereof, or until such lesser time as the revenue bonds issued by the AUTHORITY to defray a part or the cost of the building and site to be acquired are paid in full. At such times within the forty (40) year term as all of said revenue bonds and the interest thereon are paid, this contract may be altered or changed by consent of the parties hereto, or the same may be terminated by consent and title to the building and the Site conveyed to the CITY in manner contemplated by Act 31, Public Acts of Michigan, 1948, First Extra Session, as amended.

20. The AUTHORITY covenants that the CITY, upon compliance with the terms of this Lease, shall and may peacefully, quietly have and hold and enjoy the leased premises for the terms herein provided.

21. This contract shall insure to the benefit of and be binding upon the respective parties hereto, their successors and assignees.

22. If for any reason the revenue bonds hereinbefore mentioned cannot be lawfully sold, or if for any reason a sufficient interest in and to the above described real property cannot be lawfully acquired by the AUTHORITY, or in the further event the parties hereto shall not agree upon the specifications of the building to be built on the above described land and as a result of said disagreement none of the revenue bonds are issued by the AUTHORITY, this agreement shall be of no force and effect: Provided. However, that in no event shall this agreement become null and void if the said revenue bonds mentioned above are sold and issued by the AUTHORITY.

IN WITNESS WHEREOF, the Municipal Building Authority of Troy, by its Commission, and the City of Troy, Michigan, by its Commission, have each caused its name to be signed to this instrument, and its seal to be affixed hereto by its duly authorized officers, the day and year first above written.

This contract has been executed in duplicate.

Witnesses to Signatures
of Authority Officers

MUNICIPAL BUILDING AUTHORITY
OF TROY

By _____
Chairman of its Commission

By _____
Secretary of its Commission

CITY OF TROY

By _____
Mayor

And _____
City Clerk

BUILDING AUTHORITIES **Act 31 of 1948 (1st Ex. Sess.)**

AN ACT to provide for the incorporation of authorities to acquire, furnish, equip, own, improve, enlarge, operate, and maintain buildings, automobile parking lots or structures, recreational facilities, stadiums, and the necessary site or sites therefor, together with appurtenant properties and facilities necessary or convenient for the effective use thereof, for the use of any county, city, village, or township, or for the use of any combination of 2 or more counties, cities, villages, or townships, or for the use of any school district and any city, village, or township wholly or partially within the district's boundaries, or for the use of any school district and any combination of 2 or more cities, villages, or townships wholly or partially within the district's boundaries, or for the use of any intermediate school district and any constituent school district or any city, village, or township, wholly or partially within the intermediate school district's boundaries; to provide for compensation of authority commissioners; to permit transfers of property to authorities; to authorize the execution of contracts, leases, and subleases pertaining to authority property and the use of authority property; to authorize incorporating units to impose taxes without limitation as to rate or amount and to pledge their full faith and credit for the payment of contract of lease obligations in anticipation of which bonds are issued by an authority; to provide for the issuance of bonds by such authorities; to validate action taken and bonds issued; to provide other powers, rights, and duties of authorities and incorporating units, including those for the disposal of authority property; and to prescribe penalties and provide remedies.

History: 1948, 1st Ex. Sess., Act 31, Imd. Eff. May 10, 1948;—Am. 1955, Act 25, Imd. Eff. Apr. 7, 1955;—Am. 1964, Act 41, Imd. Eff. May 6, 1964;—Am. 1967, Act 200, Imd. Eff. June 30, 1967;—Am. 1968, Act 96, Imd. Eff. June 6, 1968;—Am. 1969, Act 46, Imd. Eff. July 17, 1969;—Am. 1970, Act 47, Imd. Eff. July 2, 1970;—Am. 1973, Act 110, Imd. Eff. Aug. 19, 1973;—Am. 1995, Act 147, Imd. Eff. July 11, 1995;—Am. 1998, Act 190, Eff. Mar. 23, 1999.

The People of the State of Michigan enact:

123.951 Local building authorities; incorporation; purposes.

Sec. 1. A county, city, village, or township may incorporate, as provided in this act, 1 or more authorities for the purpose of acquiring, furnishing, equipping, owning, improving, enlarging, operating and maintaining a building or buildings, automobile parking lots or structures, recreational facilities, stadiums, and the necessary site or sites therefore, together with appurtenant properties and facilities necessary or convenient for the effective use of the facilities, for use for any legitimate public purpose of the county, city, village, or township. For purposes of this act, the development of a qualified facility pursuant to the federal facility development act, Act No. 275 of the Public Acts of 1992, being sections 3.931 to 3.940 of the Michigan Compiled Laws, or the federal data facility act, is considered a legitimate public purpose of a county or city if that county or city makes a determination that such a facility would result in economic development in that county or city.

History: 1948, 1st Ex. Sess., Act 31, Imd. Eff. May 10, 1948;—CL 1948, 123.951;—Am. 1954, Act 113, Imd. Eff. Apr. 15, 1954;—Am. 1955, Act 25, Imd. Eff. Apr. 7, 1955;—Am. 1964, Act 41, Imd. Eff. May 6, 1964;—Am. 1968, Act 96, Imd. Eff. June 6, 1968;—Am. 1970, Act 47, Imd. Eff. July 2, 1970;—Am. 1992, Act 278, Imd. Eff. Dec. 18, 1992;—Am. 1993, Act 121, Imd. Eff. July 20, 1993.

123.952 Joint buildings and parking lots; authorities; incorporation; purposes.

Sec. 2. Any combination of 2 or more counties, cities, townships, or villages may incorporate 1 or more joint authorities for the purpose of acquiring, furnishing, equipping, owning, improving, enlarging, operating, and maintaining buildings, automobile parking lots or structures, recreational facilities, stadiums, and the necessary sites therefor, together with appurtenant properties and facilities necessary or convenient for the effective use thereof, for use for any legitimate public purpose of the incorporating units.

History: 1948, 1st Ex. Sess., Act 31, Imd. Eff. May 10, 1948;—CL 1948, 123.952;—Am. 1964, Act 41, Imd. Eff. May 6, 1964;—Am. 1968, Act 96, Imd. Eff. June 6, 1968;—Am. 1969, Act 46, Imd. Eff. July 17, 1969;—Am. 1970, Act 47, Imd. Eff. July 2, 1970;—Am. 1995, Act 147, Imd. Eff. July 11, 1995.

123.952a Joint buildings and parking lots of school districts and municipalities; authorities; incorporation; acquisition; operation; maintenance; use.

Sec. 2a. A school district and a city, village, or township wholly or partially within the district's boundaries, or a school district and any combination of 2 or more cities, villages, and townships wholly or partially within the district's boundaries, may incorporate 1 or more authorities for the purpose of acquiring, furnishing, equipping, owning, improving, enlarging, operating, and maintaining buildings, automobile parking lots or structures, recreational facilities, stadiums, and the necessary site or sites therefor, together

with appurtenant properties and facilities necessary or convenient for the effective use thereof, for the use of the local units.

History: Add. 1967, Act 200, Imd. Eff. June 30, 1967;—Am. 1968, Act 96, Imd. Eff. June 6, 1968;—Am. 1969, Act 46, Imd. Eff. July 17, 1969;—Am. 1995, Act 147, Imd. Eff. July 11, 1995.

123.952b Public buildings used for disabled, retarded, or mentally disturbed children; constituent school districts with intermediate school districts; purpose; contract.

Sec. 2b. An intermediate school district and a constituent school district or districts wholly or partially within the intermediate school district's boundaries may incorporate an authority for the purpose of acquiring, furnishing, equipping, owning, improving, enlarging, operating, and maintaining a building or buildings as a facility for disabled, retarded, or mentally disturbed children, and the necessary site or sites therefor, for the use of the intermediate school district and a constituent school district or districts pursuant to a contract between such intermediate school district and constituent school district or districts.

History: Add. 1968, Act 96, Imd. Eff. June 6, 1968;—Am. 1998, Act 25, Imd. Eff. Mar. 12, 1998.

123.953 Incorporating unit; definition.

Sec. 3. The term "incorporating unit" as used in this act shall be deemed to mean a county, city, village, township, intermediate school district or other school district incorporating an authority or joining in such incorporation.

History: 1948, 1st Ex. Sess., Act 31, Imd. Eff. May 10, 1948;—CL 1948, 123.953;—Am. 1967, Act 200, Imd. Eff. June 30, 1967;—Am. 1968, Act 96, Imd. Eff. June 6, 1968.

123.954 Incorporation of authority; procedure.

Sec. 4. The incorporation of such an authority shall be accomplished by the adoption of articles of incorporation by the legislative body of each incorporating unit. For such adoption, the affirmative vote of the majority of the members elect of each such legislative body shall be required. The articles of incorporation shall be executed, for and on behalf of each incorporating unit by the following officers, to-wit: For the county, by the chairman of the board of commissioners and county clerk; for the city, by its mayor and city clerk; for the village, by its president and clerk; for the township, by its supervisor and clerk; and for the school district or intermediate school district, by the president and secretary of the board of education. The clerk or secretary of each incorporating unit shall also affix to the articles of incorporation following the signatures thereto, a certificate in form substantially as follows:

"The foregoing articles of incorporation were adopted by the of the of County, Michigan, at a meeting duly held on the day of, 19

Dated:, 19

.....
(Clerk/Secretary)"

History: 1948, 1st Ex. Sess., Act 31, Imd. Eff. May 10, 1948;—CL 1948, 123.954;—Am. 1954, Act 113, Imd. Eff. Apr. 15, 1954;—Am. 1967, Act 200, Imd. Eff. June 30, 1967;—Am. 1968, Act 96, Imd. Eff. June 6, 1968;—Am. 1973, Act 110, Imd. Eff. Aug. 19, 1973.

123.955 County and municipal building authority; articles of incorporation; contents; eligibility of governing body member for membership or appointment.

Sec. 5. (1) The articles of incorporation shall set forth all of the following:

- (a) The name of the authority.
 - (b) The name or names of the unit or units incorporating the authority.
 - (c) The purpose for which the authority is incorporated.
 - (d) The number, terms, and manner of selection of the officers of the authority including its governing body, which shall be known as the "commission".
 - (e) The powers and duties of the authority and of its officers.
 - (f) The date upon which the authority shall become effective.
 - (g) The officer required to publish the articles of incorporation and the name of the newspaper in which the articles of incorporation shall be published.
 - (h) The county with whose clerk the articles of incorporation shall be filed, which shall be a county that is an incorporating unit or in which an incorporating unit is located.
 - (i) Any other matters considered expedient.
- (2) A member of the governing body of an incorporating unit of an authority is not eligible for membership or appointment to the authority.

History: 1948, 1st Ex. Sess., Act 31, Imd. Eff. May 10, 1948;—CL 1948, 123.955;—Am. 1955, Act 143, Eff. Oct. 14, 1955;—Am. 1995, Act 147, Imd. Eff. July 11, 1995.

123.955a Joint building authority; commissioners; election and terms of members; chairperson; secretary; bylaws and rules of procedure; elected official as member; conducting business at public meeting; notice of meeting.

Sec. 5a. (1) A joint building authority under section 2 incorporated by a county and a city, township, or village shall be directed and governed by a commission of 3 members, 1 to be elected by the county board of commissioners of the county, 1 to be elected by the legislative body of the city, township, or village, and 1 to be elected by the joint action of the county board of commissioners of the county and the legislative body of the city, township, or village. If the legislative bodies are unable to agree upon a choice for the third member within 60 days after the election of the first member, then the third member shall be appointed by the governor.

(2) A joint building authority under section 2 not described by subsection (1) shall be directed and governed by a commission consisting of 1 member elected by the legislative body of each incorporating unit and such other members as may be provided by the articles of incorporation.

(3) The commissioners of a joint building authority under section 2 shall serve for 4-year terms.

(4) The commission shall designate 1 member as chairperson and 1 as secretary, and shall adopt bylaws and rules of procedure. A member of the commission of a joint building authority shall not be an elected official of the county, city, township, or village.

(5) The business that the commission of any building authority performs shall be conducted at a public meeting of the board of commissioners held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

History: 1948, 1st Ex. Sess., Act 31, Imd. Eff. May 10, 1948;—CL 1948, 123.955a;—Am. 1968, Act 96, Imd. Eff. June 6, 1968;—Am. 1973, Act 110, Imd. Eff. Aug. 19, 1973;—Am. 1977, Act 181, Imd. Eff. Nov. 17, 1977;—Am. 1995, Act 147, Imd. Eff. July 11, 1995.

123.955b Board of commissioners; compensation, per diem, mileage.

Sec. 5b. Members of the commission may be paid such compensation, and such per diem and mileage for attending meetings, as may be provided by the commission with the approval of the incorporating unit or units.

History: Add. 1968, Act 96, Imd. Eff. June 6, 1968.

123.956 Articles of incorporation; publication; statement; filing; effective date; presumption.

Sec. 6. (1) The officer designated in the articles of incorporation shall cause a copy of the articles of incorporation or a summary of the articles to be published once in a newspaper designated in the articles of incorporation and circulating within the incorporating units accompanied by a statement that the right exists to question the incorporation in court as provided in this section. The officer shall file with the county clerk of the county designated under section 5(1)(h) and the secretary of state a certified copy of the articles of incorporation with a certificate of the date and newspaper of publication. The officer shall file with the recording officer of the authority, when selected, the original articles of incorporation with a certificate of the date and newspaper of publication.

(2) The authority shall become effective at the time provided in the articles of incorporation.

(3) The validity of the incorporation shall be conclusively presumed unless questioned in a court of competent jurisdiction within 60 days after the filing of the certified copies with the secretary of state and the county clerk.

History: 1948, 1st Ex. Sess., Act 31, Imd. Eff. May 10, 1948;—CL 1948, 123.956;—Am. 1973, Act 110, Imd. Eff. Aug. 19, 1973;—Am. 1995, Act 147, Imd. Eff. July 11, 1995.

123.957 Building authority; body corporate; powers.

Sec. 7. Such authority shall be a body corporate with power to sue and be sued in any court of this state. It shall possess all the powers necessary to carry out the purpose of its incorporation and those incident thereto. The enumeration of any powers in this act shall not be construed as a limitation upon such general powers.

History: 1948, 1st Ex. Sess., Act 31, Imd. Eff. May 10, 1948;—CL 1948, 123.957.

123.958 Contracts to acquire property; leases and subleases; acquisitions constituting public purpose; stadiums.

Sec. 8. The authority and its incorporating unit or units may only enter into a contract or contracts under which the authority will acquire property contemplated by the terms of this act and lease the same to the incorporating unit or units for a period not to exceed 50 years or, if the authority issues refunding bonds pursuant to section 11k, the authority may enter into a contract or contracts under which the authority will own or continue to own the property acquired, in part or in whole, from the sale of the bonds to be refunded and will lease the same to the incorporating unit or units for a period not to exceed 50 years from the date of issuance of the refunding bonds. Any incorporating unit or units to which the property is leased, may sublease the property or any part of the property to any 1 or more persons, firms, or corporations or may contract for the use of the property or any part of the property by any 1 or more persons, firms, or corporations, where the sublease or contract benefits and serves a legitimate public purpose of the incorporating unit or units. Any sublease or contract may extend for a period not to exceed 50 years and is not a franchise or grant within the meaning of any statutory or charter provision. The acquisition of any building or buildings, automobile parking lots or structures, recreational facilities, stadiums, and the necessary site or sites for the property, together with appurtenant properties and facilities by any authority and the contracting for the lease of that property by any incorporating unit or units, constitutes a benefit to and a legitimate public purpose of the authority and the incorporating unit or units. Where any stadium with appurtenant properties and facilities is acquired by an authority and leased to any incorporating unit or units, for the purpose of providing facilities for sports, recreational, and other activities and events, with or without admission charges, and furnishing facilities for use or enjoyment by the public and to induce sports and entertainment organizations, whether amateur or professional, to utilize the facilities for games, contests, and other performances and attractions, the subleasing of the property to, or the contracting for the use of the property by, any sports, entertainment, or similar organization or by any owner of a franchise in any professional sports or athletic league or association, in consideration of the agreement of the organization or owner and, if necessary, the league or association to hold, conduct, or produce games, contests, and other performances and attractions in the stadium, with or without admission charges, constitutes a benefit to a legitimate public purpose of the incorporating unit or units.

History: 1948, 1st Ex. Sess., Act 31, Imd. Eff. May 10, 1948;—CL 1948, 123.958;—Am. 1967, Act 200, Imd. Eff. June 30, 1967;—Am. 1970, Act 47, Imd. Eff. July 2, 1970;—Am. 1973, Act 110, Imd. Eff. Aug. 19, 1973;—Am. 1980, Act 74, Imd. Eff. Apr. 3, 1980.

123.958a Agreement in contract of lease to pay cash rental, costs, and expenses; general obligations; tax levy; other funds; setoff or abatement of cash rentals.

Sec. 8a. (1) The incorporating unit or units contracting under this act shall in the contract of lease agree to pay to the authority, as cash rental for the property, periodic amounts or their designated shares of periodic amounts that are sufficient to enable the authority to pay the principal of and the interest on the authorized bonds when due either at maturity of the bonds, or, in the case of term bonds, by the required prior redemption or maturity of the bonds. The incorporating unit or units may also agree to pay the costs and expenses of operation and maintenance of the property and the operating expenses of the authority including expenses incidental to the issuance and payment of the bonds. The obligations set forth in this subsection shall, unless specifically stated to the contrary in the contract of lease, be general obligations of the incorporating unit or units.

(2) If bonds are issued by the authority in anticipation of a full faith and credit contractual general obligation of the incorporating unit or units to pay the cash rental, as provided in this section, then the incorporating unit or units shall levy each year ad valorem taxes that are necessary for the payment of the cash rental in anticipation of which bonds are issued. These taxes may be levied without limitation as to rate or amount and shall be in addition to any other taxes that the incorporating unit or units may otherwise be authorized to levy, but not in an amount or at a rate exceeding that necessary to pay the contractual obligation. If the incorporating unit or units, at the time prescribed by law for the making of a tax levy, have other funds on hand that have been set aside and earmarked for payment of its obligations for which a tax levy would otherwise have to be made, then the tax levy shall be reduced by the amount of the other funds.

(3) The incorporating unit or units may raise and provide other funds from any lawful source, including but not limited to money received from the state or other governmental entity for use to pay rental to the authority, from the sublease or contract for the use of the property by any person, firm, or corporation, or from revenues earned by the incorporating unit from operation of the property. The contract of lease may provide the obligation of the incorporating unit for the payment of the cash rental shall not be subject to setoff by the incorporating unit nor shall there be an abatement of the cash rentals for any cause including, but not limited to, casualty that results in the property being untenable.

History: Add. 1973, Act 110, Imd. Eff. Aug. 19, 1973;—Am. 1978, Act 365, Imd. Eff. July 22, 1978;—Am. 1992, Act 278, Imd. Eff.

123.958b Contract of lease; full faith and credit general obligation; resolution submitting contract to vote of electors; effective date; notice of intention; referendum petition; election.

Sec. 8b. (1) The governing body of an incorporating unit may, by a majority vote of its members, authorize the execution of a full faith and credit general obligation contract of lease with an authority.

(2) The governing body may adopt a resolution submitting the contract to a vote of the electors. If the governing body adopts the resolution submitting the contract to a vote of the electors, the contract shall not take effect unless approved by a majority of the electors of the incorporating unit voting on the question. The contract shall be submitted at the next general or primary election to be held not less than 70 days after the date of the resolution or at a special election to be held not less than 70 days after the date of the resolution as determined by the clerk of the incorporating unit subject to the Michigan election law, Act No. 116 of the Public Acts of 1954, being sections 168.1 to 168.992 of the Michigan Compiled Laws. The clerk shall also determine the ballot language of the question.

(3) If the governing body does not adopt a resolution submitting the contract to a vote of the electors, the contract shall become effective 60 days after a notice of intention of entering into the contract has been published in a newspaper of general circulation in the incorporating unit or units unless a sufficient petition for referendum requesting an election on the contract is filed with the clerk of the incorporating unit within 45 days after the notice is published. A referendum petition shall be signed by not less than 10% or 15,000 of the registered electors of the incorporating unit, whichever is less. If a sufficient petition is filed, the contract shall not take effect unless approved by a majority of the electors of the incorporating unit voting on the question. The clerk of the incorporating unit shall determine the date of the election and the ballot language as provided under subsection (2). The notice of intention of entering into contract shall be directed to the electors and taxpayers of the incorporating unit, shall be published in a newspaper which is determined by the governing body thereof to be the newspaper reaching the largest number of persons to whom the notice is directed, and shall state the maximum amount of bonds authorized to be issued, the purpose thereof, source of payment and right of referendum thereon, and such other information as the governing body of the incorporating unit may consider necessary to adequately inform the taxpayers and electors of the incorporating unit of the nature of the contractual obligation. Signatures on the petition shall be verified by the circulator under oath as the actual signatures of the persons whose names are signed thereto and the clerk or other recording officer of the incorporating unit shall have the same power to reject signatures and petitions as city clerks under section 25 of the home rule cities act, Act No. 279 of the Public Acts of 1909, being section 117.25 of the Michigan Compiled Laws. The number of registered electors in any incorporating unit shall be determined by its registration records, or, if it does not take registrations, by the appropriate city and township registration records. A notice of intention and publication is not required if the contract of lease states that it is not a full faith and credit obligation of the incorporating unit or units.

(4) An election under this section shall not be included in any statutory or charter limitation on the number of special elections to be called within a particular period of time.

History: Add. 1973, Act 110, Imd. Eff. Aug. 19, 1973;—Am. 1995, Act 147, Imd. Eff. July 11, 1995.

123.958c Violation of §§ 168.1 to 168.992 applicable to petitions; penalties.

Sec. 8c. A petition under section 8b, including the circulation and signing of the petition, is subject to section 488 of the Michigan election law, 1954 PA 116, MCL 168.488. A person who violates a provision of the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, applicable to a petition described in this section is subject to the penalties prescribed for that violation in the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992.

History: Add. 1998, Act 190, Eff. Mar. 23, 1999.

123.959 Building authority; acquisition of property, condemnation.

Sec. 9. For the purpose of accomplishing the objects of its incorporation the authority may acquire property by purchase, construction, lease, gift, devise or condemnation, and for the purpose of condemnation, it may proceed under the provisions of Act No. 149 of the Public Acts of 1911, as amended, being sections 213.21 to 213.41 of the Compiled Laws of 1948, or any other appropriate statute.

The legislative body of any incorporating unit, by a majority vote of the members thereof, may transfer any real property except cemetery property owned by the incorporating unit to an authority established pursuant to this act.

History: 1948, 1st Ex. Sess., Act 31, Imd. Eff. May 10, 1948;—CL 1948, 123.959;—Am. 1962, Act 14, Imd. Eff. Mar. 14, 1962;—Am. 1968, Act 96, Imd. Eff. June 6, 1968.

123.960 Amendment of articles of incorporation.

Sec. 10. Amendments may be made to articles of incorporation if adopted by the legislative body of each incorporating unit: Provided, That no such amendment shall impair the obligation of any bond or other contract. Any city or village which is the county seat of a county incorporating an authority under the provisions of this act, may become an incorporating unit of the authority by amendment to the articles of incorporation adopted by the legislative body of such city or village and by the legislative body of the county. Any such city or village shall thereafter be deemed to be an incorporating unit. Each amendment shall be adopted, executed and published, and certified printed copies filed, in the same manner as above specified for the original articles of incorporation, in so far as applicable.

History: 1948, 1st Ex. Sess., Act 31, Imd. Eff. May 10, 1948;—CL 1948, 123.960.

123.961 Building authority bonds or building authority refunding bonds; purpose; prerequisites to issuance.

Sec. 11. For the purpose of defraying all or part of the cost of acquiring, improving, and enlarging any building or buildings, automobile parking lots or structures, recreational facilities, stadiums, and the necessary site or sites for the property, together with appurtenant properties and facilities necessary or convenient for the effective use of the property, furnishing and equipping the same, or refunding outstanding bonds as provided in section 11k, the authority, after execution and delivery of a full faith and credit general obligation contract of lease, as provided in this act, and pursuant to ordinance or resolution duly adopted by a majority vote of the elected members of the commission, may issue its negotiable bonds in anticipation of the contract obligations of the incorporating unit or units to make cash rental payments to the authority and may pledge the receipts from the payments for payment of bonds and interest on the bonds. Bonds shall not be issued unless the property has been leased by the authority to its incorporating unit or units for a period extending beyond the last maturity of the bonds and until the contract of lease is fully effective. The bonds shall be called building authority bonds, or, in the case of bonds issued to refund outstanding bonds, the bonds shall be called building authority refunding bonds.

History: 1948, 1st Ex. Sess., Act 31, Imd. Eff. May 10, 1948;—CL 1948, 123.961;—Am. 1965, Act 5, Imd. Eff. Mar. 30, 1965;—Am. 1968, Act 96, Imd. Eff. June 6, 1968;—Am. 1970, Act 47, Imd. Eff. July 2, 1970;—Am. 1973, Act 110, Imd. Eff. Aug. 19, 1973;—Am. 1980, Act 74, Imd. Eff. Apr. 3, 1980.

123.961a Building authority revenue bonds or building authority revenue refunding bonds; purpose; prerequisites of issuance.

Sec. 11a. For the purpose of defraying all or part of the cost of acquiring, improving, and enlarging any building or buildings, automobile parking lots or structures, recreational facilities, stadiums, and the necessary site or sites for the property, together with appurtenant properties and facilities necessary or convenient for the effective use of the property; furnishing and equipping the same; or refunding outstanding bonds as provided in section 11k, the authority, after execution of a contract of lease which is not a full faith and credit general obligation, as provided in this act, and pursuant to ordinance or resolution duly adopted by a majority vote of the elected members of the commission, may issue its negotiable bonds in anticipation of the contract obligations of the incorporating unit or units to make cash rental payments to the authority and may pledge the receipts from those payments for payment of the bonds and the interest on the bonds. Bonds shall not be issued unless the property has been leased by the authority to its incorporating unit or units for a period extending beyond the last maturity of the bonds and no maturity shall in any event be more than 40 years from the date of the bonds. The bonds shall be called building authority revenue bonds, or, in the case of bonds issued to refund outstanding bonds, the bonds shall be called building authority revenue refunding bonds.

History: Add. 1973, Act 110, Imd. Eff. Aug. 19, 1973;—Am. 1980, Act 74, Imd. Eff. Apr. 3, 1980.

123.961b Ordinance or resolution authorizing issuance of bonds; adoption; contents.

Sec. 11b. The ordinance or resolution authorizing issuance of bonds shall become effective upon its adoption unless otherwise specified in the ordinance or resolution and shall be recorded in the minutes of the commission as soon as practicable after its passage. The provisions of this section shall constitute the sole requirements with respect to the adoption of any such ordinance or resolution. The ordinance or resolution authorizing the bonds shall set forth a brief description of the contract of lease, the contemplated project, the estimated cost of the contemplated project, the estimated period of usefulness of the contemplated project, and the amount and maximum rate of interest and time of payment of the bonds.

History: Add. 1973, Act 110, Imd. Eff. Aug. 19, 1973;—Am. 1980, Act 74, Imd. Eff. Apr. 3, 1980.

123.961c Repealed. 2002, Act 306, Imd. Eff. May 13, 2002.

Compiler's note: The repealed section pertained to payment, redemption, execution, and tax exemption of serial and term bonds.

123.961d Bonds; statutory lien.

Sec. 11d. There shall be created in the authorizing ordinance or resolution a lien by this act made a statutory lien upon the cash rental payments required to be paid by the contract of lease which are pledged to the payment of the principal of and interest on the bonds to and in favor of the holders of the bonds and the interest coupons pertaining thereto. The amounts so pledged shall be and remain subject to the statutory lien until the payment in full of the principal of and interest on the bonds. The holder or holders of bonds representing in the aggregate not less than 20% of the entire issue then outstanding may by suit, action, or other proceedings protect and enforce such statutory lien and enforce and compel the performance of all duties of the officials of the authority, including, but not limited to, compelling the incorporating unit or units by proceedings in a court of competent jurisdiction or other appropriate forum to make the cash rental payments required to be made by the contract of lease, and requiring the incorporating unit or units to certify, levy, and collect appropriate taxes as herein authorized and as may be required by the contract of lease to be so certified, levied, and collected by the incorporating unit or units for the payment of the cash rental required to be paid by the contract of lease.

History: Add. 1973, Act 110, Imd. Eff. Aug. 19, 1973.

123.961e Bonds; use and disposition of proceeds.

Sec. 11e. All moneys received from the sale of bonds shall be used solely for the purpose for which the bonds were authorized including any engineering, architectural, legal, and other expenses incident thereto and to the issuance of the bonds and including also the payment of the interest on the bonds during a period not to exceed the first 3 years following the date of the bonds and an amount required for the project for operation and maintenance, if appropriate, prior to the receipt of the first revenues from the operation of the project by the incorporating unit or units. Any unexpended balance of the proceeds of sale of the bonds remaining after completion of the project for which issued may be used for the improvements or enlargement of the project for which issued or for other projects of the authority leased to the incorporating unit or units if such use is approved by the department of treasury and the incorporating unit or units. Any remaining balance shall be paid into the bond and interest redemption fund of the authority for the bonds in which event the incorporating unit or units may be provided a credit against the cash rental payments next due under contract of lease to the extent of the moneys so deposited in the manner provided in the ordinance or resolution authorizing the bonds.

History: Add. 1973, Act 110, Imd. Eff. Aug. 19, 1973;—Am. 1983, Act 29, Imd. Eff. May 6, 1983.

123.961f Additional bonds.

Sec. 11f. The commission in the ordinance or resolution authorizing the bonds may provide for issuance of 1 or more series of additional bonds to complete the project for which the bonds are issued or to make improvements or additions thereto under the terms and conditions as shall be prescribed in the ordinance or resolution authorizing the bonds, one of which shall be a requirement of a sufficient increase in the cash rentals required to be paid under the contract of lease to permit payment of the principal and interest on the additional bonds. The additional bonds when sold and delivered shall have equal standing with those issued in the first instance. The provisions of this act providing for annual installments and the amount thereof and the due date of the first installment for serial bonds shall not be controlling as to additional series of bonds. The bonds issued in the original instance, any additional bonds of equal standing then outstanding, and the proposed additional bonds shall be treated as a single issue for purposes of complying with the requirements of this act for the due date of the first installment and for annual installments with respect to serial bonds.

History: Add. 1973, Act 110, Imd. Eff. Aug. 19, 1973.

123.961g Bond and interest redemption fund.

Sec. 11g. The ordinance or resolution authorizing the bonds shall establish a bond and interest redemption fund into which shall be paid all cash rentals required to be paid by the incorporating unit or units under the contract of lease which are pledged for the payment of bonds issued under this act and such other sums as shall be required by the ordinance or resolution to be paid therein and shall establish such other funds and accounts and provide for deposits thereto as the governing body shall prescribe in the ordinance or resolution authorizing the bonds. All moneys in the funds and accounts established by the ordinance or resolution authorizing the bonds, including the proceeds of sale of the bonds, shall be deposited with 1 or more banks

designated by the commission. Moneys in the bond and interest redemption fund shall be kept in a separate depository account kept with 1 or more of the banks or trust companies where the principal of and interest on the bonds are payable. Moneys in the several funds and accounts may be invested in United States government obligations or obligations the principal of and interest on which are guaranteed by the United States government or in interest bearing time deposits as shall be determined by the commission in the ordinance or resolution authorizing the bonds.

History: Add. 1973, Act 110, Imd. Eff. Aug. 19, 1973.

123.961h Redemption of bonds prior to maturity.

Sec. 11h. The commission may make provision in the ordinance or resolution authorizing the bonds for the redemption thereof prior to maturity.

History: Add. 1973, Act 110, Imd. Eff. Aug. 19, 1973.

123.961i Repealed. 2002, Act 306, Imd. Eff. May 13, 2002.

Compiler's note: The repealed section pertained to issuance of bonds by municipal finance commission or successor agency.

123.961j Bonds subject to revised municipal finance act; tax exemption.

Sec. 11j. (1) All bonds authorized under this act are subject to the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821.

(2) The principal and interest on bonds issued under this act are exempt from taxation by this state and by any other taxing authority within this state.

History: Add. 1973, Act 110, Imd. Eff. Aug. 19, 1973;—Am. 1978, Act 365, Imd. Eff. July 22, 1978;—Am. 1980, Act 74, Imd. Eff. Apr. 3, 1980;—Am. 1983, Act 29, Imd. Eff. May 6, 1983;—Am. 2002, Act 306, Imd. Eff. May 13, 2002.

123.961k Repealed. 2002, Act 306, Imd. Eff. May 13, 2002.

Compiler's note: The repealed section pertained to bonds issued to refund outstanding bonds.

123.962 Tax exemption for property.

Sec. 12. All property owned by any authority shall be exempt from taxation by the state or any taxing unit therein.

History: 1948, 1st Ex. Sess., Act 31, Imd. Eff. May 10, 1948;—CL 1948, 123.962.

123.963 Bonds; retirement; conveyance of title to property.

Sec. 13. When all bonds issued pursuant to the provisions of this act shall have been retired, then the authority shall convey the title to the property acquired hereunder to the incorporating unit or units in accordance with the provisions therefor contained in the articles of incorporation, or contract of lease, or, if there be no such provisions, then in accordance with the directions of the governing body of the incorporating unit or any agreement adopted by the respective governing bodies of the incorporating units.

History: 1948, 1st Ex. Sess., Act 31, Imd. Eff. May 10, 1948;—CL 1948, 123.963;—Am. 1968, Act 96, Imd. Eff. June 6, 1968;—Am. 1973, Act 110, Imd. Eff. Aug. 19, 1973.

123.964 Construction of act.

Sec. 14. The powers herein granted shall be in addition to those granted by any statute or charter.

History: 1948, 1st Ex. Sess., Act 31, Imd. Eff. May 10, 1948;—CL 1948, 123.964.

123.965 Validation of prior authorities, actions, and bonds.

Sec. 15. All authorities heretofore incorporated, all actions heretofore taken, and all bonds heretofore issued under this act, as originally adopted or subsequently amended, and which incorporation actions and bonds do not violate the provisions of this act as amended by the 1968 or any subsequent amendatory act, are validated. No authority incorporated under this act, as originally adopted or subsequently amended, nor any incorporating unit or units thereof, shall contest the validity of any such bonds or any lease or contract which provides the security therefor after they have been sold and delivered and the authority has received the consideration therefor.

History: Add. 1955, Act 25, Imd. Eff. Apr. 7, 1955;—Am. 1968, Act 96, Imd. Eff. June 6, 1968;—Am. 1970, Act 47, Imd. Eff. July 2, 1970;—Am. 1973, Act 110, Imd. Eff. Aug. 19, 1973.

CHAPTER 27 PARKS AND RECREATION BOARD

- 27.10 Creation. The Parks and Recreation Board shall consist of ten members, who shall have the qualifications of electors. All members shall serve without compensation. A student representative may be appointed for a one (1) year term by City Council. The student representative shall serve as an ex-officio, non-voting member of the Board. The Parks and Recreation Director shall serve as an ex-officio, non-voting member of the Board and shall be responsible to the City Manager.
- 27.20 Membership and Terms. The Troy City Council shall appoint the following members to the Parks and Recreation Board:
- (1) Seven at-large representatives, who shall serve for three (3) year overlapping terms.
 - (2) One representative from the Troy School Board of Education, who shall be nominated by the Board of Education and who shall serve for a one (1) year term.
 - (3) One representative from the Troy Daze Committee, who shall be nominated by the Troy Daze Committee, and who shall serve for a one (1) year term.
 - (4) One representative from the Advisory Committee for Senior Citizens, who shall be nominated by the Advisory Committee, and who shall serve for a one (1) year term.
- 27.30 Removal and Vacancies. Board members may, after a public hearing, be removed by the City Council for neglect of duty or malfeasance in office. Vacancies occurring on the Board shall be filled in the same manner as the original appointment.
- 27.40 Organization. The Board shall elect its chairman from among its members. The Board may also elect members for any other offices that the Board deems necessary. The term of the chairman shall be one year, and the chairman shall be eligible for re-election. The Board shall hold at least one regular meeting every two months. It shall adopt rules for the transaction of business and shall keep a record of its actions, which record shall be public record.
- 27.50 Powers and Duties. The Board shall have the following powers and duties :
- (1) To recommend to the City Manager a budget providing for a parks and recreation program.
 - (2) To recommend to the City Council policies for operating a parks and recreation program.
 - (3) To recommend to the City Council a long-term capital improvements program for parks and recreational facilities, including the acquisition of park sites.
 - (4) To promote activities that will benefit the City parks and recreation program, including the encouragement of organized team athletic programs.

Chapter 27 – Parks and Recreation Board

27.60 Duties of Director. The Parks and Recreation Director shall have the following responsibilities to the Board:

- (1) To attend the meetings of the Parks and Recreation Board, to take part in discussions of the Board and to keep the Board informed of parks and recreation activities.
- (2) To inform the City Manager of the recommendations of the Board so that these recommendations can be acted upon by the City Council and/or the City Manager.

(Rev. 06/17/02)

CHAPTER 11 PERSONNEL BOARD

1. GENERAL PROVISIONS.

1.1 It is hereby declared personnel policy of the City that:

- a) Employment in the City government shall be based on merit and qualifications, free of personal and political considerations without regard to religion, race, color, national origin, age, sex, marital status, height, weight, arrest record or disability.
- b) City government shall promote efficiency and economy of operations.
- c) Positions having similar duties and responsibilities shall be classified and compensated on a similar basis.
- d) Appointments, promotions and other actions requiring the application of the merit principle shall be based on systematic tests and evaluations.
- e) The rights and interests of employees covered by this Chapter shall be fairly administered in a manner consistent with the best interests of the public and the City.
- f) Any individual whose employment is subject to the provisions of this Chapter may be disciplined or discharged for misconduct or unsatisfactory work performance.
- g) The Employment of any individual subject to this chapter, is conditional upon the necessity for the performance of work within the employee's classification and the availability of funds.

1.2 The Personnel Board shall consist of five (5) members appointed by the Council. The members of the Board shall be persons in sympathy with the application of merit principles to public employment. No member of the Board shall be employed by or be an official of the City; nor shall be a member of any local, state or national committee of a political party or an official or member of a committee in any partisan political club or organization, nor shall hold or be a candidate for any governmental elective office. The members of the Board shall serve for a term of three years. Vacancies occurring during a term shall be filled for the balance of the term. Members of the Board shall serve without compensation, but funds will be provided for reasonable and necessary expenses. The Board shall elect its own chairman. The Council may remove any member of the Board with five affirmative votes upon stating in writing the reasons for removal and allowing the member an opportunity to be heard. Three members shall constitute a quorum at any meeting of the Personnel Board.

1.3 In addition to the duties set forth elsewhere in this chapter, the Board shall:

- a) Advise the City Manager on matters of personnel policy and problems of personnel administration, including the personnel rules, job classification plan and pay plan as they apply to Classified employees.
- b) Represent the public interest in the improvement of personnel administration for Classified employees in the City service.

Chapter 11 - Personnel Board

2. SCOPE OF CIVIL SERVICE SYSTEM

2.1 All offices and positions of the City are divided into the classified service and the exempt service.

2.2 The Classified service shall include the following classifications:

Accountant	Legal Assistant
Administrative Aide	Librarian I
Appraiser	Library Aide
Assistant naturalist	Museum Aide
Building Maint. Specialist	Naturalist
Civilian Communications Supv.	Plan Analyst
Engineering Technician	Planning Technician
Field Supervisor	Right-of-Way Appraiser
GIS Data Analyst	Right-of-Way Representative
Inspector	Right-of-Way Technician
Inspector Supervisor	Secretary II
Landscape Analyst	Traffic Signal Technician

2.3 The exempt service shall include the following:

- a) Elected officials, members of boards and commissions
- b) Volunteer personnel and personnel appointed to serve without pay.
- c) Consultants and counsel rendering temporary professional service.
- d) Such positions involving seasonal or part-time employment, as may be specifically placed in the exempt service by the personnel rules.
- e) Positions in the City service that are represented by an exclusive bargaining representative pursuant to the Public Employment Relations Act, MCLA 423.201 et seq.
- f) Positions of City Manager and City Attorney which serve at the pleasure of City Council pursuant to City Charter.
- g) All other employees in the City service that are not placed in the Classified service by this Chapter and are not represented by an exclusive bargaining representative pursuant to the Public Employment Relations Act, MCLA 423.201 et seq.

3. ADMINISTRATION.

3.1 The City Manager shall be responsible for the execution of the personnel program and all advice and rulings of the Board in pursuance of this chapter.

3.2 The City Clerk shall serve as secretary to the Board.

Chapter 11 - Personnel Board

- 3.3 The City Manager, with approval of City Council if required by City Charter, may contract with any qualified person or agency for the performance of such technical services as may be desired in establishment and operation of the personnel programs.
4. RULES.
- 4.1 The City Manager or designee shall draft such rules as may be necessary to carry out the provisions of this chapter. These rules shall be submitted to the Board for review and approval. Personnel rules approved or initiated by the Board shall be submitted for adoption by resolution of the Council. The rules as adopted shall have the force and effect of law. All rules and amendments thereto shall be made in accordance with the above procedure.
5. CLASSIFICATION.
- 5.1. The City Manager or designee shall make an analysis of the duties and responsibilities of all positions in the classified service and he shall recommend to the Board a job classification plan. Each position in the Classified service shall be assigned to a job class on the basis of the kind and level of its duties and responsibilities, to the end that all positions in the same class shall be sufficiently alike to permit use of a single description title, the same qualification requirements, the same test of competence and same pay scale. A job class may contain one or more positions. The classification plan, as reviewed and approved or initiated by the Board, shall be submitted for adoption by resolution of the City Council.
- 5.2. The classification plan may be revised from time to time as required.
6. COMPENSATION
- 6.1 The City Manager or designee shall prepare a Classified pay plan based upon accepted principles of pay administration. The rate or range for each class shall be such as to reflect fairly the differences in duties and responsibilities and shall be related to compensation for comparable positions in other places of employment.
- 6.2 The City Manager shall submit the pay plan and rules for its administration to the Board for approval. The Board may recommend that the City Council adopt the plan and the rules, with or without amendment.
- 6.3 The pay plan may be amended from time to time as required, through adjustment of rates, by reassignment of job classes to different pay ranges, or by the addition or deletion of job classes by the City Manager.
7. APPOINTMENT AND PROMOTIONS.
- 7.1 Original appointments to vacancies in the Classified service shall be based on merit as determined by competitive examinations which may include prior training and experience.
- 7.2 Competitive examinations shall be in such form as will fairly test the job-related requirements for the position being sought. Examinations may include written, oral, performance tests or any combination of these.

Chapter 11 - Personnel Board

- 7.3 Pending the approval of an eligible list based upon competitive examination, vacancies may be filled by the City Manager by means of a temporary appointment. Temporary appointment will only be as long as is necessary to establish an approved eligible list.
- 7.4 Priority of Eligible lists for purposes of filling a vacancy shall be: re-employment eligible lists, promotional eligible lists and original appointment eligible lists.
- 7.5 Re-employment lists shall contain the names of regular full-time employees laid off in good standing for lack of funds or work and the position from which they have been laid off. An employee on a re-employment eligible list shall only be able to fill a vacancy in a classification formerly held by the employee or a similar classification at a lower level that the employee is qualified to perform.
- 7.6 Probationary employees laid off for lack of work or lack of funds and probationary employees who resign and whose resignations are withdrawn within one year, upon application and with the approval of the Department Head and the City Manager, shall have their names restored to the eligible list from which appointment was originally made.
- 7.7 Candidates who qualify for original appointment or promotion eligible lists shall be placed on the appropriate eligible list for the classification in the rank order of the composite scores they obtained on the competitive examination, including prior training and experience.
- 7.8 When an appointment is to be made to a vacancy, the City Manager shall appoint from the three persons ranked highest on the appropriate list (or lists, when applicable), who have indicated willingness, to accept appointment. When more than one vacancy is to be filled the number of names submitted shall not exceed the number of vacancies plus two.
- 7.9 An advancement in rank, grade, or to a salary range beyond the limits defined in the rules for the administration of the pay plan for the incumbent's current position shall constitute a promotion.
- 7.10 In preparation of a promotional eligible list, consideration shall be given to the qualifications of a candidate, including training and experience, and the individual's record of performance.
- 7.11 Vacancies in positions above the entrance level shall be filled by promotion rather than original appointment except when in the judgment of the City Manager it is not in the best interests of the City to do so.
- 7.12 Policies and procedures for administering eligible lists shall be provided in the personnel rules covering the duration, cancellation, replacement and consolidation of such lists, and the removal or suspension of the names of eligibles therefrom.
8. RECORDS.
- 8.1 The City Clerk shall maintain adequate records of the proceedings of the Board.
- 8.2 The Personnel Department shall maintain the examination record of every candidate for one (1) year, and shall maintain the employment record of every employee for a period of five (5) years after separation of employment with the City.

Chapter 11 - Personnel Board

9. INVESTIGATIONS, HEARINGS.

- 9.1 During the course of any investigation or hearing the Board or the City Manager may direct any employee of the City to attend and give witness. Any employee refusing to do so may be subject to disciplinary action.
- 9.2 The Board shall have power to subpoena and require the attendance of witnesses and the production thereby of records, books and papers pertinent to the investigations and hearings.

10. GENERAL PROHIBITIONS.

- 10.1 Employees in the Classified service shall be selected on merit and qualifications without regard to political considerations, shall not be required to contribute to any political purpose and shall not engage in improper political activity. The rules shall define the scope of improper political activity.
- 10.2 There shall be no discrimination against any qualified person seeking employment or employed in the classified service because of any considerations of political or religious affiliation or belief, race, color, national origin, age, sex, marital status, height, weight, arrest record or disability.

11. TERMINATION APPEAL.

- 11.1 Any member of the Classified service, who is being considered for discharge shall be provided prior written notice of the reasons for the possible disciplinary action and an opportunity to respond to or discuss the contemplated action with the decision-maker prior to a final decision being made. If the employee is discharged, the employee shall be entitled to appeal the discharge to the Personnel Board as set forth below.
- 11.2 A discharged employee is entitled to appeal the discharge to the Personnel Board by filing a written notice of appeal no later than ten (10) calendar days after receiving notice of discharge. Said notice shall be filed with the City Clerk who is Secretary of the Board. Upon receipt of a notice of appeal, the Secretary of the Personnel Board shall schedule a hearing before the Personnel Board within thirty (30) calendar days. At the hearing, the discharged employee shall be entitled to present evidence and testimony on his or her behalf and to question the witnesses called in support of the discharge. The employee and the City may retain a representative for the hearing. A record of the hearing may be kept at the request of the employee or the City.
- 11.3 The Personnel Board shall then review the evidence presented at the hearing and, within thirty (30) days after the close of the hearing, render a written determination. The authority of the Personnel Board shall be limited to determining whether the discharge was arbitrary or capricious. The determination of the Personnel Board shall be final and binding on both the employee on both the employee and the City and shall constitute the sole and exclusive remedy for the employee.
- 11.4 At any hearing held subject to this appeal procedure, no member of the Personnel Board shall serve if he or she has been involved in the process leading to the discharge of the employee. In addition, the employee shall be entitled to challenge any member of the Personnel Board for bias or prejudice by providing the Personnel Board written notice of such claim prior to or at the hearing scheduled as set forth above.

CITY OF TROY CHARTER – CHAPTER 3 – ORGANIZATION OF GOVERNMENT

Section 3.19 - Planning and Zoning:

The Council shall maintain a City Planning Commission in accordance with and having all the powers and duties granted by the provisions of statute relating to such commissions.

The Council shall maintain a zoning ordinance in accordance with the provisions of statute relating to such ordinances. Insofar as may be, such ordinance shall provide that zoning be coordinated with the work of the City Planning Commission.

Section 3.20 - Independent Board and Commissions:

The Council may not create any board or commission, other than those provided for in this charter, to administer any activity, department or agency of the city government except (a) a municipal hospital (b) recreation or (c) any activity that by statute is required to be so administered. The Council may, however, establish (a) quasi-judicial appeal boards and (b) boards or commissions to serve solely in an advisory capacity.

Chapter 39 - Zoning Ordinance

The concurring vote of five (5) members of the Planning Commission is necessary to decide in favor of the applicant on site plan review and special use requests unless the Planning Commission does not have final jurisdiction on the matter. The concurring vote of six (6) members of the Planning Commission is necessary for approval of master plan or future land use plan amendments. All other issues before the Planning Commission, including, but not limited to, rezoning proposals, site condominium plans, planned unit developments, ordinance text amendments, subdivision plats, street and alley vacations or extensions, and historic district designations are recommendations to City Council and the concurrence of a majority of the Planning Commission members is necessary to recommend an action to the City Council.

02.10.04 FINANCES:

The City Planning Commission may be allowed such funds for expenses as deemed advisable by the City Council and all debts and expenses incurred by the City Planning Commission shall be limited by such amount.

(09-27-04)

02.20.00 CHANGES AND AMENDMENTS:

The Troy City Council may from time to time, on recommendation from the City Planning Commission, or on petition amend, supplement or change the District boundaries or the regulations herein, or subsequently established herein pursuant to the authority and procedure established in Act 207 of the Public Acts of 1921 as amended.

02.30.00 VESTED RIGHT:

Nothing in this Chapter should be interpreted or construed to give rise to any permanent vested rights in the continuation of any particular use, District, zoning classification or any permissible activities therein; and, they are hereby declared to be subject to subsequent amendment, change or modification as may be necessary to the preservation or protection of public health, safety and welfare.

02.40.00 COMMISSION APPROVAL:

In cases where the City Planning Commission is empowered to approve certain use of premises under the provisions of this Chapter, the applicant shall furnish such surveys, plans or other information as may be reasonably required by said Commission for the proper consideration of the matter. The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure. The Planning Commission may impose such conditions or limitations in granting approval as may in its judgment be necessary to fulfill the spirit and purpose of this Chapter. Any approval given by the Commission, under which premises are not used or work is not started within twelve (12) months or when use or work has been abandoned for a period of twelve (12) months, shall lapse and cease to be in effect.

02.50.00 ENFORCEMENT, PENALTIES AND OTHER REMEDIES

02.50.01 VIOLATIONS:

Any person, firm or corporation violating any of the provisions of this Chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be subject to a fine of not more than one hundred (\$100.00) dollars and the costs of prosecution or, in default of the payment thereof, shall be punished by imprisonment in the County Jail for a period not to

CITY AND VILLAGE ZONING ACT
Act 207 of 1921

AN ACT to provide for the establishment in cities and villages of districts or zones within which the use of land and structures and the height, area, size, and location of buildings may be regulated by ordinance, and for which districts regulations shall be established for the light and ventilation of those buildings, and for which districts or zones the density of population may be regulated by ordinance; to designate the use of certain state licensed residential facilities; to provide by ordinance for the acquisition by purchase, condemnation, or otherwise of private property that does not conform to the regulations and restrictions of the various zones or districts provided; to provide for the administering of this act; to provide for amendments, supplements, or changes in zoning ordinances, zones, or districts; to provide for conflict with the state housing code or other acts, ordinances, or regulations; to provide sanctions for the violation of this act; to authorize the purchase of development rights; to authorize the issuance of bonds and notes; and to provide for special assessments.

History: 1921, Act 207, Imd. Eff. May 17, 1921;—Am. 1947, Act 272, Eff. Oct. 11, 1947;—Am. 1976, Act 396, Eff. Mar. 31, 1977;—Am. 1994, Act 25, Eff. May 1, 1994;—Am. 1996, Act 571, Eff. Mar. 31, 1997.

The People of the State of Michigan enact:

125.581 Regulating and restricting use of land and structures; purpose; division of city or village into districts; plan for land development regulations and districts; ordinance subject to electric transmission line certification act.

Sec. 1. (1) The legislative body of a city or village may regulate and restrict the use of land and structures; to meet the needs of the state's residents for food, fiber, energy and other natural resources, places of residence, recreation, industry, trade, service, and other uses of land; to insure that uses of the land shall be situated in appropriate locations and relationships; to limit the inappropriate overcrowding of land and congestion of population and transportation systems and other public facilities; to facilitate adequate and efficient provision for transportation systems, sewage disposal, water, energy, education, recreation, and other public service and facility needs; and to promote public health, safety, and welfare, and for those purposes may divide a city or village into districts of the number, shape, and area considered best suited to carry out this section. For each of those districts regulations may be imposed designating the uses for which buildings or structures shall or shall not be erected or altered, and designating the trades, industries, and other land uses or activities that shall be permitted or excluded or subjected to special regulations.

(2) The land development regulations and districts authorized by this act shall be made in accordance with a plan designed to promote and accomplish the objectives of this act.

(3) An ordinance adopted pursuant to this act is subject to the electric transmission line certification act.

History: 1921, Act 207, Imd. Eff. May 17, 1921;—CL 1929, 2633;—CL 1948, 125.581;—Am. 1978, Act 638, Eff. Mar. 1, 1979;—Am. 1995, Act 36, Imd. Eff. May 17, 1995.

125.581a Airport layout plan or airport approach plan; incorporation; zoning ordinance; adoption.

Sec. 1a. (1) If, after an airport layout plan or airport approach plan is filed with the zoning commission or, if there is no body exercising the powers of a zoning commission, with the legislative body of a city or village, a plan required under section 1 is adopted or revised, the city or village shall incorporate the airport layout plan or airport approach plan into the plan required under section 1.

(2) A zoning ordinance adopted after the effective date of the amendatory act that added this section shall be adopted after reasonable consideration of both of the following:

(a) The environs of any airport within a district.

(b) Comments received at or before a public hearing under section 4 from the airport manager of any airport.

(3) If a zoning ordinance was adopted before the effective date of the amendatory act that added this section, the zoning ordinance is not required to be consistent with any airport zoning regulations, airport layout plan, or airport approach plan. However, any zoning ordinance amendment adopted or variance granted after the effective date of the amendatory act that added this section shall not increase any inconsistency that may exist between the zoning ordinance or structures or uses and any airport zoning regulations, airport layout plan, or airport approach plan. This subsection does not limit the right under section 4 to file a protest petition concerning a zoning ordinance amendment.

(4) If a zoning ordinance is adopted after the effective date of the amendatory act that added this section, the zoning ordinance shall be consistent with any airport zoning regulations, airport layout plan, and airport

approach plan. This subsection does not limit the right under section 4 to file a protect petition concerning a zoning ordinance.

History: Add. 2000, Act 383, Imd. Eff. Jan. 2, 2001.

Compiler's note: In subsection (4), the phrase "protect petition" evidently should read "protest petition."

125.582 Regulation of buildings and open spaces.

Sec. 2. To further carry out the objectives of this act, the legislative body of a city or village may regulate and limit the height and bulk of buildings erected, and regulate and determine the area of yards, courts, and other open spaces, and for those purposes divide a city or village into districts of the number, shape, and area considered best suited to carry out the purposes of this section. The regulations shall be uniform for each class of buildings throughout each district, but the regulations in 1 district may differ from those in other districts.

History: 1921, Act 207, Imd. Eff. May 17, 1921;—CL 1929, 2634;—CL 1948, 125.582;—Am. 1978, Act 638, Eff. Mar. 1, 1979.

125.583 Regulations limiting and restricting maximum number of families housed in dwellings; regulations and districts applicable to land areas and activities involved in special program.

Sec. 3. (1) To further carry out the objectives of this act, the legislative body of a city or village may limit and restrict the maximum number of families which may be housed in dwellings erected or altered, and for those purposes divide the city or village into districts of the number, shape, and area considered best suited to carry out the purposes of this section. The regulations shall be uniform throughout a specified district, but may differ from the regulations adopted for other districts.

(2) The legislative body of a city or village may use this act to adopt land development regulations and districts which apply only to land areas and activities which are involved in a special program to achieve specific land management objectives and avert or solve specific land use problems, including the establishment of land development regulations and districts in areas subject to damage from flooding or beach erosion, and for that purpose may divide the city or village into districts of the number, shape, and area best suited to accomplish those objectives.

History: 1921, Act 207, Imd. Eff. May 17, 1921;—CL 1929, 2635;—CL 1948, 125.583;—Am. 1978, Act 638, Eff. Mar. 1, 1979.

125.583a Nonconforming uses and structures.

Sec. 3a. (1) The lawful use of land or a structure exactly as the land or structure existed at the time of the enactment of the ordinance affecting that land or structure, may be continued, except as otherwise provided in this act, although that use or structure does not conform with the ordinance.

(2) The legislative body may provide by ordinance for the resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures upon terms and conditions provided in the ordinance. In establishing terms for the resumption, restoration, reconstruction, extension, or substitution of nonconforming uses or structures, different classes of nonconforming use may be established in the ordinance with different regulations applicable to each class.

(3) In addition to the power granted in this section, a city or village may acquire by purchase, condemnation, or otherwise private property or an interest in private property for the removal of nonconforming uses and structures, except that the property shall not be used for public housing. The legislative body may provide that the cost and expense of acquiring private property be paid from general funds, or the cost and expense or a portion thereof be assessed to a special district. The elimination of nonconforming uses and structures in a zoned district as provided in this act is declared to be for a public purpose and for a public use. The legislative body may institute and prosecute proceedings for the condemnation of nonconforming uses and structures under the power of eminent domain in accordance with the provisions of a city or village charter relative to condemnation or in accordance with Act No. 149 of the Public Acts of 1911, as amended, being sections 213.21 to 213.41 of the Michigan Compiled Laws, or any other applicable statute.

History: Add. 1947, Act 272, Eff. Oct. 11, 1947;—CL 1948, 125.583a;—Am. 1978, Act 638, Eff. Mar. 1, 1979.

125.583b "State licensed residential facility" defined; state licensed residential facility considered residential use and permitted use; provisions inapplicable to adult foster care facilities; review by council; notice to residents; denial of license; exceptions.

Sec. 3b. (1) As used in this section, "state licensed residential facility" means a structure constructed for residential purposes that is licensed by the state pursuant to the adult foster care facility licensing act, Act No. 218 of the Public Acts of 1979, being sections 400.701 to 400.737 of the Michigan Compiled Laws, or Act No. 116 of the Public Acts of 1973, as amended, being sections 722.111 to 722.128 of the Michigan

Compiled Laws, that provides resident services or care for 6 or fewer persons under 24-hour supervision for persons in need of that supervision or care.

(2) In order to implement the policy of this state that persons in need of community residential care shall not be excluded by zoning from the benefits of normal residential surroundings, a state licensed residential facility providing supervision or care, or both, to 6 or less persons shall be considered a residential use of property for the purposes of zoning and a permitted use in all residential zones, including those zoned for single family dwellings, and shall not be subject to a special use or conditional use permit or procedure different from those required for other dwellings of similar density in the same zone.

(3) This section does not apply to adult foster care facilities licensed by a state agency for care and treatment of persons released from or assigned to adult correctional institutions.

(4) At least 45 days before licensing a residential facility, the state licensing agency shall notify the council of the city or village or the designated agency of the city or village where the proposed facility is to be located to review the number of existing or proposed similar state licensed residential facilities whose property lines are within a 1,500-foot radius of the property lines of the proposed facility. The council of a city or village or an agency of the city or village to which the authority is delegated, when a proposed facility is to be located within the city or village, shall give appropriate notification of the proposal to license the facility to those residents whose property lines are within a 1,500-foot radius of the property lines of the proposed facility. A state licensing agency shall not license a proposed residential facility if another state licensed residential facility exists within the 1,500-foot radius of the proposed location, unless permitted by local zoning ordinances or if the issuance of the license would substantially contribute to an excessive concentration of state licensed residential facilities within the city or village. In a city with a population of 1,000,000 or more a state licensing agency shall not license a proposed residential facility if another state licensed residential facility exists within a 3,000-foot radius of the proposed location unless permitted by local zoning ordinances. This subsection shall not apply to state licensed residential facilities caring for 4 or fewer minors.

(5) This section does not apply to a state licensed residential facility licensed before March 31, 1977, or to a residential facility that was in the process of being developed and licensed before March 31, 1977 if approval was granted by the appropriate local governing body before that date.

History: Add. 1976, Act 396, Eff. Mar. 31, 1977;—Am. 1977, Act 28, Imd. Eff. June 15, 1977;—Am. 1993, Act 210, Imd. Eff. Oct. 21, 1993.

Constitutionality: Section 3b of the City and Village Zoning Act and § 33 of the Adult Foster Care Facility Licensing Act do not violate the Title-Object Clause of the Michigan Constitution. *City of Livonia v. Department of Social Services*, 423 Mich. 466, 335 N.W.2d 473 (1985).

125.583c Residence used to give instruction in craft or fine art; regulations not prohibited.

Sec. 3c. (1) A zoning ordinance adopted under this act shall provide for the use of a single family residence by an occupant of that residence for a home occupation to give instruction in a craft or fine art within the residence.

(2) This section does not prohibit the regulation of noise, advertising, traffic, hours of operation, or other conditions that may accompany the use of a residence described in subsection (1).

History: Add. 1994, Act 376, Eff. Mar. 30, 1995.

125.584 Ordinances; public hearing; notice; affidavit; appointment and report of commission; transmission of summary and report; determination of boundaries or imposition of regulations; amendment and adoption of ordinances or maps; supplements; protest petition; vote; exclusion of publicly owned land; publication and contents of notice of adoption.

Sec. 4. (1) The legislative body of a city or village may provide by ordinance for the manner in which regulations and boundaries of districts or zones shall be determined and enforced or amended, supplemented, or changed. At least 1 public hearing shall be held by the commission appointed to recommend zoning regulations or, if a commission does not exist, by the legislative body before a regulation becomes effective. Not less than 15 days' notice of the time and place of the public hearing shall first be published in an official paper or a paper of general circulation in the city or village. Not less than 15 days' notice of the time and place of the public hearing shall first be given by mail to each public utility company and each railroad company owning or operating any public utility or railroad within the districts or zones affected, and the airport manager of each airport, that registers its name and mailing address with the city or village clerk for the purpose of receiving the notice. An affidavit of mailing shall be maintained. A hearing shall be granted to an interested person at the time and place specified on the notice.

(2) The legislative body of a city or village, unless otherwise provided by charter, may appoint a commission to recommend in the first instance the boundaries of districts and appropriate regulations to be enforced in the districts. If a city or village has a planning commission, that commission shall be appointed to perform the duties set forth in this section. The commission shall make a tentative report and hold at least 1 public hearing before submitting its final report to the legislative body. A summary of the comments submitted at the public hearing shall be transmitted with the report of the commission to the legislative body. The legislative body may hold additional public hearings if it considers it necessary or as may be required by charter.

(3) In a city or village having a commission appointed to recommend zoning requirements, the legislative body shall not in the first instance determine the boundaries of districts or impose regulations until after the final report of the commission. In such a city or village, the legislative body shall not amend the ordinance or maps after they are adopted in the first instance until the proposed amendment has been submitted to the commission and it has held at least 1 hearing and made report thereon. In either case, the legislative body may adopt the ordinance and maps, with or without amendments, after receipt of the commission's report, or refer the ordinance and maps again to the commission for a further report.

(4) After the ordinance and maps have in the first instance been approved by the legislative body of a city or village, amendments or supplements thereto may be made as provided in this section, except that if an individual property or several adjacent properties are proposed for rezoning, notice of the proposed rezoning and hearing shall be given to the owners of the property in question at least 15 days before the hearing.

(5) Upon presentation of a protest petition meeting the requirements of this subsection, an amendment to a zoning ordinance which is the object of the petition shall be passed only by a 2/3 vote of the legislative body, unless a larger vote, but not to exceed 3/4 vote, is required by ordinance or charter. The protest petition shall be presented to the legislative body before final legislative action on the amendment and shall be signed by 1 of the following:

(a) The owners of at least 20% of the area of land included in the proposed change.

(b) The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.

(6) For purposes of subsection (5), publicly owned land shall be excluded in calculating the 20% land area requirement.

(7) Following adoption of a zoning ordinance and subsequent amendments by the legislative body of a city or village, 1 notice of adoption shall be published in a newspaper of general circulation in the city or village within 15 days after adoption. Promptly following adoption of a zoning ordinance or subsequent amendment by the legislative body of the city or village, a copy of the notice of adoption shall also be mailed to the airport manager of an airport entitled to notice under subsection (1).

(8) The notice of adoption under subsection (7) shall include the following information:

(a) In the case of a newly adopted zoning ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the city (village) council of the city (village) of _____".

(b) In the case of an amendment to an existing ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.

(c) The effective date of the ordinance.

(d) The place and time where a copy of the ordinance may be purchased or inspected. The filing and publication requirements in this section relating to city and village zoning ordinances supersede charter provisions relating to the filing and publication of city and village ordinances.

History: 1921, Act 207, Imd. Eff. May 17, 1921;—CL 1929, 2636;—Am. 1941, Act 287, Eff. Jan. 10, 1942;—Am. 1941, Act 306, Eff. Jan. 10, 1942;—CL 1948, 125.584;—Am. 1976, Act 145, Eff. Mar. 31, 1977;—Am. 1978, Act 638, Eff. Mar. 1, 1979;—Am. 2000, Act 383, Imd. Eff. Jan. 2, 2001.

125.584a Special land uses.

Sec. 4a. (1) A city or village may provide in a zoning ordinance for special land uses which shall be permitted in a zoning district only after review and approval by the commission appointed to formulate and subsequently administer the zoning ordinance, an official charged with administering the ordinance, or the legislative body. The ordinance shall specify the following:

(a) The special land uses and activities eligible for approval consideration and the body or official charged with reviewing special land uses and granting approval.

(b) The requirements and standards upon which decisions on requests for special land use approval shall be based.

(c) The procedures and supporting materials required for application, review, and approval.

(2) Upon receipt of an application for a special land use which requires a decision on discretionary grounds, 1 notice that a request for special land use approval has been received shall be published in a newspaper of general circulation in the city or village and shall be sent by mail or personal delivery to the owners of property for which approval is being considered, to all persons to whom real property is assessed within 300 feet of the boundary of the property in question, and to the occupants of all structures within 300 feet, except that the notice shall be given not less than 5 and not more than 15 days before the application will be considered. If the name of the occupant is not known, the term "occupant" may be used in making notification. Notification need not be given to more than 1 occupant of a structure, except that if a structure contains more than 1 dwelling unit or spatial area owned or leased by different individuals, partnerships, businesses or organizations, 1 occupant of each unit or spatial area shall receive notice. In the case of a single structure containing more than 4 dwelling units or other distinct spatial areas owned or leased by different individuals, partnerships, businesses, or organizations, notice may be given to the manager or owner of the structure who shall be requested to post the notice at the primary entrance to the structure. The notice shall:

(a) Describe the nature of the special land use request.

(b) Indicate the property which is the subject of the special land use request.

(c) State when and where the special land use request will be considered.

(d) Indicate when and where written comments will be received concerning the request.

(e) Indicate that a public hearing on the special land use request may be requested by a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special use.

(3) At the initiative of the body or official responsible for approving special land uses, or upon the request of the applicant for special land use authorization, or a property owner or the occupant of a structure located within 300 feet of the boundary of the property being considered for a special land use, a public hearing with notification as required for a notice of a request for special land use approval as provided in subsection (2) shall be held before a decision on the special land use request which is based on discretionary grounds. If the applicant or the body or official responsible for approving special land uses requests a public hearing, only notification of the public hearing need be made. A decision on a special land use request which is based on discretionary grounds shall not be made unless notification of the request for special land use approval, or notification of a public hearing on a special land use request is given as required by this section.

(4) The body or official designated in the zoning ordinance to review and approve special land uses may deny, approve, or approve with conditions, requests for special land use approval. The decision on a special land use shall be incorporated in a statement of conclusions relative to the special land use under consideration. The decision shall specify the basis for the decision, and any conditions imposed.

History: Add. 1978, Act 638, Eff. Mar. 1, 1979.

125.584b Planned unit development.

Sec. 4b. (1) As used in this section, "planned unit development" includes cluster zoning, planned development, community unit plan, planned residential development, and other terminology denoting zoning requirements designed to accomplish the objectives of the zoning ordinance through a land development project review process based on the application of site planning criteria to achieve integration of the proposed land development project with the characteristics of the project area.

(2) A city or village may establish in a zoning ordinance planned unit development requirements which permit flexibility in the regulation of land development; encourage innovation in land use and variety in design, layout, and type of structures constructed; achieve economy and efficiency in the use of land, natural resources, energy, and the providing of public services and utilities; encourage useful open space; and provide better housing, employment, and shopping opportunities particularly suited to the needs of the residents of the state. The review and approval of planned unit developments shall be by the commission appointed to formulate and subsequently administer the zoning ordinance, an official charged with administration of the ordinance, or the legislative body.

(3) Within a land development project designated as a planned unit development, regulations relating to the use of land, including, but not limited to, permitted uses, lot sizes, setbacks, height limits, required facilities, buffers, open space areas and how they are to be preserved, and land use density shall be determined in accord with the planned unit development regulations specified in the zoning ordinance. The planned unit development regulations need not be uniform with regard to each type of land use if equitable procedures recognizing due process principles and avoiding arbitrary decisions are followed in making regulatory decisions. Unless explicitly prohibited by the planned unit development regulations, if requested by the landowner, a city or village may approve a planned unit development with open space that is not contiguous

with the rest of the planned unit development.

(4) The planned unit development regulations established by a city or village shall specify:

(a) The body or official which will review and approve planned unit development requests.

(b) The conditions which create planned unit development eligibility, the participants in the review process, and the requirements and standards upon which applications will be judged and approval granted.

(c) The procedures required for application, review, and approval.

(5) Following receipt of a request to approve a planned unit development, the body or official charged in the ordinance with the review and approval of planned unit developments shall hold at least 1 public hearing on the request. A zoning ordinance may provide for preapplication conferences before submission of a planned unit development request, and the submission of preliminary site plans before the public hearing. Notification of the public hearing shall be given in the same manner as required by section 4a(3) for public hearings on special land uses. Within a reasonable time following the public hearings, the body or official responsible for approving planned unit developments shall meet for final consideration of the request, and shall deny, approve, or approve with conditions, the request. It shall prepare a report stating its conclusions on the request for a planned unit development, the basis for its decision, the decision, and any conditions relating to an affirmative decision. If the ordinance requires that the legislative body amend the ordinance to act on the planned unit development request, and if the hearing was not held by the legislative body, the report, a summary of comments received at the public hearing, minutes of all proceedings, and all documents related to the planned unit development request, shall be transmitted to the legislative body for consideration in making a final decision. If an amendment of a zoning ordinance is required by the planned unit development regulations of a city or village zoning ordinance, the ordinance amendment procedures of this act shall be followed, except that the hearing required by this subsection shall be regarded as fulfilling the public hearing requirement of section 4.

(6) If the planned unit development regulations of a city or village zoning ordinance do not require amendment of the ordinance to authorize a planned unit development, the body or official charged in the zoning ordinance with review and approval of planned unit developments may give final approval, approval with conditions, or denial to a request.

(7) Final approvals may be granted on each phase of a multiphased planned unit development if each phase contains the necessary components to insure protection of natural resources and the health, safety, and welfare of the users of the planned unit development and the residents of the surrounding area.

(8) In establishing planned unit development regulations, a city or village may incorporate by reference other applicable ordinances or statutes which regulate land development. The planned unit development regulations contained in a zoning ordinance shall encourage complementary relationships between zoning regulations and other regulations affecting the development of land.

History: Add. 1978, Act 638, Eff. Mar. 1, 1979;—Am. 2003, Act 227, Imd. Eff. Dec. 18, 2003.

125.584c Discretionary decisions; requirements, standards, and conditions.

Sec. 4c. (1) If a city or village zoning ordinance authorizes the consideration and approval of special land uses or planned unit developments pursuant to sections 4a or 4b, or otherwise provides for discretionary decisions, the requirements and standards upon which the decisions are made shall be specified in the ordinance. The standards shall be consistent with, and promote the intent and purpose of the zoning ordinance, and insure that the land use or activity authorized shall be compatible with adjacent uses of land, the natural environment, and the capacities of public services and facilities affected by the land use. The standards shall insure that the land use or activity is consistent with the public health, safety, and welfare of the city or village. A request for approval of a land use or activity which is in compliance with the standards stated in the zoning ordinance and the conditions imposed thereunder, other applicable ordinances, and state and federal statutes shall be approved.

(2) Reasonable conditions may be required in conjunction with the approval of a special land use, planned unit development, or other land uses or activities permitted by discretionary decision. The conditions may include, conditions necessary to insure that public services and facilities affected by a proposed land use or activity will be capable of accommodating increased service and facility loads caused by the land use or activity, to protect the natural environment and conserve natural resources and energy, to insure compatibility with adjacent uses of land, and to promote the use of land in a socially and economically desirable manner. Conditions imposed shall do all the following:

(a) Be designed to protect natural resources, the health, safety, and welfare, as well as the social and economic well-being of those who will use the land use or activity under consideration, residents and landowners immediately adjacent to the proposed land use or activity, and the community as a whole.

(b) Be related to the valid exercise of the police power and purposes which are affected by the proposed use or activity.

(c) Be necessary to meet the intent and purpose of the zoning regulations; be related to the standards established in the ordinance for the land use or activity under consideration; and be necessary to insure compliance with those standards.

(3) The conditions imposed with respect to the approval of a land use or activity shall be recorded in the record of the approval action and shall remain unchanged except upon the mutual consent of the approving authority and the landowner. The approving authority shall maintain a record of changes granted in conditions.

History: Add. 1978, Act 638, Eff. Mar. 1, 1979.

125.584d Site plan.

Sec. 4d. (1) As used in this section, “site plan” includes the documents and drawings specified in the zoning ordinance necessary to insure that a proposed land use or activity is in compliance with the local ordinance and state and federal statutes.

(2) A city or village may require the submission and approval of a site plan before authorization of a land use or activity regulated by a zoning ordinance. The zoning ordinance shall specify the body, board, or official charged with reviewing site plans and granting approval.

(3) If a zoning ordinance requires site plan approval, the site plan, as approved, shall become part of the record of approval, and subsequent actions relating to the activity authorized shall be consistent with the approved site plan, unless a change conforming to the zoning ordinance receives the mutual agreement of the landowner and the administrative official or body which initially approved the site plan.

(4) The procedures and requirements for the submission and approval of site plans shall be specified in the zoning ordinance. Site plan submission, review, and approval shall be required for special land uses and planned unit developments. Decisions rejecting, approving, or conditionally approving a site plan shall be based upon standards and requirements contained in the zoning ordinance.

(5) A site plan shall be approved if it contains the information required by the zoning ordinance and is in compliance with the zoning ordinance and the conditions imposed thereunder, other applicable ordinances, and state and federal statutes.

History: Add. 1978, Act 638, Eff. Mar. 1, 1979.

125.584e Improvements; deposit of performance guarantee.

Sec. 4e. (1) As used in this section, “improvements” means those features and actions associated with a project which are considered necessary by the body or official granting zoning approval to protect natural resources or the health, safety, and welfare of the residents of a city or village, and future users or inhabitants of the proposed project or project area, including roadways, lighting, utilities, sidewalks, screening, and drainage. Improvements does not include the entire project which is the subject of zoning approval.

(2) To insure compliance with a zoning ordinance and any conditions imposed under the ordinance, a city or village may require that a cash deposit, certified check, irrevocable bank letter of credit, or surety bond acceptable to the city or village covering the estimated cost of improvements associated with a project for which zoning approval is sought, be deposited with the clerk of the city or village to insure faithful completion of the improvements. The performance guarantee shall be deposited at the time of the issuance of the permit authorizing the activity or project. The city or village may not require the deposit of the performance guarantee before the date on which the city or village is prepared to issue the permit. The city or village shall establish procedures under which a rebate of any cash deposits in reasonable proportion to the ratio of work completed on the required improvements will be made as work progresses.

(3) This section shall not be applicable to improvements for which a cash deposit, certified check, irrevocable bank letter of credit, or surety bond has been deposited pursuant to Act No. 288 of the Public Acts of 1967, as amended, being sections 560.101 to 560.293 of the Michigan Compiled Laws.

History: Add. 1978, Act 638, Eff. Mar. 1, 1979.

125.584f Qualified city or village zoning ordinances; option of landowner to develop land zoned for residential development; requirements; limitations; “qualified city” or “qualified village” defined; zoning ordinance provisions cited as “open space preservation.”

Sec. 4f. (1) Subject to subsection (4) and the right of referendum if provided by charter, beginning 1 year after the effective date of the amendatory act that added this section, each qualified city or qualified village shall provide in its zoning ordinance that land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units on a portion of the land specified in the

zoning ordinance, but not more than 80%, that, as determined by the city or village, could otherwise be developed, under existing ordinances, laws, and rules, on the entire land area, if all of the following apply:

(a) The land is zoned at a density equivalent to 2 or fewer dwelling units per acre, or, if the land is served by a public sewer system, 3 or fewer dwelling units per acre.

(b) A percentage of the land area specified in the zoning ordinance, but not less than 20%, will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land, as prescribed by the zoning ordinance.

(c) The development does not depend upon the extension of a public sewer or public water supply system, unless development of the land without the exercise of the option provided by this subsection would also depend upon such an extension.

(d) The option provided pursuant to this subsection has not previously been exercised with respect to that land.

(2) After a landowner exercises the option provided pursuant to subsection (1), the land may be rezoned accordingly.

(3) The development of land under subsection (1) is subject to other applicable ordinances, laws, and rules, including rules relating to suitability of groundwater for on-site water supply for land not served by public water and rules relating to suitability of soils for on-site sewage disposal for land not served by public sewers.

(4) Subsection (1) does not apply to a qualified city or qualified village if both of the following requirements are met:

(a) Since October 1, 2001, the city or village has had in effect a zoning ordinance provision providing for both of the following:

(i) Land zoned for residential development may be developed, at the option of the landowner, with the same number of dwelling units on a portion of the land that, as determined by the city or village, could otherwise be developed, under existing ordinances, laws, and rules, on the entire land area.

(ii) If the landowner exercises the option provided by subparagraph (i), the portion of the land not developed will remain perpetually in an undeveloped state by means of a conservation easement, plat dedication, restrictive covenant, or other legal means that runs with the land.

(b) On or before the enactment date of the amendatory act that added this section, a landowner exercised the option provided under the zoning ordinance provision referred to in subdivision (a) with at least 20% of the land area remaining perpetually in an undeveloped state.

(5) As used in this section, "qualified city" or "qualified village" means a city or village, respectively, that meets all of the following requirements:

(a) Has adopted a zoning ordinance.

(b) Has a population of 1,800 or more.

(c) Has land that is not developed and that is zoned for residential development at a density described in subsection (1)(a).

(6) The zoning ordinance provisions required by subsection (1) shall be known and may be cited as the "open space preservation" provisions of the zoning ordinance.

History: Add. 2001, Act 179, Imd. Eff. Dec. 15, 2001.

125.584g Conditions to rezoning land; offer by landowner; approval by city or village; time period; extension; lack of offer by landowner.

Sec. 4g. (1) An owner of land may voluntarily offer in writing, and the city or village may approve, certain use and development of the land as a condition to a rezoning of the land or an amendment to a zoning map.

(2) In approving the conditions under subsection (1), the city or village may establish a time period during which the conditions apply to the land. Except for an extension under subsection (4), if the conditions are not satisfied within the time specified under this subsection, the land shall revert to its former zoning classification.

(3) The city or village shall not add to or alter the conditions approved under subsection (1) during the time period specified under subsection (2).

(4) The time period specified under subsection (2) may be extended upon the application of the landowner and approval of the city or village.

(5) A city or village shall not require a landowner to offer conditions as a requirement for rezoning. The lack of an offer under subsection (1) shall not otherwise affect a landowner's rights under this act, the ordinances of the city or village, or any other laws of this state.

History: Add. 2004, Act 579, Imd. Eff. Jan. 4, 2005.

125.585 Board of appeals; rules governing procedure; appointment and terms of members; powers and duties of board; appeals; variances; remuneration; finality of decision; judicial review.

Sec. 5. (1) The legislative body of a city or village may act as a board of appeals upon questions arising under a zoning ordinance. The legislative body may establish rules to govern its procedure as a board of appeals. In the alternative, the legislative body may appoint a board of appeals consisting of not less than 5 members, each to be appointed for a term of 3 years. Appointments of the first members shall be for terms of 1, 2, and 3 years, respectively, so as nearly as possible to provide for the subsequent appointment of an equal number of members each year. After the initial appointments, each member shall hold office for the full 3-year term.

(2) Under procedures specified in the zoning ordinance, the legislative body of a city or village may appoint not more than 2 alternate members for the same term as regular members of the board of appeals. The alternate members may be called on a rotating basis as specified in the zoning ordinance to sit as regular members of the board of appeals in the absence of a regular member. An alternate member may also be called to serve in the place of a regular member for the purpose of reaching a decision on a case in which the regular member has abstained for reasons of conflict of interest. The alternate member called shall serve in the case until a final decision is made. The alternate member has the same voting rights as a regular member of the board of appeals.

(3) The board of appeals shall hear and decide appeals from and review any order, requirements, decision, or determination made by an administrative official or body charged with the enforcement of an ordinance adopted under this act. The board of appeals shall also hear and decide matters referred to the board or upon which the board is required to pass under an ordinance adopted under this act. For special land use and planned unit development decisions, an appeal may be taken to the board of appeals only if provided for in the zoning ordinance.

(4) In a city or village having a population of less than 1,000,000, the concurring vote of a majority of the members of the board is necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the board is required to pass under an ordinance, or to effect a variation in an ordinance except that a concurring vote of 2/3 of the members of the board is necessary to grant a variance from uses of land permitted in an ordinance. In a city having a population of 1,000,000 or more, the concurring vote of 2/3 of the members of the board is necessary to reverse an order, requirement, decision, or determination of an administrative official or body, or to decide in favor of the applicant a matter upon which the board is required to pass under an ordinance, or to grant a variance in an ordinance.

(5) An appeal may be taken by a person aggrieved, or by an officer, department, board, or bureau of the city or village. In addition, a variance in an ordinance may be applied for and granted pursuant to section 4 of the uniform condemnation procedures act, 1980 PA 87, MCL 213.54, and this act. A board of rules or board of building appeals of a city or village may be enlarged to consist of not less than 5 members, and these may be appointed as the board of appeals as provided in this section.

(6) An appeal under this section shall be taken, within a time prescribed by the board of appeals by general rule, by filing, with the officer or body from whom the appeal is taken and with the board of appeals, a notice of appeal specifying the grounds for the appeal. The officer or body from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record upon which the action appealed from was taken.

(7) An appeal under this section stays all proceedings in furtherance of the action appealed from unless the officer or body from whom the appeal is taken certifies to the board of appeals, after the notice of appeal is filed, that by reason of facts stated in the certificate, a stay would in the opinion of the officer or body cause imminent peril to life or property. If such a certification is filed, the proceedings shall only be stayed by a restraining order. A restraining order may be granted by the board of appeals or by the circuit court, on application, on notice to the officer or body from whom the appeal is taken and on due cause shown.

(8) The board of appeals shall fix a reasonable time for the hearing of the appeal and give notice of the appeal to the persons to whom real property within 300 feet of the premises in question is assessed, and to the occupants of single and 2-family dwellings within 300 feet. The notice shall be delivered personally or by mail addressed to the respective owners and tenants at the address given in the last assessment roll. If a tenant's name is not known, the term "occupant" may be used. Upon the hearing, a party may appear in person or by agent or by attorney.

(9) The board of appeals shall decide the appeal within a reasonable time. The board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed

from and shall make an order, requirement, decision, or determination as in the board's opinion ought to be made in the premises, and to that end shall have all the powers of the officer or body from whom the appeal is taken. If there are practical difficulties or unnecessary hardship in carrying out the strict letter of the ordinance, the board of appeals may in passing upon appeals grant a variance in any of its rules or provisions relating to the construction, or structural changes in, equipment, or alteration of buildings or structures, or the use of land, buildings, or structures, so that the spirit of the ordinance shall be observed, public safety secured, and substantial justice done.

(10) The board of appeals may impose conditions upon an affirmative decision, as provided in section 4c(2). The legislative body of a city or village may authorize the remuneration of the members of the board for attendance at each meeting.

(11) The decision of the board of appeals is final. However, a person having an interest affected by the zoning ordinance may appeal to the circuit court. Upon appeal, the circuit court shall review the record and decision of the board of appeals to ensure that the decision meets all of the following requirements:

- (a) Complies with the constitution and laws of this state.
- (b) Is based upon proper procedure.
- (c) Is supported by competent, material, and substantial evidence on the record.
- (d) Represents the reasonable exercise of discretion granted by law to the board of appeals.

(12) If the court finds the record of the board of appeals inadequate to make the review required by this section, or that additional material evidence exists that with good reason was not presented to the board of appeals, the court shall order further proceedings before the board of appeals on conditions that the court considers proper. The board of appeals may modify its findings and decision as a result of the new proceedings, or may affirm the original decision. The supplementary record and decision shall be filed with the court.

(13) As a result of the review required by this section, the court may affirm, reverse, or modify the decision of the board of appeals.

History: 1921, Act 207, Imd. Eff. May 17, 1921;—CL 1929, 2637;—Am. 1941, Act 306, Eff. Jan. 10, 1942;—Am. 1947, Act 272, Eff. Oct. 11, 1947;—CL 1948, 125.585;—Am. 1952, Act 97, Eff. Sept. 18, 1952;—Am. 1968, Act 202, Eff. Nov. 15, 1968;—Am. 1973, Act 204, Imd. Eff. Jan. 11, 1974;—Am. 1978, Act 638, Eff. Mar. 1, 1979;—Am. 1979, Act 180, Eff. Mar. 18, 1980;—Am. 1986, Act 191, Imd. Eff. July 8, 1986;—Am. 2000, Act 20, Imd. Eff. Mar. 8, 2000.

125.585a Board of appeals; conducting business at public meeting; notice of meeting; availability of certain writings to public.

Sec. 5a. (1) The business which the board of appeals or the legislative body acting as a board of appeals may perform shall be conducted at a public meeting of the board of appeals or legislative body acting as a board of appeals held in compliance with Act No. 267 of the Public Acts of 1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

(2) A writing prepared, owned, used, in the possession of, or retained by the board of appeals or the legislative body acting as a board of appeals or a commission appointed pursuant to section 5 in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of 1976, being sections 15.231 to 15.246 of the Michigan Compiled Laws.

History: Add. 1977, Act 186, Imd. Eff. Nov. 17, 1977.

125.586 Conflicting laws; governing law.

Sec. 6. Wherever the provision of any ordinance or regulations, adopted by the legislative body of any city or village under the provisions of this act, impose requirements for lower heights of buildings, or a less percentage of lot that may be occupied, or require wider or larger courts or deeper yards than are imposed or required by existing provisions of law or ordinance, the provisions of such local ordinance or regulation adopted under the provisions of this act shall govern. Where, however, the provisions of the state housing code or other ordinances or regulations of any city or village impose requirements for lower heights of buildings or less percentage of lot that may be occupied, or require wider or larger courts or deeper yards than are required by any ordinance or regulation which may be adopted by the legislative body of any city or village under the provisions of this act, the provisions of said state housing code or other ordinance or regulations shall govern.

History: 1921, Act 207, Imd. Eff. May 17, 1921;—CL 1929, 2638;—CL 1948, 125.586.

125.587 Violation as nuisance per se; abatement; liability; administration and enforcement of ordinance; penalties.

Sec. 7. A building erected, altered, razed, or converted, or a use carried on in violation of a local ordinance or regulation adopted pursuant to this act is a nuisance per se. The court shall order the nuisance abated, and the owner or agent in charge of the building or land, or both the owner and the agent, are liable for maintaining a nuisance per se. The legislative body in the ordinance adopted pursuant to this act shall designate the proper officials whose duty it is to administer and enforce the ordinance and do 1 of the following for each violation of the ordinance:

(a) Impose a penalty for the violation.

(b) Designate the violation as a municipal civil infraction and impose a civil fine for the violation.

(c) Designate the violation as a blight violation and impose a civil fine or other sanction authorized by law if the city establishes an administrative hearings bureau pursuant to statute to adjudicate and impose sanctions for blight violations.

History: 1921, Act 207, Imd. Eff. May 17, 1921;—CL 1929, 2639;—CL 1948, 125.587;—Am. 1978, Act 638, Eff. Mar. 1, 1979;—Am. 1994, Act 25, Eff. May 1, 1994;—Am. 2003, Act 320, Imd. Eff. Jan. 12, 2004.

125.589 Declaration of necessity.

Sec. 9. The provisions of this act are hereby declared to be immediately necessary for the preservation of the public peace, health and safety and are hereby given immediate effect.

History: 1921, Act 207, Imd. Eff. May 17, 1921;—CL 1929, 2641;—CL 1948, 125.589.

125.590 Review by circuit courts; appeals to supreme court; procedure.

Sec. 10. Any party aggrieved by any order, determination or decision of any officer, agency, board, commission, board of appeals, or the legislative body of any city or village, made pursuant to the provisions of section 3a of this act may obtain a review thereof both on the facts and the law, in the circuit court for the county wherein the property involved or some part thereof, is situated: Provided, That application is made to the court within 30 days after delivery of a copy of such order, determination or decision, by certiorari or by any other method permissible under the rules and practices of the circuit courts of this state. On such review the courts shall have jurisdiction to make such further orders in respect thereto as justice may require. An appeal may be had from the decision of any circuit court or condemnation court to the supreme court in the same manner as provided by the laws of this state with respect to appeals from circuit courts; and in the event of such appeal, the issue of non-conformity may be reviewed as an issue of law in the supreme court.

History: Add. 1947, Act 272, Eff. Oct. 11, 1947;—CL 1948, 125.590.

125.591 Action for review; proper and necessary party; notice; failure to enter appearance.

Sec. 11. Any person required to be given notice under section 5(8), shall be a proper and necessary party to any action for review instituted under section 10 and shall be given notice personally or by registered or certified mail of proceedings under section 10 in the same manner as provided in section 5(8). If any person receiving notice under this section fails within 20 days of receiving that notice to enter an appearance in the court in which the proceedings were instituted, further notice to that person of subsequent proceedings is not required and the court may proceed to determine the issues.

History: Add. 1967, Act 225, Eff. Nov. 2, 1967;—Am. 1986, Act 191, Imd. Eff. July 8, 1986.

125.592 Effect of zoning ordinance or decision in presence of demonstrated need.

Sec. 12. A zoning ordinance or zoning decision shall not have the effect of totally prohibiting the establishment of a land use within a city or village in the presence of a demonstrated need for that land use within either the city or village or the surrounding area within the state, unless a location within the city or village does not exist where the use may be appropriately located or use is unlawful.

History: Add. 1978, Act 638, Eff. Mar. 1, 1979.

125.593 Adoption of development rights ordinance; establishment, financing, and administration of purchase of development rights program; limitation; use; scope; separate ordinance; agreements between counties, cities, villages, and townships.

Sec. 13. (1) The legislative body of a city or village may adopt a development rights ordinance limited to the establishment, financing, and administration of a PDR program as provided under this section and sections 14 and 15. The PDR program may be used only to protect agricultural land and other eligible land. This section and sections 14 and 15 do not expand the condemnation authority of a city or village as otherwise provided for in this act. A PDR program shall not acquire development rights by condemnation. This section and sections 14 and 15 do not limit any authority that may otherwise be provided by law for a city or village to protect natural resources, preserve open space, provide for historic preservation, or accomplish similar

purposes.

(2) A city or village shall not establish, finance, or administer a PDR program unless the legislative body of the city or village adopts a development rights ordinance. If the city or village has a zoning ordinance, the development rights ordinance may be adopted as part of the zoning ordinance pursuant to the procedures governing adoption of a zoning ordinance set forth in this act. Whether or not the city or village has a zoning ordinance, the development rights ordinance may be adopted as a separate ordinance pursuant to the procedures governing ordinance adoption in general.

(3) The legislative body of a city or village may promote and enter into agreements between counties, cities, villages, and townships for the purchase of development rights, including cross-jurisdictional purchase, subject to applicable development rights ordinances of cities and villages and similar ordinances of counties and townships.

History: Add. 1996, Act 571, Eff. Mar. 31, 1997.

125.594 Development rights ordinance providing for PDR program; specifications; consistency with plan; conveyance.

Sec. 14. (1) A development rights ordinance shall provide for a PDR program. Under a PDR program, the city or village purchases development rights, but only from a willing landowner. A development rights ordinance providing for a PDR program shall specify all of the following:

(a) The public benefits that the city or village may seek through the purchase of development rights.

(b) The procedure by which the city or village or a landowner may by application initiate a purchase of development rights.

(c) The development rights authorized to be purchased subject to a determination under standards and procedures required by subdivision (d).

(d) The standards and procedure to be followed by the legislative body of the city or village for approving, modifying, or rejecting an application to purchase development rights including the determination of all of the following:

(i) Whether to purchase development rights.

(ii) Which development rights to purchase.

(iii) The intensity of development permitted after the purchase on the land from which the development rights are purchased.

(iv) The price at which development rights will be purchased and the method of payment.

(v) The procedure for ensuring that the purchase or sale of development rights is legally fixed so as to run with the land.

(e) The circumstances under which an owner of land from which development rights have been purchased under a PDR program may repurchase those development rights and how the proceeds of the purchase are to be used by the city or village.

(2) If the city or village has a zoning ordinance, the purchase of development rights shall be consistent with the plan referred to in section 1 upon which the zoning ordinance is based.

(3) Development rights acquired under a PDR program may be conveyed only as provided pursuant to subsection (1)(e).

History: Add. 1996, Act 571, Eff. Mar. 31, 1997.

125.595 Financing for PDR program; sources; borrowing money and issuing bonds or notes; pledge; lien; exemption from taxation; investment; disposition; special assessments.

Sec. 15. (1) A PDR program may be financed through 1 or more of the following sources:

(a) General appropriations by the city or village.

(b) Proceeds from the sale of development rights by the city or village subject to section 14(3).

(c) Grants.

(d) Donations.

(e) Bonds or notes issued under subsections (2) to (5).

(f) General fund revenue.

(g) Special assessments under subsection (6).

(h) Other sources approved by the city or village and permitted by law.

(2) The city or village may borrow money and issue bonds or notes under the revised municipal finance act, 2001 PA 34, MCL 141.2101 to 141.2821, subject to the general debt limit applicable to the city or village. The bonds or notes may be revenue bonds or notes; general obligation limited tax bonds or notes; or, subject to section 6 of article IX of the state constitution of 1963, general obligation unlimited tax bonds or notes.

(3) The legislative body of the city or village may secure bonds or notes issued under this section by mortgage, assignment, or pledge of property including, but not limited to, anticipated tax collections, revenue sharing payments, or special assessment revenues. A pledge made by the legislative body of the city or village is valid and binding from the time the pledge is made. The pledge immediately shall be subject to the lien of the pledge without a filing or further act. The lien of the pledge shall be valid and binding as against parties having claims in tort, contract, or otherwise against the city or village, irrespective of whether the parties have notice of the lien. Filing of the resolution, the trust agreement, or another instrument by which a pledge is created is not required.

(4) Bonds or notes issued under this section are exempt from all taxation in this state except inheritance and transfer taxes, and the interest on the bonds or notes is exempt from all taxation in this state, notwithstanding that the interest may be subject to federal income tax.

(5) The bonds and notes issued under this section may be invested in by the state treasurer and all other public officers, state agencies and political subdivisions, insurance companies, banks, savings and loan associations, investment companies, and fiduciaries and trustees, and may be deposited with and received by the state treasurer and all other public officers and the agencies and political subdivisions of this state for all purposes for which the deposit of bonds or notes is authorized. The authority granted by this section is in addition to all other authority granted by law.

(6) A development rights ordinance may authorize the legislative body of the city or village to finance a PDR program by special assessments. In addition to meeting the requirements of section 14, the development rights ordinance shall include in the procedure to approve and establish a special assessment district both of the following:

(a) The requirement that there be filed with the legislative body a petition containing all of the following:

(i) A description of the development rights to be purchased, including a legal description of the land from which the purchase is to be made.

(ii) A description of the proposed special assessment district.

(iii) The signatures of the owners of at least 66% of the land area in the proposed special assessment district.

(iv) The amount and duration of the proposed special assessments.

(b) The requirement that the legislative body specify how the proposed purchase of development rights will specially benefit the land in the proposed special assessment district.

History: Add. 1996, Act 571, Eff. Mar. 31, 1997;—Am. 2002, Act 284, Imd. Eff. May 9, 2002.

125.600 Definitions; short title.

Sec. 20. (1) As used in this act:

(a) “Agricultural land” means substantially undeveloped land devoted to the production of plants and animals useful to humans, including forage and sod crops; grains, feed crops, and field crops; dairy products; poultry and poultry products; livestock, including breeding and grazing of cattle, swine, and similar animals; berries; herbs; flowers; seeds; grasses; nursery stock; fruits; vegetables; Christmas trees; and other similar uses and activities.

(b) “Airport” means an airport licensed by the Michigan department of transportation, bureau of aeronautics under section 86 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.86.

(c) “Airport approach plan” means a plan, or an amendment to a plan, adopted under section 12 of the airport zoning act, 1950 (Ex Sess) PA 23, MCL 259.442, and filed with the commission appointed to recommend zoning regulations for the city or village under section 151 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.151.

(d) “Airport layout plan” means a plan, or an amendment to a plan, that shows current or proposed layout of an airport, that is approved by the Michigan aeronautics commission, and that is filed with the commission appointed to recommend zoning regulations for the city or village under section 151 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.151.

(e) “Airport manager” means that term as defined in section 10 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.10.

(f) “Airport zoning regulations” means airport zoning regulations under the airport zoning act, 1950 (Ex Sess) PA 23, MCL 259.431 to 259.465, for an airport hazard area that lies in whole or part in the area affected by a zoning ordinance under this act.

(g) “Conservation easement” means that term as defined in section 2140 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.2140.

(h) “Development rights” means the rights to develop land to the maximum intensity of development authorized by law.

(i) "Development rights ordinance" means an ordinance, which may comprise part of a zoning ordinance, adopted under section 13.

(j) "Greenway" means a contiguous or linear open space, including habitats, wildlife corridors, and trails, that link parks, nature reserves, cultural features, or historic sites with each other, for recreation and conservation purposes.

(k) "Intensity of development" means the height, bulk, area, density, setback, use, and other similar characteristics of development.

(l) "Other eligible land" means land that has a common property line with agricultural land from which development rights have been purchased and that is not divided from that agricultural land by a state or federal limited access highway.

(m) "PDR program" means a program under section 14 for the purchase of development rights by a city or village.

(n) "Undeveloped state" means a natural state preserving natural resources, natural features, or scenic or wooded conditions; agricultural use; open space; or a similar use or condition. Land in an undeveloped state does not include a golf course but may include a recreational trail, picnic area, children's play area, greenway, or linear park. Land in an undeveloped state may be, but is not required to be, dedicated to the use of the public.

(2) This act shall be known and may be cited as the "city and village zoning act".

History: Add. 1996, Act 571, Eff. Mar. 31, 1997;—Am. 2000, Act 383, Imd. Eff. Jan. 2, 2001;—Am. 2001, Act 179, Imd. Eff. Dec. 15, 2001.

MUNICIPAL PLANNING
Act 285 of 1931

AN ACT to provide for city, village and municipal planning; the creation, organization, powers and duties of planning commissions; the regulation and subdivision of land; and to provide penalties for violation of the provisions of this act.

History: 1931, Act 285, Eff. Sept. 18, 1931;—Am. 1952, Act 25, Eff. Sept. 18, 1952.

The People of the State of Michigan enact:

125.31 Definitions.

Sec. 1. As used in this act:

- (a) "Council" or "legislative body" means the legislative body of the municipality.
- (b) "County board of commissioners" means 1 of the following, as applicable:
 - (i) The county executive in a county organized under 1966 PA 293, MCL 45.501 to 45.521.
 - (ii) In all other counties, 1 of the following:
 - (A) The elected county board of commissioners.

(B) A subcommittee of the county board of commissioners if the county board of commissioners delegates its powers and duties under this act to such a subcommittee.

(C) The regional planning commission for the region in which the county is located if the county board of commissioners delegates its powers and duties under this act to the regional planning commission.

(c) "Master plan", "municipal plan", or "plan" means a master plan as described in section 6(3) or (4), as applicable.

(d) "Mayor" means the chief executive of the municipality, whether the official designation of his or her office is mayor, city manager, or otherwise.

(e) "Municipality" or "municipal" means or relates to cities, villages, townships, and other incorporated political subdivisions.

(f) "Municipal planning commission" or "planning commission" means a planning commission as provided for under section 2.

(g) "Population" means the population according to the most recent federal decennial census or according to a special census conducted under section 7 of the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.907, whichever is the more recent.

(h) "Streets" means streets, avenues, boulevards, highways, roads, lanes, alleys, viaducts, and other ways.

History: 1931, Act 285, Eff. Sept. 18, 1931;—CL 1948, 125.31;—Am. 1952, Act 25, Eff. Sept. 18, 1952;—Am. 1997, Act 18, Imd. Eff. June 11, 1997;—Am. 2001, Act 265, Imd. Eff. Jan. 9, 2002.

125.32 Planning commission; creation; designation; extension of powers and duties; applicability of §§ 125.33, 125.34, and 125.35; planning commission under charter not affected; boards serving as planning commission in certain cities or villages.

Sec. 2. (1) Any municipality is authorized and empowered to make, adopt, amend, extend, add to, or carry out a municipal plan as provided in this act and create by ordinance a planning commission with the powers and duties provided in this act. The planning commission of a city shall be designated city planning or city plan commission; of a village, village planning or village plan commission and of any other municipality, such designation as its council may specify. The legislative body of any city or village now or hereafter having a plan commission created by charter may by ordinance extend the powers and duties of the commission in accordance with the terms of this act. Sections 3, 4, and 5 shall not apply to such cities or villages or to cities or villages having a board which is serving as the planning commission pursuant to subsection (2). This act shall not affect the powers and duties or organization of such planning commission under a charter except as they may be added to or enlarged by the terms of this act.

(2) A city or village that has a population of less than 5,000, and that has not established a planning commission by charter, may by ordinance have 1 of the following boards serve as its planning commission:

(a) The board of directors of the economic development corporation of the city or village created under the economic development corporations act, Act No. 338 of the Public Acts of 1974, being sections 125.1601 to 125.1636 of the Michigan Compiled Laws.

(b) The board of a downtown development authority created under Act No. 197 of the Public Acts of 1975, being sections 125.1651 to 125.1680 of the Michigan Compiled Laws, if the border of the downtown development authority is the same as the border of the city or village.

(c) A board created under the tax increment finance authority act, Act No. 450 of the Public Acts of 1980, being sections 125.1801 to 125.1829 of the Michigan Compiled Laws, if the border of the tax increment finance authority is the same as the border of the city or village.

History: 1931, Act 285, Eff. Sept. 18, 1931;—Am. 1943, Act 163, Eff. July 30, 1943;—CL 1948, 125.32;—Am. 1987, Act 65, Imd. Eff. June 25, 1987.

125.33 Planning commission; appointment, qualifications, and terms of members; compensation; holding other office; removal; vacancy.

Sec. 3. (1) Except as provided in subsections (2), (3), and (4), the planning commission shall consist of 9 members who shall represent insofar as is possible different professions or occupations, and who shall be appointed by the mayor, if the mayor is an elective officer, otherwise by the officer as the legislative body may in the ordinance creating the commission designate as the appointing officer. However, an appointment shall always be subject to the approval by a majority vote of the members elect of the legislative body of the municipality. All members of the planning commission may be compensated at a rate to be determined by the appointing or legislative body and shall hold no other municipal office, except that 1 of the members may be a member of the zoning board of adjustment or appeals or a member of a joint fire administrative board. The term of each member shall be 3 years, except that 3 members of the first planning commission to be so appointed shall serve for the term of 1 year, 3 for a term of 2 years, and 3 for a term of 3 years. A member shall hold office until his or her successor is appointed. A member may, after a public hearing, be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office.

(2) If considered desirable by the legislative body, the planning commission may consist of the mayor, 1 administrative official of the municipality selected by the mayor, and 1 member of the legislative body to be selected by the legislative body as members ex officio, and 6 other persons who shall be appointed by the mayor as provided in this section. An appointed member of the planning commission may be compensated at a rate to be determined by the appointing or legislative body. An appointed member shall not hold another municipal office except that 1 appointed member may be a member of the zoning board of adjustment or appeals or a member of a joint fire administrative board. The terms of ex officio members shall correspond to their respective official tenures, except that the term of the administrative official selected by the mayor shall terminate with the term of the mayor. The term of each appointed member, if 6 members are appointed, shall be 3 years or until his or her successor takes office, except that the respective terms of 2 of the members first appointed shall be for 1 year and 2 for 2 years. After a public hearing, a member other than the member selected by the legislative body may be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office. The legislative body may for like cause remove the member selected by the legislative body. All ex officio members appointed under this subsection shall have full voting rights.

(3) If considered desirable by the legislative body, the planning commission may consist of 9 members, 1 of whom shall be a member of the legislative body to be selected by resolution of the legislative body to serve as a member ex officio, and 8 of whom shall be appointed by the mayor as provided in this section. An appointment by the mayor shall be subject to approval of the legislative body by majority vote. All appointed members of the commission may be compensated at a rate to be determined by the appointing or legislative body. An appointed member shall not hold another municipal office, except that 1 appointed member may be a member of the zoning board of adjustment or appeals. The term of the ex officio member shall be determined by the legislative body and shall be stated in the resolution selecting the ex officio member, but the term shall not exceed the member's term of office as a member of the legislative body. The term of each appointed member shall be 3 years or until his or her successor takes office, except that the respective terms of 2 of the members first appointed shall be for 1 year and 3 for 2 years. After a public hearing, a member other than the member selected by the legislative body may be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office. The legislative body may for like cause remove the member selected by the legislative body. All ex officio members appointed under this subsection shall have full voting rights.

(4) If considered desirable by the legislative body of a municipality that has a population of less than 5,000, the planning commission shall consist of 5, 7, or 9 members, 1 of whom shall be a member of the legislative body to be selected by resolution of the legislative body to serve as a member ex officio, and the remainder of whom shall be appointed by the mayor as provided in this section. An appointment by the mayor shall be subject to approval of the legislative body by majority vote. All appointed members of the commission may be compensated at a rate to be determined by the appointing or legislative body. An appointed member shall not hold another municipal office, except that 1 appointed member may be a member of the zoning board of adjustment or appeals. The term of the ex officio member shall be determined by the legislative body and shall be stated in the resolution selecting the ex officio member, but the term shall not exceed the member's term of office as a member of the legislative body. Except as provided in subsection (5),

the term of each appointed member shall be 3 years or until his or her successor takes office except that the respective terms of 2 of the members first appointed shall be for 1 year and 3 for 2 years. After a public hearing, a member other than the member selected by the legislative body may be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office. The legislative body may for like cause remove the member selected by the legislative body. All ex officio members appointed under this subsection shall have full voting rights.

(5) For a planning commission described in subsection (4) that consists of 5 members, the respective terms of 1 of the members first appointed shall be for 1 year and 2 for 2 years. For a planning commission described in subsection (4) that consists of 7 members, the respective terms of 2 of the members first appointed shall be for 1 year and 2 for 2 years.

(6) A vacancy on the planning commission occurring otherwise than through the expiration of term shall be filled for the unexpired term by the mayor in the case of a member selected or appointed by the mayor, by the legislative body in the case of the member appointed by the legislative body, and by the appointing officer designated by the legislative body in municipalities in which the mayor is not an elective officer.

History: 1931, Act 285, Eff. Sept. 18, 1931;—CL 1948, 125.33;—Am. 1969, Act 45, Imd. Eff. July 17, 1969;—Am. 1982, Act 364, Eff. Mar. 30, 1983;—Am. 1986, Act 5, Imd. Eff. Feb. 21, 1986;—Am. 1997, Act 18, Imd. Eff. June 11, 1997.

125.34 Municipal planning commission; chairman, meetings, rules, records.

Sec. 4. The commission shall elect its chairman from amongst the appointed members and create and fill such other of its offices as it may determine. The term of chairman shall be 1 year, with eligibility for reelection. The commission shall hold at least 1 regular meeting in each month. It shall adopt rules for transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

History: 1931, Act 285, Eff. Sept. 18, 1931;—CL 1948, 125.34.

125.35 Municipal planning commission; employees, contracts for services, expenditures.

Sec. 5. The commission may appoint such employees as it may deem necessary for its work, whose appointment, promotion, demotion, and removal shall be subject to the same provisions of law as govern other corresponding civil employees of the municipality. The commission may also contract with city planners, engineers, architects, and other consultants for such services as it may require. The expenditures of the commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by council, which shall provide the funds, equipment, and accommodations necessary for the commission's work.

History: 1931, Act 285, Eff. Sept. 18, 1931;—CL 1948, 125.35.

125.36 Municipal planning commission; adoption of master plan; contents; amendment; recommendations; land use issues.

Sec. 6. (1) The planning commission shall make and approve a master plan for the physical development of the municipality, including any areas outside of its boundaries which, in the commission's judgment, bear relation to the planning of the municipality. The planning commission may meet with other governmental planning commissions to deliberate.

(2) A municipal plan shall comply with subsection (3) or (4) if the process of adopting the plan began under this act before the effective date of the 2001 amendatory act that added this subsection or if the plan is a revised plan and the process of revision began under this act before the effective date of the 2001 amendatory act that added this subsection. Otherwise, a municipal plan shall comply with subsection (4). If a plan is amended, but not revised, before 1 year after the effective date of the 2001 amendatory act that added this subsection, the amendment shall comply with relevant provisions of subsection (3) or (4). Otherwise, the amendment shall comply with relevant provisions of subsection (4).

(3) The municipal plan, with the accompanying maps, plats, charts, and descriptive matter shall show the planning commission's recommendations for the development of the territory, including, but not limited to, all of the following:

(a) The general location, character, and extent of streets, viaducts, subways, bridges, waterways, floodplains, water fronts, boulevards, parkways, playgrounds, and open spaces.

(b) The general location of public buildings and other public property.

(c) The general location and extent of public utilities and terminals, whether publicly or privately owned or operated, for water, light, sanitation, transportation, communication, power, and other purposes.

(d) The removal, relocation, widening, narrowing, vacating, abandonment, change of use, or extension of any of the ways, grounds, open spaces, buildings, property, utilities, or terminals described in subdivision (a), (b), or (c).

- (e) The general location, character, layout, and extent of community centers and neighborhood units.
- (f) The general character, extent, and layout of the replanning and redevelopment of blighted areas.
- (g) A zoning plan for the control of the height, area, bulk, location, and use of buildings and premises.

(4) The municipal plan shall address land use issues and may project 20 years or more into the future. The plan shall include maps, plats, charts, and descriptive, explanatory, and other related matter and shall show the planning commission's recommendations for the physical development of the municipality. The plan shall also include those of the following subjects which reasonably can be considered as pertinent to the future development of the municipality:

(a) A land use plan and program, in part consisting of a classification and allocation of land for agriculture, residences, commerce, industry, recreation, ways and grounds, public buildings, schools, soil conservation, forests, woodlots, open space, wildlife refuges, and other uses and purposes.

(b) The general location, character, and extent of streets, railroads, airports, bicycle paths, pedestrian ways, bridges, waterways, and water front developments; flood prevention works, drainage, sanitary sewers and water supply systems, works for preventing pollution, and works for maintaining water levels; and public utilities and structures.

(c) Recommendations as to the general character, extent, and layout for the redevelopment or rehabilitation of blighted areas; and the removal, relocation, widening, narrowing, vacating, abandonment, or changes or use or extension of ways, grounds, open spaces, buildings, utilities, or other facilities.

(d) A zoning plan for the control of the height, area, bulk, location, and use of buildings and premises.

(e) Recommendations for implementing any of its proposals.

History: 1931, Act 285, Eff. Sept. 18, 1931;—Am. 1943, Act 163, Eff. July 30, 1943;—CL 1948, 125.36;—Am. 1962, Act 138, Eff. Mar. 28, 1963;—Am. 2001, Act 265, Imd. Eff. Jan. 9, 2002.

125.37 Municipal planning commission; surveys for basis, purpose.

Sec. 7. In the preparation of such plan the commission shall make careful and comprehensive surveys and studies of present conditions and future growth of the municipality and with due regard to its relation to the neighboring territory. The plan shall be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the municipality and its environs which will, in accordance with present and future needs, best promote health, safety, morals, order, convenience, prosperity, and general welfare, as well as efficiency and economy in the process of development; including, among other things, adequate provision for traffic, the promotion of safety from fire and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the promotion of good civic design and arrangement, wise and efficient expenditure of public funds, and the adequate provision of public utilities and other public requirements.

History: 1931, Act 285, Eff. Sept. 18, 1931;—CL 1948, 125.37.

125.37a Adoption of municipal plan; notice requirements; submission of information electronically.

Sec. 7a. (1) A municipal plan shall be adopted under the procedures set forth in this section and sections 7b and 8.

(2) Before preparing a plan, a municipal planning commission shall mail by first-class mail a notice, explaining that the planning commission intends to prepare a plan and requesting the recipient's cooperation and comment, to all of the following:

(a) The planning commission, or if there is no planning commission, the legislative body, of each township, city, or village located within or contiguous to the municipality.

(b) The regional planning commission for the region in which the municipality is located, if there is no county planning commission for the county where the municipality is located. If there is a county planning commission for the county where the municipality is located, the municipal planning commission may consult with the regional planning commission but is not required to do so.

(c) The county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which the municipality is located.

(d) Each public utility company and railroad company owning or operating a public utility or railroad within the municipality, and any government entity, that registers its name and mailing address for this purpose with the municipal planning commission.

(3) The notice to an entity under subsection (2) may request permission for the municipality to submit electronically any information required to be submitted to that entity under section 7b or 8. If the entity to which the notice is sent grants this permission, information submitted to or by that entity under section 7b or 8 may be submitted electronically. Otherwise, such information shall be submitted in writing by first-class mail

or personal delivery.

History: Add. 2001, Act 265, Imd. Eff. Jan. 9, 2002.

125.37b Submission of proposed plan to municipal legislative body; approval; notice to certain entities; review and comment; advisory statements.

Sec. 7b. (1) A municipal plan may be adopted as a whole or by successive parts corresponding with major geographical areas of the municipality or with functional subject matter areas of the plan.

(2) After preparing a proposed plan, the municipal planning commission shall submit the proposed plan to the legislative body of the municipality for review and comment. The process of adopting a plan shall not proceed further unless the legislative body of the municipality approves the distribution of the proposed plan.

(3) If the legislative body of the municipality approves the distribution of the proposed plan, it shall notify the secretary of the municipal planning commission and the secretary shall submit a copy of the proposed plan, for review and comment, to all of the following:

(a) The planning commission, or if there is no planning commission, the legislative body, of each city, village, or township located within or contiguous to the municipality.

(b) The regional planning commission, if any, for the region in which the municipality is located, if there is no county planning commission for the county in which the municipality is located. If there is a county planning commission for the county in which the municipality is located, the secretary of the municipal planning commission may submit a copy of the proposed plan to the regional planning commission but is not required to do so.

(c) The county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which the municipality is located. The secretary of the municipal planning commission shall concurrently submit to the county planning commission or, if there is no county planning commission, the county board of commissioners, a statement, signed by the secretary, that the requirements of subdivisions (a) and (b) have been met. The statement shall include the name and address of each planning commission or legislative body to which a copy of the proposed plan was submitted under subdivision (a) or (b) and the date of submittal.

(d) Each public utility company and railroad company owning or operating a public utility or railroad within the municipality, and any government entity, that registers its name and address for this purpose with the secretary of the municipal planning commission. An entity that, pursuant to this subdivision, receives a copy of a proposed plan, or of a plan as provided in section 8(5), shall reimburse the municipality for any copying and postage costs thereby incurred by the municipality.

(4) An entity described in subsection (3)(a), (b), or (d) may submit comments on the proposed plan to the municipal planning commission within 65 days after the proposed plan was submitted to that entity under subsection (3). A planning commission or legislative body described in subsection (3)(a) or (b) shall concurrently submit a copy of the comments to the county planning commission, or if there is no county planning commission, the county board of commissioners, for the county in which the municipality proposing the plan is located.

(5) Not less than 75 days or more than 95 days after the date the proposed plan was submitted to the county planning commission or the county board of commissioners under subsection (3), the county planning commission or the county board of commissioners, respectively, shall submit to the municipal planning commission its comments on the proposed plan. The comments shall include, but need not be limited to, both of the following, as applicable:

(a) A statement whether the county planning commission or county board of commissioners, after considering any comments received under subsection (4), considers the proposed plan to be inconsistent with the plan of any city, village, township, or region described in subsection (3)(a) or (b).

(b) If the county has a county plan, a statement whether the county planning commission considers the proposed plan to be inconsistent with the county plan.

(6) The statements provided for in subsection (5)(a) and (b) are advisory only.

History: Add. 2001, Act 265, Imd. Eff. Jan. 9, 2002.

125.38 Municipal planning commission; public hearing; notice; resolution; submission of plan to legislative body; rejection or approval; final adoption.

Sec. 8. (1) Before approving a proposed municipal plan, the municipal planning commission shall hold not less than 1 public hearing on the proposed plan. The hearing shall be held after the expiration of the deadline for comment under section 7b(5). The planning commission shall give notice of the time and place of the public hearing not less than 15 days before the hearing by 1 publication in a newspaper of general circulation in the municipality and in the official gazette, if any, of the municipality. The planning commission shall also

submit notice to each entity described in section 7a(2).

(2) The approval of the plan shall be by resolution of the planning commission carried by the affirmative votes of not less than 2/3 of the members of the planning commission. The resolution shall refer expressly to the maps and descriptive and other matter intended by the planning commission to form the whole or part of the plan, and the action taken shall be recorded on the map and plan and descriptive matter and signed by the chairperson or the secretary of the planning commission. Following approval of the proposed plan by the municipal planning commission, the secretary of the planning commission shall submit a copy of the proposed plan to the legislative body of the municipality.

(3) Approval of the plan by the planning commission under subsection (2) is the final step for adoption of the plan, unless the legislative body by resolution has asserted the right to approve or reject the plan. In that case, after approval of the plan by the planning commission, the legislative body shall approve or reject the plan.

(4) If the legislative body rejects the proposed plan, the legislative body shall submit to the planning commission a statement of its objections to the proposed plan. The planning commission shall consider the legislative body's objections and revise the proposed plan so as to address those objections. The procedures provided in subsections (1) to (3) and this subsection shall be repeated until a proposed plan is approved by the legislative body.

(5) Upon final adoption of the plan, copies of the adopted plan shall be submitted in the same manner as provided for submitting copies of the proposed plan under section 7b(3).

History: 1931, Act 285, Eff. Sept. 18, 1931;—Am. 1941, Act 297, Eff. Jan. 10, 1942;—CL 1948, 125.38;—Am. 1999, Act 14, Imd. Eff. Apr. 27, 1999;—Am. 2001, Act 265, Imd. Eff. Jan. 9, 2002.

125.38a Plan amendment or adoption of new plan.

Sec. 8a. (1) An extension, addition, revision, or other amendment to a municipal plan shall be adopted under the same procedure as a plan or a successive part of a plan under sections 7a, 7b, and 8. However, for an amendment other than a revision of the plan, both of the following apply:

- (a) The 65-day period otherwise provided for in section 7b(4) shall be 40 days.
- (b) The 75- to 95-day period otherwise provided for in section 7b(5) shall be 55 to 75 days.

(2) At least every 5 years after adoption of the plan, the planning commission shall review the plan and determine whether to commence the procedure to amend the plan or adopt a new plan.

(3) Until 1 year after the effective date of the 2001 amendments that added this subsection, a municipality may adopt a plan or an extension, addition, revision, or other amendment to a plan under the procedures provided for by this act immediately before the effective date of the 2001 amendments that added this subsection.

History: Add. 2001, Act 265, Imd. Eff. Jan. 9, 2002.

125.38b Authority of planning department; compliance.

Sec. 8b. This act does not alter the authority of a planning department established by charter to submit a proposed plan, or a proposed extension, addition, revision, or other amendment to a plan, to a planning commission, whether directly or indirectly as provided by charter. This section notwithstanding, a planning commission must comply with the requirements of this act.

History: Add. 2001, Act 265, Imd. Eff. Jan. 9, 2002.

125.39 Municipal planning commission; public works; powers of council; failure to act; program.

Sec. 9. Whenever the commission shall have adopted the master plan of the municipality or of 1 or more major sections or districts thereof no street, square, park, or other public way, ground, or open space, or public building or structure, shall be constructed or authorized in the municipality or in such planned section and district until the location, character, and extent thereof shall have been submitted to and approved by the commission: Provided, That in case of disapproval the commission shall communicate its reasons to council, which shall have the power to overrule such disapproval by a recorded vote of not less than 2/3 of its entire membership: Provided, however, That if the public way, ground, space, building, structure, or utility be one the authorization or financing of which does not under the law or charter provisions governing same, fall within the province of the municipal council, then the submission to the planning commission shall be by the board, commission, or body having such jurisdiction, and the planning commission's disapproval may be overruled by said board, commission, or body by a vote of not less than 2/3 of its membership. The failure of the commission to act within 60 days from and after the date of official submission to the commission shall be deemed approval. For the purpose of furthering the desirable future development of the municipality under

the master plan the city planning commission, after the commission shall have adopted a master plan, shall prepare coordinated and comprehensive programs of public structures and improvements. The commission shall annually prepare such a program for the ensuing 6 years, which program shall show those public structures and improvements, in the general order of their priority, which in the commission's judgment will be needed or desirable and can be undertaken within the 6-year period. The above comprehensive coordinated programs shall be based upon the requirements of the community for all types of public improvements, and, to that end, each agency or department of such municipality concerned with such improvements shall upon request furnish the commission with lists, plans and estimates of time and cost of public structures and improvements within the purview of such department.

History: 1931, Act 285, Eff. Sept. 18, 1931;—Am. 1943, Act 163, Eff. July 30, 1943;—CL 1948, 125.39.

125.40 Municipal planning commission; rescission of action by legislative body; procedure.

Sec. 10. Whenever the council or legislative body of any municipality shall have ordered the opening, widening or extension of any street, avenue or boulevard, or whenever the council or other legislative body shall have ordered that proceedings be instituted for the acquisition or enlargement of any park, playground, playfield or other public open space, such resolution shall not be rescinded until after the matter has been referred back to the city planning commission for a report and until after a public hearing shall have been held. The council shall have power to overrule the recommendation of the city planning commission by a vote of not less than 2/3 of its entire membership.

History: 1931, Act 285, Eff. Sept. 18, 1931;—CL 1948, 125.40.

125.41 Municipal planning commission; publicity and education, gifts, cooperation from public officials.

Sec. 11. The commission shall have the power to promote public interest in and understanding of the plan and to that end may publish and distribute copies of the plan or of any report and may employ such other means of publicity and education as it may determine. Members of the commission, when duly authorized by the commission, may attend city planning conferences or meetings of city planning institutes, or hearings upon pending city planning legislation, and the commission may, by resolution spread upon its minutes, pay the reasonable traveling expenses incident to such attendance. The commission shall, from time to time, recommend to the appropriate public officials programs for public structures and improvements and for the financing thereof. It shall be part of its duties to consult and advise with public officials and agencies, public utility companies, civic, educational, professional, and other organizations, and with citizens with relation to the protecting or carrying out the plan. The commission shall have the right to accept and use gifts for the exercise of its functions. All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work. The commission, its members, officers, and employees, in the performance of their functions, may enter upon any land and make examinations and surveys and place and maintain necessary monuments, and marks thereon. In general, the commission shall have such powers as may be necessary to enable it to fulfill its functions, promote municipal planning, or carry out the purposes of this act.

History: 1931, Act 285, Eff. Sept. 18, 1931;—CL 1948, 125.41.

125.42 Municipal planning commission; succession to zoning commission.

Sec. 12. The commission shall have all powers heretofore granted by law to the zoning commission of the municipality, and, from and after the creation of a planning commission in such municipality, all powers and records of the zoning commission shall be transferred to the planning commission: Provided, however, That in the event that the existing zoning commission shall be nearing the completion of its zoning plan, council may, by resolution, postpone the said transfer of the zoning commission's powers until the completion of such zoning plan; but such postponement shall not exceed a period of 1 year.

History: 1931, Act 285, Eff. Sept. 18, 1931;—CL 1948, 125.42.

125.43 Municipal planning commission; necessity of approval of plats; street system.

Sec. 13. Whenever planning commission shall have adopted that sort of a master plan relating to the major street system of the territory within its subdivision jurisdiction or part thereof, and shall have filed a certified copy of such plan in the office of the county register of deeds of the county in which such territory or part is located, then no plat of a subdivision of land within such territory or part shall be filed or recorded until it shall have been approved by such planning commission and such approval entered in writing on the plat by the chairman or secretary of the commission.

History: 1931, Act 285, Eff. Sept. 18, 1931;—CL 1948, 125.43.

125.44 Municipal planning commission; regulations governing subdivision of land; bond to secure improvement; publication of regulations.

Sec. 14. Before exercising the powers referred to in section 13, the planning commission shall adopt regulations governing the subdivision of land within its jurisdiction. Such regulations may provide for the proper arrangement of streets in relation to other existing or planned streets and to the master plan, for adequate and convenient open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air, and for the avoidance of congestion of population, including minimum width and area of lots.

Such regulations may include provisions as to the extent to which streets and other ways shall be graded and improved and to which water and sewer and other utility mains, piping, or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of the commission may provide for a tentative approval of the plat previous to such installation; but any such tentative approval shall be revocable and shall not be entered on the plat. In lieu of the completion of such improvements and utilities prior to the final approval of the plat, the commission may accept a bond with surety to secure to the municipality the actual construction and installation of such improvements or utilities at a time and according to specifications fixed by or in accordance with the regulations of the commission. The municipality is hereby granted the power to enforce such bond by all appropriate legal and equitable remedies.

All such regulations shall be published as provided by law for the publication of ordinances, and before adoption, a public hearing shall be held thereon. A copy thereof shall be certified by the commission to the recorders of the counties in which the municipality and territory are located.

History: 1931, Act 285, Eff. Sept. 18, 1931;—CL 1948, 125.44.

125.45 Municipal planning commission; approval or disapproval of plats, procedure, effect.

Sec. 15. The planning commission shall approve, modify or disapprove a plat within 60 days after the submission thereof to it; otherwise such plat shall be deemed to have been approved, and a certificate to that effect shall be issued by the commission on demand: Provided, however, That the applicant for the commission's approval may waive this requirement and consent to an extension of such period. The ground of disapproval of any plat shall be stated upon the records of the commission. Any plat submitted to the commission shall contain the name and address of a person to whom notice of a hearing shall be sent; and no plat shall be acted on by the commission without affording a hearing thereon. Notice shall be sent to the said address by registered mail of the time and place of such hearing not less than 5 days before the date fixed therefor. Similar notice shall be mailed to the owners of land immediately adjoining the platted land, as their names appear upon the plats in the county auditor's office and their addresses appear in the directory of the municipality or on the tax records of the municipality or county. Every plat approved by the commission shall, by virtue of such approval, be deemed to be an amendment of or an addition to or a detail of the municipal plan and a part thereof. Approval of a plat shall not be deemed to constitute or effect an acceptance by the public of any street or other open space shown upon the plat. The planning commission may, from time to time, recommend to council amendments of the zoning ordinance or map or additions thereto to conform to the commission's recommendations for the zoning regulation of the territory comprised within approved subdivisions. The commission shall have the power to agree with the applicant upon use, height, area or bulk requirements or restrictions governing buildings and premises within the subdivision, provided such requirements or restrictions do not authorize the violation of the then effective zoning ordinance of the municipality. Such requirements or restrictions shall be stated upon the plat prior to the approval and recording thereof and shall have the same force of law and be enforceable in the same manner and with the same sanctions and penalties and subject to the same power of amendment or repeal as though set out as a part of the zoning ordinance or map of the municipality.

History: 1931, Act 285, Eff. Sept. 18, 1931;—CL 1948, 125.45.

MUNICIPAL PLANNING (EXCERPT)
Act 285 of 1931

125.31 Definitions.

Sec. 1. As used in this act:

(a) "Council" or "legislative body" means the legislative body of the municipality.

(b) "County board of commissioners" means 1 of the following, as applicable:

(i) The county executive in a county organized under 1966 PA 293, MCL 45.501 to 45.521.

(ii) In all other counties, 1 of the following:

(A) The elected county board of commissioners.

(B) A subcommittee of the county board of commissioners if the county board of commissioners delegates its powers and duties under this act to such a subcommittee.

(C) The regional planning commission for the region in which the county is located if the county board of commissioners delegates its powers and duties under this act to the regional planning commission.

(c) "Master plan", "municipal plan", or "plan" means a master plan as described in section 6(3) or (4), as applicable.

(d) "Mayor" means the chief executive of the municipality, whether the official designation of his or her office is mayor, city manager, or otherwise.

(e) "Municipality" or "municipal" means or relates to cities, villages, townships, and other incorporated political subdivisions.

(f) "Municipal planning commission" or "planning commission" means a planning commission as provided for under section 2.

(g) "Population" means the population according to the most recent federal decennial census or according to a special census conducted under section 7 of the Glenn Steil state revenue sharing act of 1971, 1971 PA 140, MCL 141.907, whichever is the more recent.

(h) "Streets" means streets, avenues, boulevards, highways, roads, lanes, alleys, viaducts, and other ways.

History: 1931, Act 285, Eff. Sept. 18, 1931;—CL 1948, 125.31;—Am. 1952, Act 25, Eff. Sept. 18, 1952;—Am. 1997, Act 18, Imd. Eff. June 11, 1997;—Am. 2001, Act 265, Imd. Eff. Jan. 9, 2002.

MUNICIPAL PLANNING (EXCERPT)
Act 285 of 1931

125.33 Planning commission; appointment, qualifications, and terms of members; compensation; holding other office; removal; vacancy.

Sec. 3. (1) Except as provided in subsections (2), (3), and (4), the planning commission shall consist of 9 members who shall represent insofar as is possible different professions or occupations, and who shall be appointed by the mayor, if the mayor is an elective officer, otherwise by the officer as the legislative body may in the ordinance creating the commission designate as the appointing officer. However, an appointment shall always be subject to the approval by a majority vote of the members elect of the legislative body of the municipality. All members of the planning commission may be compensated at a rate to be determined by the appointing or legislative body and shall hold no other municipal office, except that 1 of the members may be a member of the zoning board of adjustment or appeals or a member of a joint fire administrative board. The term of each member shall be 3 years, except that 3 members of the first planning commission to be so appointed shall serve for the term of 1 year, 3 for a term of 2 years, and 3 for a term of 3 years. A member shall hold office until his or her successor is appointed. A member may, after a public hearing, be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office.

(2) If considered desirable by the legislative body, the planning commission may consist of the mayor, 1 administrative official of the municipality selected by the mayor, and 1 member of the legislative body to be selected by the legislative body as members ex officio, and 6 other persons who shall be appointed by the mayor as provided in this section. An appointed member of the planning commission may be compensated at a rate to be determined by the appointing or legislative body. An appointed member shall not hold another municipal office except that 1 appointed member may be a member of the zoning board of adjustment or appeals or a member of a joint fire administrative board. The terms of ex officio members shall correspond to their respective official tenures, except that the term of the administrative official selected by the mayor shall terminate with the term of the mayor. The term of each appointed member, if 6 members are appointed, shall be 3 years or until his or her successor takes office, except that the respective terms of 2 of the members first appointed shall be for 1 year and 2 for 2 years. After a public hearing, a member other than the member selected by the legislative body may be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office. The legislative body may for like cause remove the member selected by the legislative body. All ex officio members appointed under this subsection shall have full voting rights.

(3) If considered desirable by the legislative body, the planning commission may consist of 9 members, 1 of whom shall be a member of the legislative body to be selected by resolution of the legislative body to serve as a member ex officio, and 8 of whom shall be appointed by the mayor as provided in this section. An appointment by the mayor shall be subject to approval of the legislative body by majority vote. All appointed members of the commission may be compensated at a rate to be determined by the appointing or legislative body. An appointed member shall not hold another municipal office, except that 1 appointed member may be a member of the zoning board of adjustment or appeals. The term of the ex officio member shall be determined by the legislative body and shall be stated in the resolution selecting the ex officio member, but the term shall not exceed the member's term of office as a member of the legislative body. The term of each appointed member shall be 3 years or until his or her successor takes office, except that the respective terms of 2 of the members first appointed shall be for 1 year and 3 for 2 years. After a public hearing, a member other than the member selected by the legislative body may be removed by the mayor for inefficiency, neglect of duty, or malfeasance in office. The legislative body may for like cause remove the member selected by the legislative body. All ex officio members appointed under this subsection shall have full voting rights.

(4) If considered desirable by the legislative body of a municipality that has a population of less than 5,000, the planning commission shall consist of 5, 7, or 9 members, 1 of whom shall be a member of the legislative body to be selected by resolution of the legislative body to serve as a member ex officio, and the remainder of whom shall be appointed by the mayor as provided in this section. An appointment by the mayor shall be subject to approval of the legislative body by majority vote. All appointed members of the commission may be compensated at a rate to be determined by the appointing or legislative body. An appointed member shall not hold another municipal office, except that 1 appointed member may be a member of the zoning board of adjustment or appeals. The term of the ex officio member shall be determined by the legislative body and shall be stated in the resolution selecting the ex officio member, but the term shall not exceed the member's term of office as a member of the legislative body. Except as provided in subsection (5), the term of each appointed member shall be 3 years or until his or her successor takes office except that the respective terms of 2 of the members first appointed shall be for 1 year and 3 for 2 years. After a public hearing, a member other than the member selected by the legislative body may be removed by the mayor for

inefficiency, neglect of duty, or malfeasance in office. The legislative body may for like cause remove the member selected by the legislative body. All ex officio members appointed under this subsection shall have full voting rights.

(5) For a planning commission described in subsection (4) that consists of 5 members, the respective terms of 1 of the members first appointed shall be for 1 year and 2 for 2 years. For a planning commission described in subsection (4) that consists of 7 members, the respective terms of 2 of the members first appointed shall be for 1 year and 2 for 2 years.

(6) A vacancy on the planning commission occurring otherwise than through the expiration of term shall be filled for the unexpired term by the mayor in the case of a member selected or appointed by the mayor, by the legislative body in the case of the member appointed by the legislative body, and by the appointing officer designated by the legislative body in municipalities in which the mayor is not an elective officer.

History: 1931, Act 285, Eff. Sept. 18, 1931;—CL 1948, 125.33;—Am. 1969, Act 45, Imd. Eff. July 17, 1969;—Am. 1982, Act 364, Eff. Mar. 30, 1983;—Am. 1986, Act 5, Imd. Eff. Feb. 21, 1986;—Am. 1997, Act 18, Imd. Eff. June 11, 1997.

CITY AND VILLAGE ZONING ACT (EXCERPT)
Act 207 of 1921

125.584 Ordinances; public hearing; notice; affidavit; appointment and report of commission; transmission of summary and report; determination of boundaries or imposition of regulations; amendment and adoption of ordinances or maps; supplements; protest petition; vote; exclusion of publicly owned land; publication and contents of notice of adoption.

Sec. 4. (1) The legislative body of a city or village may provide by ordinance for the manner in which regulations and boundaries of districts or zones shall be determined and enforced or amended, supplemented, or changed. At least 1 public hearing shall be held by the commission appointed to recommend zoning regulations or, if a commission does not exist, by the legislative body before a regulation becomes effective. Not less than 15 days' notice of the time and place of the public hearing shall first be published in an official paper or a paper of general circulation in the city or village. Not less than 15 days' notice of the time and place of the public hearing shall first be given by mail to each public utility company and each railroad company owning or operating any public utility or railroad within the districts or zones affected, and the airport manager of each airport, that registers its name and mailing address with the city or village clerk for the purpose of receiving the notice. An affidavit of mailing shall be maintained. A hearing shall be granted to an interested person at the time and place specified on the notice.

(2) The legislative body of a city or village, unless otherwise provided by charter, may appoint a commission to recommend in the first instance the boundaries of districts and appropriate regulations to be enforced in the districts. If a city or village has a planning commission, that commission shall be appointed to perform the duties set forth in this section. The commission shall make a tentative report and hold at least 1 public hearing before submitting its final report to the legislative body. A summary of the comments submitted at the public hearing shall be transmitted with the report of the commission to the legislative body. The legislative body may hold additional public hearings if it considers it necessary or as may be required by charter.

(3) In a city or village having a commission appointed to recommend zoning requirements, the legislative body shall not in the first instance determine the boundaries of districts or impose regulations until after the final report of the commission. In such a city or village, the legislative body shall not amend the ordinance or maps after they are adopted in the first instance until the proposed amendment has been submitted to the commission and it has held at least 1 hearing and made report thereon. In either case, the legislative body may adopt the ordinance and maps, with or without amendments, after receipt of the commission's report, or refer the ordinance and maps again to the commission for a further report.

(4) After the ordinance and maps have in the first instance been approved by the legislative body of a city or village, amendments or supplements thereto may be made as provided in this section, except that if an individual property or several adjacent properties are proposed for rezoning, notice of the proposed rezoning and hearing shall be given to the owners of the property in question at least 15 days before the hearing.

(5) Upon presentation of a protest petition meeting the requirements of this subsection, an amendment to a zoning ordinance which is the object of the petition shall be passed only by a 2/3 vote of the legislative body, unless a larger vote, but not to exceed 3/4 vote, is required by ordinance or charter. The protest petition shall be presented to the legislative body before final legislative action on the amendment and shall be signed by 1 of the following:

(a) The owners of at least 20% of the area of land included in the proposed change.

(b) The owners of at least 20% of the area of land included within an area extending outward 100 feet from any point on the boundary of the land included in the proposed change.

(6) For purposes of subsection (5), publicly owned land shall be excluded in calculating the 20% land area requirement.

(7) Following adoption of a zoning ordinance and subsequent amendments by the legislative body of a city or village, 1 notice of adoption shall be published in a newspaper of general circulation in the city or village within 15 days after adoption. Promptly following adoption of a zoning ordinance or subsequent amendment by the legislative body of the city or village, a copy of the notice of adoption shall also be mailed to the airport manager of an airport entitled to notice under subsection (1).

(8) The notice of adoption under subsection (7) shall include the following information:

(a) In the case of a newly adopted zoning ordinance, the following statement: "A zoning ordinance regulating the development and use of land has been adopted by the city (village) council of the city (village) of _____".

(b) In the case of an amendment to an existing ordinance, either a summary of the regulatory effect of the amendment, including the geographic area affected, or the text of the amendment.

(c) The effective date of the ordinance.

(d) The place and time where a copy of the ordinance may be purchased or inspected. The filing and publication requirements in this section relating to city and village zoning ordinances supersede charter provisions relating to the filing and publication of city and village ordinances.

History: 1921, Act 207, Imd. Eff. May 17, 1921;—CL 1929, 2636;—Am. 1941, Act 287, Eff. Jan. 10, 1942;—Am. 1941, Act 306, Eff. Jan. 10, 1942;—CL 1948, 125.584;—Am. 1976, Act 145, Eff. Mar. 31, 1977;—Am. 1978, Act 638, Eff. Mar. 1, 1979;—Am. 2000, Act 383, Imd. Eff. Jan. 2, 2001.

REGULAR BUSINESS:**F-1 Appointments to Boards and Committees: a) Mayoral Appointments: No Appointments b) City Council Appointments: Personnel Board****(b) City Council Appointments**

Resolution #2005-06-302
 Moved by Beltramini
 Seconded by Eisenbacher

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

Personnel Board

Appointed by Council (5) - 3 years

Deborah L. Baughman

Term Expires 04/30/08

Yes: All-6
 No: None
 Absent: Lambert

F-2 City of Troy Retiree Health Care Benefits Plan and Trust

Resolution #2005-06-303
 Moved by Beltramini
 Seconded by Stine

Resolved, That the City of Troy City Council **ADOPT** the Retiree Health Care Plan and Trust as amended and a copy of the Plan and Trust shall be **ATTACHED** to the original Minutes of this meeting.

Yes: All-6
 No: None
 Absent: Lambert

F-3 Bid Waiver - Contract Extension - Banking Services

Resolution #2005-06-304
 Moved by Stine
 Seconded by Broomfield

WHEREAS, On July 19, 1999, City Council approved a three (3) year contract to provide Banking Services with an option to renew the contract for an additional three (3) year period to Fifth Third Bank (formerly Old Kent Bank), the most qualified and lowest bidder as a result of a request for proposal process (Resolution #99-349-E-2c), and on May 6, 2002, exercised the

A RESOLUTION TO ESTABLISH THE CITY OF TROY RETIREE HEALTH CARE BENEFIT PLAN AND TRUST.

**CITY OF TROY
RETIREE HEALTH CARE BENEFITS PLAN AND TRUST**

GENERAL PROVISIONS

1:100. Purpose.

The Plan and Trust is created, under the authority of the Public Employee Health Care Fund Investment Act, Public Act 149 of 1999 (MCL 38.1211 et seq.), and shall constitute a governmental trust pursuant to Section 115 of the Internal Revenue Code of 1986, as amended. The Plan and Trust is established to allow for the City of Troy's funding of required retiree health care benefits, an essential governmental function and is created for the exclusive purpose of providing health care and dental insurance benefits or such other benefits approved by the City of Troy ("City") (which may include hospitalization, medical, and dental insurance) or approved by Collective Bargaining Agreements or personal services contracts for the welfare of certain Retirees of the City of Troy who are eligible to receive a retirement benefit from the City of Troy Employees Retirement System and/or the City of Troy Defined Contribution Plan and the eligible Spouses and eligible Dependents of such Retirees through a group health and insurance benefits plan. Benefits shall be provided through policies issued by duly licensed commercial insurance companies, through a fund of self-insurance, or through any other lawful means of providing group health and dental insurance in accordance with City decisions and in accordance with any and all Collective Bargaining Agreements between the City and applicable Collective Bargaining Associations and personnel policies or personal services contracts for any non-union employees, for the benefit of City Retirees and beneficiaries who are eligible to participate in accordance with the Plan for such benefits under the rules and regulations established by the Trustees.

The City intends the benefits to be provided by the establishment and maintenance of a Plan and Trust in conformance with all applicable federal statutes and regulations, state and local law.

The City reserves the right to enter into insurance agreements, and to modify, alter or amend such agreements from time to time, with commercial insurance carriers, health maintenance organizations, preferred provider organizations or any other qualified entity currently existing or created for the purpose of providing benefits under the Plan.

1:101. Short Title.

This resolution may be known and cited as the City of Troy Retiree Health Care Benefits Plan and Trust (“Plan”).

1:102. Interpretation and law; Construction.

The Plan and Trust is established in accordance with the Public Employee Health Care Fund Investment Act, Public Act 149 of 1999 (MCL 38.1211 et seq.), shall be administered consistent with applicable federal and Michigan law, and shall constitute a Section 115 governmental trust. The Plan and Trust is intended to qualify as an accident and health plan and a group health plan under applicable provisions of the Internal Revenue Code, (Sections 105, 106, and 162), the regulations promulgated under each, and applicable federal and Michigan law. If any provisions of the Plan shall be, for any reason, invalid or unenforceable, the remaining provisions nevertheless shall be carried into effect.

Neither the establishment of the Plan nor the Trust nor any modification thereof, nor the creation of any fund or account, nor the payment of any benefits, shall be construed as giving to any person covered under the Plan and Trust or other person any legal or equitable right against the City, its elected or appointed officials or employees, the Trustees or any individual Trustee, except as may otherwise be provided in this Plan.

Neither the City nor the Trustees shall be responsible for the validity of any Insurance Agreement issued in connection with the Plan or for the failure on the part of the Insurer to make payments provided by such Insurance Agreement, or for the action of any person which may delay payment or render an Insurance Agreement null and void or unenforceable in whole or in part.

1:103. Collective Bargaining Agreements.

The benefit provisions of this Plan are subject to relevant provisions of applicable Collective Bargaining Agreements between the City and the various Collective Bargaining Associations of the City. The provisions of a Collective Bargaining Agreement relative to retiree health care benefits are controlling in the event of a conflict between the terms of the Collective Bargaining Agreement and the Plan.

Nothing contained in this Chapter shall be deemed to modify or limit in any way the rights that the parties to the Collective Bargaining Agreement may have, any supplements or memoranda thereto, or any arbitrator's award to enforce the terms of the Plan, inclusive of the collection of any amounts due to the Plan and the right of the parties to sue for same.

1:104. Personnel Policies.

The benefit provisions of this Plan are subject to relevant provisions of any City personnel policies for Non-Union Employees and/or personal service contracts between the City and an individual employee. The provisions of any personnel policies for Non-Union Employees and/or personal service contracts relative to retiree health care benefits are controlling in the event of a conflict between the terms of the Personnel Policies or applicable personal service contract and the Plan.

1:105. Definitions.

For the purposes of this Plan and Trust, the following words shall have the meanings respectively ascribed to them by this section:

- (1) *Base Plan* means the benefits in effect at the time of an Employee's retirement, as provided by the policy or the comprehensive program in place at the time of the Employee's retirement (exclusive of HMO, PPO and other alternative plans) or by a substantially equivalent policy or program at the election of the City. Pursuant to the terms of an applicable Collective Bargaining Agreement, upon the retiree or spouse's attainment of Medicare eligibility, the Base Plan shall be a secondary, complimentary plan to Medicare which shall be the primary plan.
- (2) *City* means the City of Troy, Michigan.
- (3) *Code* means the Internal Revenue Code of 1986, as amended. Reference to any section or subsection of the Code includes reference to any comparable or succeeding provision of any legislation which amends or replaces such section or subsection.
- (4) *Collective Bargaining Agreements* means any written agreement, supplemental agreement, memorandum of understanding, final arbitrator's decision, judicial decision or decision of any public board or agency, by and between applicable Collective Bargaining Associations and the City, and any amendments, continuations, or renewals, which require the City or any other entity to make payments into group health and life insurance programs for employees of the City of Troy.
- (5) *Collective Bargaining Associations* means those associations which have negotiated to participate in this Plan.
- (6) *Contributions* means the payment required to be made to the Trust by the City under the terms of the Plan and Trust for the purpose of providing group health insurance for Retirees and beneficiaries covered by the Plan.

- (7) *Dependent* generally means a Participant's or Retiree's unmarried child until the end of the year in which he or she reaches age 19 and a Participant's or Retiree's unmarried child who is totally and permanently disabled by either a physical or mental condition prior to age 19. (The Base Plan definition of Dependent above applies unless the Participant or Retiree selects an alternate insurance policy offered by the City, in which case the definition is controlled by the insurance policy covering the Participant or Retiree, which may or may not vary from the definition listed above.)
- (8) *Effective Date* means July 1, 2005.
- (9) *Employee* means a person employed by the City who meets one of the following requirements:
- (a) A non-union person employed by the City;
 - (b) A person employed by the City who is a member of a Collective Bargaining Association which has negotiated to participate in this Plan.
- (10) *Family Continuation Dependent* generally means an unmarried child of a Participant or Retiree who (i) is age 19 through the end of the calendar year in which he or she reaches age 25, (ii) is dependent on the Participant or Retiree or surviving Spouse for more than half of his or her support, (iii) is a member of the household of the Participant or Retiree or surviving Spouse, unless they temporarily reside elsewhere, as in the case of college students, (iv) is related to the Participant or Retiree by blood, marriage or legal adoption, and (v) is a full-time student with a minimum of 12 credit hours per semester or had gross income of less than four times personal exemption amount identified in the Internal Revenue Service gross income test. (The Base Plan definition of Family Continuation Dependent above applies unless the Participant or Retiree selects an alternate insurance policy offered by the City, in which case the definition is controlled by the insurance policy covering the Participant or Retiree, which may or may not vary from the definition listed above.)
- (11) *Health Care Benefits* means group health care benefits as currently provided and any other future health care related benefits as may be determined to be part of the Plan pursuant to City decisions and/or Collective Bargaining Agreements.
- (12) *Insurance Agreement* means the health insurance plan(s) and any amendment(s) thereto, including any substitute insurance agreement with a commercial insurance carrier, health maintenance organization, preferred provider organization, or any other qualified entity currently existing or created for the purpose of providing benefits under the Plan. The term "Insurance Agreement" shall include the plural where applicable.
- (13) *Insurance Carrier* means a commercial health insurance carrier, health maintenance organization, preferred provider organization or other qualified entity designated by the City to provide benefits under the Plan.

- (14) *Major Life Event Changes* means birth of a child, legal adoption, legal separation, divorce, legal guardianship, death, or marriage of a dependent child.
- (15) *Participant* means an Employee who: (a) is a member of the City of Troy Employees Retirement System and whose participation has not terminated under other applicable provisions of the Plan; (b) is a member of the City of Troy Defined Contribution Plan and whose participation has not terminated under other applicable provisions of the Plan; or (c) is an employee granted health coverage under a separation agreement, settlement or court order. No person shall be considered a Participant of the Plan who is compensated for services to the City on a fee or independent contractual basis. In all cases of doubt, the Board of Trustees shall decide who is a Participant within the meaning of the provisions of this Plan and Trust provided such decision is consistent with any established City policy.
- (16) *Plan* means the City of Troy Retiree Health Care Benefits Plan and Trust as described in this document and any subsequent amendments, and any Insurance Agreement(s), Collective Bargaining Agreements, personnel policies, or other applicable insurance policy documents incorporated by reference into the Plan. A description of the health benefits provided to Retirees, Spouses and Dependents under this plan is maintained by the Plan Administrator.
- (17) *Plan Administrator* means the person, persons, firm, corporation or insurance company or companies, appointed by the Board of Trustees to administer the Plan. The Plan Administrator shall be the Assistant City Manager/Finance & Administration unless another individual is appointed by the Board of Trustees. The Plan Administrator shall be responsible for the day-to-day operations of the Plan who shall carry out the directives of the Board of Trustees.
- (18) *Plan Year* means the period commencing on July 1 and ending on June 30 of each year.
- (19) *Qualified Beneficiary* means any person satisfying the benefit eligibility requirements of the Plan and shall be in accordance with the resolutions and decisions of the Trustees.
- (20) *Retiree* means an individual who meets the following requirements or who satisfies the requirements of a collective bargaining agreement, personnel policy or personal services contract
- (a) For members of Benefit group AFSCME Local #574 - an individual receiving a retirement benefit allowance from the City of Troy Employees Retirement System or the City of Troy Defined Contribution Plan who retired from employment with the City of Troy who upon termination of employment and
- (i) had attained age 50 and had accrued a minimum of twenty-seven years of service with the City of Troy; or

- (ii) had attained age 55 and had accrued a minimum of ten years of service with the City of Troy.

- (b) For members of Benefit group Michigan Association of Police Clerical and Non-sworn Police Personnel - an individual receiving a retirement benefit allowance from the City of Troy Employees Retirement System or the City of Troy Defined Contribution Plan who retired from employment with the City of Troy who upon termination of employment and
 - (i) had attained age 50 and had accrued a minimum of twenty-seven years of service with the City of Troy; or
 - (ii) had attained age 55 and had accrued a minimum of ten years of service with the City of Troy.

- (c) For members of Benefit group Police Officers Association - an individual receiving a retirement benefit allowance from the City of Troy Employees Retirement System or the City of Troy Defined Contribution Plan who retired from employment with the City of Troy who upon termination of employment and
 - (i) had accrued a minimum of twenty-five years of service with the City of Troy; or
 - (ii) had attained age 55 and had accrued a minimum of ten years of service with the City of Troy.

- (d) For members of Benefit group Fire Staff Officers Association - an individual receiving a retirement benefit allowance from the City of Troy Employees Retirement System or the City of Troy Defined Contribution Plan who retired from employment with the City of Troy who upon retirement and
 - (i) had accrued a minimum of twenty-five years of service with the City of Troy; or
 - (ii) had attained age 55 and had accrued a minimum of ten years of service with the City of Troy.

- (e) For members of Benefit group Command Officers Association - an individual receiving a retirement benefit allowance from the City of Troy Employees Retirement System or the City of Troy Defined Contribution Plan who retired from employment with the City of Troy who upon termination of employment and
 - (i) had accrued a minimum of twenty-five years of service with the City of Troy; or
 - (ii) had attained age 55 and had accrued a minimum of ten years of service with the City of Troy.

- (f) For members of Benefit group Non-union employees - an individual receiving a retirement benefit allowance from the City of Troy Employees Retirement System or the City of Troy Defined Contribution Plan who retired from employment with the City of Troy who upon termination of employment and
 - (i) had attained age 50 and had accrued a minimum of twenty-seven years of service with the City of Troy; or
 - (ii) had attained age 55 and had accrued a minimum of ten years of service with the City of Troy.

- (21) *Retirement Plan* means the City of Troy Employees Retirement System and the City of Troy Defined Contribution Plan.

- (22) *Sponsored Dependent* generally means an individual not eligible as a Family Continuation Dependent who (i) is over 19 years, (ii) is related to the Participant or Retiree by blood, marriage, or legal adoption, (iii) is a member of the Participant's or Retiree's household, and (iv) is dependent on the Participant or Retiree for more than half of his or her support. (The Base Plan definition of Sponsored Dependent above applies unless the Participant or Retiree selects an alternate insurance policy, in which case the definition is controlled by the insurance policy covering the Participant or Retiree, which may or may not vary from the definition listed above.)

- (23) *Spouse* means a Participant's or Retiree's spouse by legal marriage who is Participant's spouse on the date the Participant retires from employment with the City of Troy.

- (24) *Trust* means the Declaration of Trust of the City of Troy Retiree Health Care Benefits Plan as provided for in this Plan.

- (25) *Trustee(s) or Board* means the Board of Trustees of the Trust or a member of the Board of Trustees of the Trust as provided for in this Plan.

1:106. Notice.

Notice given to all interested parties shall, unless otherwise specified in this Resolution, be sufficient if in writing and delivered or sent by prepaid first class mail. Except as otherwise noted, the distribution or delivery of any statements or documents required under the Plan and Trust shall be sufficient if delivered in person or prepaid first class mail.

1:107. Reporting and Disclosure.

The Board and the Plan Trustees, or their respective designees, shall complete and provide to Participants, Retirees, Spouses and/or Dependents and to the appropriate government agencies any reports as may be required by the Code, applicable federal, state or local law.

1:108. Amendments.

The provisions of the Plan and Trust may be amended at anytime by resolution(s) adopted by the City of Troy in accordance with applicable law.

HEALTH CARE BENEFIT PLAN

1:200 Benefit Groups

(1) Composition of.

The following benefit groups are designated for the purpose of determining benefit eligibility conditions, benefit amounts, and member contribution rates.

- (a) Benefit group AFSCME Local #574 - All employees who are members of AFSCME Local #574.
- (b) Benefit group Michigan Association of Police Clerical and Non-sworn Police Personnel - All employees who are members of the local chapter of Michigan Association of Police Clerical and Non-sworn Police Personnel.
- (c) Benefit group Police Officers Association - All employees who are members of the Troy Police Officers Association.
- (d) Benefit group Fire Staff Officers Association - All employees who are members of the Troy Fire Staff Officers Association.
- (e) Benefit group Command Officers Association - All employees who are members of the Troy Command Officers Association.
- (f) Benefit group Non-union employees - All employees who are not a part of a collective bargaining unit as described above who are eligible for benefits under this Plan.

In case of doubt, the Board of Trustees shall determine the benefit group(s) that apply to a particular member.

(2) Benefit eligibility conditions shall be those applicable to the member's benefit group at the time of that member's termination of membership.

1:201. Eligibility

In order to be eligible for post-retirement health care benefits during any Plan Year, an individual must:

- (1) Be a Retiree of the City of Troy that had been a Participant of this Plan; and
 - (a) have been an Employee on the date preceding the effective date of the Retiree's retirement and commencement of benefits from the City of Troy; or
 - (b) met the requirements of the member's benefit group as described in Section 1:105(20); or

- (2) be a Retiree, who was a Participant of the Plan, receiving duty and/or non-duty disability benefits from the Retirement Plan; or
- (3) be a Retiree who was in receipt of benefits at the Effective Date of this Plan; or
- (4) be a Spouse of an individual who meets the eligibility requirements in subsection (1) above, provided that, in the case of a surviving Spouse, the Retiree had either
 - (a) a contractual agreement with the City of Troy to provide health benefits at retirement which included the right to name a beneficiary, or
 - (b) was a member of the Defined Benefit Plan and elected an optional joint and survivor beneficiary form of retirement and nominated his or her surviving Spouse as beneficiary of the option benefit; or
 - (c) was a member of the Defined Contribution Plan.

The cost of Spousal coverage shall be in accordance with Section 1:208 unless otherwise provided by an applicable Collective Bargaining Agreement or resolution of the City: or

- (5) be a Dependent of an individual who meets the eligibility requirements in subsection (1) above; and in the event of the Retiree's death, the Retiree had either
 - (a) a contractual agreement with the City to provide health benefits at retirement which included the right to name a beneficiary, or
 - (b) was a member of the Defined Benefit Plan and elected an optional joint and survivor beneficiary form of retirement, and there is a surviving spouse or surviving Dependent as named beneficiary; or
 - (c) was a member of the Defined Contribution Plan.

The cost of Dependent coverage shall be in accordance with Section 1:208 unless otherwise provided by an applicable Collective Bargaining Agreement or resolution of the City; or

- (6) be a Sponsored Dependent of an individual who meets the eligibility requirements in subsection (1) above; and in the event of the Retiree's death, the Retiree had either
 - (a) a contractual agreement with the City to provide health benefits at retirement which included the right to name a beneficiary and there is a surviving named beneficiary, or

- (b) was a member of the Defined Benefit Plan and elected an optional joint and survivor beneficiary form of retirement and there is a surviving named beneficiary; or
- (c) was a member of the Defined Contribution Plan.

The cost of Sponsored Dependent coverage shall be borne by the Retiree or the Sponsored Dependent unless otherwise provided by an applicable Collective Bargaining Agreement or resolution of the City; or

- (7) be a Family Continuation Dependent of an individual who meets the eligibility requirements of subsection (1) above; and in the event of Retiree's death, the Retiree had either
 - (a) a contractual agreement with the City to provide health benefits at retirement which included the right to name a beneficiary and there is a surviving named beneficiary, or
 - (b) was a member of the Defined Benefit Plan and elected an optional joint and survivor beneficiary form of retirement and there is a surviving named beneficiary; or
 - (c) was a member of the Defined Contribution Plan.

The cost of Family Continuation Dependent coverage shall be borne by the Retiree or the Family Continuation Dependent unless otherwise provided by an applicable Collective Bargaining Agreement or resolution of the City; or

- (8) be the surviving Spouse or Dependent of a former Participant, who on the date preceding the individual's date of death, was an Employee; provided, the surviving Spouse or Dependent is eligible for duty death and/or non-duty death benefits payable from the Retirement Plan; or
- (9) be an individual granted health coverage under a settlement agreement between the City and the individual; or

- (10) be an individual granted health coverage under a court order entered pursuant to applicable law, provided
 - (a) that the individual produces satisfactory documentation at the time of application for benefits and satisfies plan eligibility requirements, and
 - (b) that the City reserves the right to challenge the validity of the court order and that if such a challenge proves successful that the cost of any benefits provided be reimbursable to the Trust; or

1:202. Commencement of Benefit.

Subject to all applicable provisions of the Plan and/or Insurance Agreement, a Participant shall commence eligibility for benefits from the Plan on the first day he or she satisfies the eligibility requirements of Section 1:201, provided the Participant has enrolled for coverage on such date.

1:203. Enrollment.

- (1) The City shall give each Participant timely written notice of his or her eligibility and his or her right to enroll for coverage under the Plan. A Participant or Retiree may enroll for coverage on a form or forms provided by and filed with the City. In connection with his or her enrollment for coverage, the Participant or Retiree shall furnish all pertinent information requested by the City, Plan Administrator and/or the Insurance Carrier, and the Plan Administrator or the Insurance Carrier may rely upon all such forms and information furnished. The Participant, Retiree, Spouse, and eligible Dependent may be held responsible for costs for the false or incorrect information reported.
- (2) The Retiree should enroll for coverage at the time of retirement or within the time periods as specified by the provisions of the applicable Collective Bargaining Agreement or policy.
- (3) Spouse and Dependents shall be eligible for coverage as provided in the Plan and/or Insurance agreement and in Section 1:201 above. Spouse and Dependents shall be enrolled for coverage under the Plan by the Participant or Retiree at the time the Participant or Retiree enrolls for coverage under the Plan or as provided for in subsection 4.

- (4) Participants or Retirees must report Major Life Event Changes to the City within thirty (30) days of the event in order to add or delete persons from their benefit plans (health insurance). Major Life Event Changes may impact eligibility for benefits. Notification beyond thirty (30) days of the event may delay any additions of persons to benefits until the group's next reopening date. If failure to report the event within thirty (30) days results in additional benefit costs by the Plan and Trust due to non-termination of benefits, the Participant or Retiree may be held responsible for such costs.
- (5) In the event a Participant, Retiree, Spouse or Eligible Dependent elects not to receive benefits as provided in the Plan, such individual may enroll for coverage at any time provided they satisfy the eligibility requirements for coverage as provided in the Plan pursuant to provisions of any applicable Collective Bargaining Agreement or personnel policy.

1:204. Termination of Benefits.

Except as provided in Section 1:205, participation in the Plan shall terminate in accordance with the Plan and/or Insurance Agreement or applicable Collective Bargaining Agreement, on the earliest of:

- (1) termination of the Plan;
- (2) non-payment of any required Participant or Retiree contributions;
- (3) death of the individual receiving benefits under the Plan;
- (4) a Participant's or Retiree's election in writing to cease coverage under the Plan;
- (5) in the case of a Spouse or Dependent, the date the Spouse or Dependent ceases to be a Spouse or Dependent as defined in this Plan; or
- (6) in the case of a Spouse, Dependent, Family Continuation Dependent or Sponsored Dependent, death of the Retiree if the Retiree elected a straight life equivalent form of retirement benefit at the time of retirement or if the Retiree failed to nominate the required beneficiary necessary to ensure coverage of the Spouse, Dependent, Family Continuation Dependent or Sponsored Dependent; or
- (7) in the case of a Retiree, if that individual had a contractual agreement with the City to provide health benefits at retirement which did not include the right to name a beneficiary, or if the contractual agreement did include the right to name a beneficiary, and the Retiree failed to nominate the required beneficiary to ensure coverage of the Spouse, Dependent, Family Continuation Dependent or Sponsored Dependent; or

1:205. COBRA Continuation Coverage.

Notwithstanding the provisions of Section 1:203, continuing coverage shall be provided under the Plan to eligible Participants, Retirees, their Spouses and Dependents in accordance with Internal Revenue Code provisions (currently Section 4980B, and Title XXII of the Public Health Services Act ("COBRA continuation coverage"), as amended).

1:206. Health Care Benefits, General.

Beginning on the Effective Date, the City shall provide Health Care Benefits to each eligible Retiree and, if elected, to his or her eligible Spouse and, eligible Dependents, unless modified by an applicable Collective Bargaining Agreement or resolution of City. The benefits provided under the Plan are those set forth in the Plan and/or Insurance Agreement(s), Collective Bargaining Agreements, personnel policies, personal services contracts and/or resolutions of the Board of Trustees. The Insurance Agreement(s), Collective Bargaining Agreements, personnel policies, and personal services contracts are incorporated herein by this reference. A complete description of benefits provided under the Plan and the Insurance Agreement(s), inclusive of those set forth in the Collective Bargaining Agreements, personnel policies, and personal services contracts, shall be maintained by the City or the Plan Administrator.

In accordance with the Plan and/or Insurance Agreement with the Insurance Carrier, Retirees and their Spouses and Dependents will be entitled to the benefits in effect at the time of the Retiree's retirement ("Base Plan"). These benefits may be provided under the same policy or program in place at the Retiree's retirement or under a substantially equivalent policy or program at the discretion of the City. All Retirees, Spouses, and/or Dependents in receipt of Health Care Benefits at the time of enactment of this Plan and Trust shall continue to be eligible for the same benefits as received prior to the enactment of this Plan and shall continue to receive those benefits until they are terminated pursuant to the health care provisions in effect at the time of the Retiree's retirement.

1:207. Health Care Benefits, Cost.

Collective Bargaining Agreements, personnel policies, or personal services contracts may modify this section. In the event of a conflict between this section and a collective bargaining agreement, personnel policy or a personal services contract, the collective bargaining agreement, personnel policy or personal services contract will control.

- (1) Benefit group AFSCME Local #574 - For Retirees retiring on or after January 1, 2001, the City shall pay four (4%) percent of the monthly cost of health care for the retiree and the spouse for each year of credited retirement service (maximum of 100%), or \$400 per month, whichever is greater. For Retirees retiring prior to January 1, 2000, the City shall

pay three (3%) percent of the monthly cost of health care for the retiree, current spouse or dependent child for each year of credited service (maximum of 100%, or \$400.00 per month whichever is greater. A retiree may pay, at his or her own option and expense, the difference between a two-person and family rate.

In the event that dental insurance is provided to future retirees of other non-Act 312 eligible employee groups, it will also be provided to future retirees of AFSCME Local #574.

- (2) Benefit group Michigan Association of Police Clerical and Non-sworn Police Personnel - For Retirees retiring on or after July 1, 2001, the City shall pay four (4%) percent of the monthly cost of health care for the retiree and the spouse for each year of credited retirement service (maximum of 100%), or \$400 per month, whichever is greater, provided that the retiree shall apply for Medicare or its equivalent when eligible, and the City shall then provide supplemental insurance benefits. .

Prior to July 1, 2001, the City shall pay three (3%) percent of the monthly cost of health care for two-person coverage for the retiree, current spouse or dependent child for each year of credited retirement service (maximum of 100%), or \$400 per month, whichever is greater.

- (3) Benefit group Police Officers Association - For Retirees retiring on or after February 20, 1996, the City shall pay four (4%) percent of the monthly cost of health care for two-person coverage for the retiree, current spouse or dependent child for each complete year of credited retirement service (maximum of 100%).

For Retirees retiring prior to February 20, 1996, the City shall pay three (3%) percent of the monthly cost of health care for two-person coverage for the retiree, current spouse or dependent child for each year of credited retirement service (maximum of 100%), or \$400.00 per month, whichever is greater. A retiree may pay, at his or her own option and expense, the difference between a two-person and family rate.

Effective July 1, 2001, the City will provide fully paid medical insurance for two-person coverage in the event of a duty death.

- (4) Benefit group Fire Staff Officers Association - For Retirees retiring on or after July 1, 2001 the City shall pay four (4%) percent of the monthly cost of health care for two-person coverage for the retiree, current spouse or dependent child for each complete year of credited retirement service (maximum of 100%), provided that the retiree shall apply for Medicare or its equivalent when eligible, and the City shall then provide supplemental insurance benefits. A retiree may pay, at his or her own option and expense, the difference between a two-person and family rate.

Prior to July 1, 2001, the City shall pay three (3%) percent of the monthly cost of health care for two-person coverage for the retiree, current spouse or dependent child for each year of credited retirement service (maximum of 100%), or \$400 per month, whichever is greater.

In the case of a duty disability retiree, the computation shall not be less than the amount it would be if the retiree had 10 years of credited service.

- (5) Benefit group Command Officers Association - For Retirees retiring on or after July 15, 2000 the City shall pay four (4%) percent of the monthly cost of health care for two-person coverage for the retiree, current spouse or dependent child for each complete year of credited retirement service (maximum of 100%), provided that the retiree shall apply for Medicare or its equivalent when eligible, and the City shall then provide supplemental insurance benefits. A retiree may pay, at his or her own option and expense, the difference between a two-person and family rate.

Prior to July 15, 2000, the City shall pay three (3%) percent of the monthly cost of health care for two-person coverage for the retiree, current spouse or dependent child for each year of credited retirement service (maximum of 100%), or \$400 per month, whichever is greater.

For Retirees retiring on or after July 15, 2000 the City shall provide dental/orthodontic coverage consistent with that received by active employees for retiree and spouse at a rate of four (4%) percent of the monthly cost of health care for two-person coverage for the retiree, current spouse or dependent child for each complete year of credited retirement service (maximum of 100%), provided that the retiree shall apply for Medicare or its equivalent when eligible, and the City shall then provide supplemental insurance benefits. A retiree may pay, at his or her own option and expense, the difference between a two-person and family rate.

For retirees receiving a non-duty disability retirement on or after May 7, 2001, the City shall pay four (4%) percent of the monthly cost of health care for the retiree and the spouse for each year of credited retirement service (maximum of 100%), or \$400 per month, whichever is greater.

- (6) Non-union employee – On or after January 17, 2000, the City shall pay four (4%) of the monthly cost of health care for two-person coverage for the retiree, current spouse or dependent child for each year of credited retirement service (maximum of 100%) or \$400 per month, whichever is greater.

Prior to January 17, 2000, the City shall pay three (3%) percent of the monthly cost of health care for two-person coverage for the retiree, current spouse or dependent child for each year of credited retirement service (maximum of 100%), or \$400 per month, whichever is greater.

1:208. Alternative Policies or Programs.

The City, in its discretion, may offer alternative policies or benefit structures to Participants, Retirees, Spouses and/or Dependents in addition to the Base Plan. In the event that the City chooses to offer alternative policies or benefit structures, Participants or Retirees and their Spouses and/or Dependents may transfer from one policy or benefit structure to another policy or benefit structure during open enrollment periods. However, any additional cost above the Base Plan shall be borne by the Participant or Retiree or the Participant's or Retiree's Spouse and/or Dependents.

1:209. Duplicate Coverage Disallowed.

Duplicate coverage will not be provided in the event that there are two or more Participants and/or Retirees who (a) are each independently eligible for health care benefits from the City or the Plan and (b) are each also eligible for health care benefits from the City or the Plan as a Spouse or Dependent of a Participant or a Retiree. Said parties shall be eligible to participate in only one policy or program so that one party participates in the one policy or program as the principal insured and the other party(ies) participates in the same policy or program as a Spouse or Dependent of the Participant or Retiree. The Dependent shall suffer no detriment as a result of the disallowance of duplicate coverage.

1:210. Medicare Eligibility

Upon attaining the age of Medicare eligibility, pursuant to the terms of the applicable Collective Bargaining Agreements and personnel policies, those eligible Retirees and/or Spouses shall enroll in both Medicare A and B, and are obligated to pay for Medicare Part B. Once a Retiree is in receipt of Medicare A and B coverage, this Plan will provide supplemental coverage as provided pursuant to the coverage in effect at the time of retirement.

1:211. Coordination of Benefits

The City intends that the Plan shall provide each Retiree with payment for health care expenses incurred by the Retiree and, if eligible, his or her Spouse and his or her Dependents, as provided in the Plan and/or Insurance Agreement. The City does not intend that payment under this Plan shall exceed the amount of the expenses incurred. For this reason, the Plan coordinates benefits with other insurance policies according to industry standards and applicable laws.

(1) Reimbursement.

If an expense is paid under the Plan by the Plan Administrator on behalf of a Retiree, his or her Spouse or Dependents, and such expense subsequently is paid from any other source, in whole or in part, the Retiree, his or her Spouse or Dependents, shall remit to the Plan an amount equal to the duplicated benefits. In addition, the Plan Administrator may reimburse any other Plan, person or entity that has paid an expense on behalf of a Retiree, his or her Spouse or Dependents which expense was payable under this Plan. In such event, the Plan, Plan Administrator and/or the Insurance Carrier shall be relieved of all further responsibility with respect to that expense.

(2) Subrogation.

In the event any payment is made by the Trust under the Plan, the Plan and the Trust shall be subrogated and shall succeed to the rights of any Retiree, his or her Spouse and Dependents against any other plan, person or entity for recovery of health care expenses for which such other plan, person or entity legally is liable. All amounts so recovered, by settlement, judgment or otherwise, shall be paid to the Trust. Retirees, their Spouses and Dependents shall furnish such information, execute and deliver such assignments, documents or other instruments, and take whatever steps are necessary to secure the rights of the Plan. Retirees, their Spouses and Dependents shall take no action to prejudice the rights and interests of the Plan hereunder.

(3) Effect of Exclusions.

The provisions of this Section shall not be construed to create any independent right to payment of any benefit under this Plan. Any exclusion or limitation contained in the Plan and/or Insurance Agreement shall supersede any provision of this Section regarding coordination of benefits.

1:212. Plan Administration, City Duties.

- (1) The City shall be responsible for complying with the Code's reporting and disclosure requirements and for the purpose of fulfilling such other Plan administrative functions as are not specifically assigned to the Plan Administrator and/or Insurance Carrier. The City may employ a Plan Administrator and/or Insurance Carrier who will be responsible for the interpretation, administration and the payment of health care claims under the Plan.
- (2) The City also shall be responsible for the performance of its duties as employer and Plan sponsor under applicable Internal Revenue Code Sections. The City may delegate all or any part of its Plan administration responsibilities. Any such delegation shall be done in writing.
- (3) The City may employ one or more persons to render advice with regard to any responsibility such fiduciary has under the Plan. Any fiduciary, agent, representative or other person performing services to or for the Plan shall be entitled to reasonable compensation for services rendered, unless such person is employed by the City and already receives full pay from the City, and to reimbursement or expenses properly and actually incurred.
- (4) The City shall furnish the Plan Administrator and/or Insurance Carrier, while this Plan is in effect, any information as may be required, at intervals and in the form prescribed by the Plan Administrator and/or Insurance Carrier, for the enrollment of Retirees, Spouses and/or Dependents for coverage under the Plan and for the processing of terminations or other changes in coverage of Retirees, Spouses and/or Dependents and also shall furnish to the Plan Administrator and/or Insurance Carrier such other information required for the administration of the Plan.

1:213. Plan Administration, Insurance Carrier Duties.

Each Insurance Carrier shall have the responsibility for interpreting and administering their respective Insurance Agreement and for processing and paying benefit claims thereunder, and shall provide the City with such information as the City may deem necessary to permit the timely filing of all reports required by law. The Insurance Carrier also shall provide a description of the benefits provided under their respective Insurance Agreement directly to the Retirees, Spouses and/or Dependents or to the City for distribution to Retirees, Spouses and/or Dependents.

1:214. Plan Administration, Plan Administrator Duties.

The Plan Administrator as set forth in Section 1:105(17) shall have the responsibility for interpreting and administering the Plan and for processing and paying benefit claims thereunder, and shall provide the Trustees with such information necessary to permit the timely filing of all reports required by applicable laws or regulations governing the Trust.

1:215. Health Care Benefits, Claims Procedures.

A claim for benefits under the Plan must be submitted in writing to the Plan Administrator and/or Insurance Carrier in accordance with procedures established by the Plan Administrator or the Plan and/or Insurance Carrier as communicated in writing to Retirees, Spouses and/or Dependents. The Plan Administrator and/or Insurance Carrier shall provide written notice within 30 days to any Participant or Qualified Beneficiary whose claims for benefits under this Plan have been denied, setting forth the specific reasons for such denial, written in a manner calculated to be understood by the party. The Plan Administrator and/or respective Insurance Carrier has responsibility for the resolution of disputes involving payment of benefits under the portion of the Plan assigned to the Plan Administrator or Insurance Agreement with the Insurance Carrier. The Plan Administrator and/or Insurance Carrier shall afford a reasonable opportunity to any Participant or Qualified Beneficiary whose claim for benefits has been denied for a full and fair review of the decision denying the claim.

1.216. Funding.

For the purpose of creating and maintaining the Plan and Trust for the payment of benefits payable as provided in this Plan and Trust, the City shall appropriate an amount sufficient to maintain the Trust subject to the provisions of this Plan.

DECLARATION OF TRUST

1:300. Irrevocable Trust, Established.

The Section 115 governmental trust established in this Plan shall be irrevocable and shall conform to all applicable sections of the Internal Revenue Code, the applicable Collective Bargaining Agreements, the statement of purpose in this Plan, and all statutes, ordinances, rules, regulations, arbitrators' awards and judicial decisions interpreting the foregoing provisions.

The Trust shall consist of City of Troy Contributions, any Contributions which may be paid by Retirees and other Qualified Beneficiaries due pursuant to the provisions of an applicable Collective Bargaining Agreement or to the election of additional coverage beyond that provided by the City, all investments made or held under Trust, and all income therefrom, both received and accrued, and any other property, which may be received or held by reason of this Trust. Funds paid by Retirees and other Qualified Beneficiaries as a result of premium sharing required pursuant to applicable City policy, shall be paid directly to the City and/or the applicable Insurance Carrier and shall not be paid into the Trust.

1:301. Use of Trust Assets.

- (1) No part of the net earnings of the Trust may inure to the benefit of any Participant, Retiree or other beneficiary other than by benefit payments or for services provided to the Trustees in their administration of the Trust. The Trust assets shall not be used for or diverted to purposes other than to provide the benefits contemplated under the Plan for the exclusive benefit of Retirees and their eligible Spouses and eligible Dependents, except any administrative expenses for which the Trust is liable. A portion of net earnings may be used for payment for reasonable and necessary professional services, costs and expenses related to assisting the Trustees in the operation of the Trust.
- (2) All income, profits, recoveries, contributions, forfeitures and any and all monies, securities and properties of any kind at anytime received or held by the Trustees hereunder, shall become part of the Trust when received, and shall be held for the use and purposes hereof.

1:302. Funding.

- (1) For the purpose of creating and maintaining a fund for the payment of health care benefits payable as provided in this Plan, the City shall be required to pay to the Trust an amount consistent with the actuarial valuations and calculations made by the Actuary for the Trust to result in a prefunded plan. The City reserves the right to fund these health care benefits on a "pay-as-you-go" basis. Such contributions shall also be made in accordance with any regulations of the Board of Trustees as are not inconsistent with the

authority stated in this Plan and any Collective Bargaining Agreements between the Collective Bargaining Associations and the City and this Plan.

- (2) Qualified Beneficiaries shall contribute those amounts required for additional coverage as optioned by such Qualified Beneficiaries and otherwise as determined by the Trustees.
- (3) Subject to the tax provisions of applicable ordinances, resolutions and state law, the Trustees may, to the extent matters are not set forth in the Trust, in their discretion decide the manner and means of payments, the procedures to be followed in making the payments, and the forms required to accompany the payments to the Trust. Upon determination by the Trustees of these matters, the Trustees shall provide written notice to the City and require payments by the City to be made pursuant to the rules and regulations of the Trust.
- (4) Time is of the essence in making and processing all payments to the Trust. The parties recognize that the regular and timely payments of Contributions are essential to the operation of the Trust and the providing of benefits under various insurance programs.

1:303. Board of Trustees.

- (1) The Board of Trustees shall consist of eight (8) trustees which shall be the same elected and appointed individuals that serve on the City of Troy Employees Retirement System Board of Trustees, as follows:

The City Manager, by virtue of his/her position.

The Assistant City Manager/Finance & Administration, by virtue of his/her position.

A member of the Troy City Council, as appointed by the Council.

- (d) A citizen, who is an elector of the City, and who is not a member, retirant, or beneficiary of the City of Troy Employees Retirement System or the City of Troy Defined Contribution Plan who shall be appointed by the City Council.
- (e) Three members of the City of Troy Employees Retirement System or the City of Troy Defined Contribution Plan in accordance with such rules and regulations of the Board that governs such elections.
- (f) A retiree of the City of Troy Employees Retirement System (Defined Benefit Plan), who shall be appointed by the City Council and who shall serve as a non-voting member.

- (g) A minimum of two of the five employee member Trustees, as set forth in paragraphs (a), (b), or (e) must be a member of the City of Troy Employees Retirement System (Defined Benefit Plan).
- (2) The general administration, management and responsibility for the proper operation of the Trust and for making effective and construing the provisions of the Trust shall be vested in the Board of Trustees established by this Section, consistent with applicable state and federal laws and regulations. A Trustee or other fiduciary under the Trust shall discharge his or her duties with respect to the Trust solely in the interest of the Participants and Qualified Beneficiaries for the exclusive purpose of providing benefits to Participants and Qualified Beneficiaries and paying reasonable expenses of administering the Trust. A Trustee shall discharge his or her duties with the care, skill, and caution under the circumstances then prevailing which a prudent person, acting in a like capacity and familiar with those matters, would use in the conduct of an activity of like character and purpose.
- (3) The election of the trustees as provided in subsection (1) of this section shall be held under such rules and regulations, as the Board of Trustees shall adopt.

1:304. Trustees' Terms of Office.

- (1) The regular terms of office of the Trustees shall be as follows:
 - (a) the three (3) employee trustees shall each have a three (3) year term of office.
 - (b) the citizen trustee shall have a three (3) year term of office.
 - (c) the Council trustee shall have a four (4) year term of office.

The term of the appointed and elected Trustees shall be identical to and coincide respectively with the term each Trustee serves as trustees of the City of Troy Employees Retirement System Board of Trustees. Upon expiration of his or her term, each Trustee shall continue to serve until a successor has been appointed.

- (2) Each Trustee shall serve until the expiration of his or her term of office or until his or her death, incapacity, resignation or removal.
- (3) In the event a Trustee fails to attend four (4) consecutive meetings of the Board of Trustees, unless in each case the absence is excused for cause by the Chairperson or Vice-Chairperson, or in the event a member Trustee leaves the employ of the City, he/she shall be considered to have resigned from the Board. The Board shall, by resolution, declare his/her office of Trustee vacated as of the date of such resolution. In the event a Trustee vacancy occurs, then the Board of Trustees, by majority vote, may appoint an

individual that meets the necessary qualifications or may call for a special election to fulfill the remainder of the unexpired term.

- (4) A vacancy or vacancies in the office of the Trustees shall not impair the powers of the remaining Trustees to administer the affairs of the Trust, provided there are sufficient Trustees to constitute a quorum.

1:305. Officers and Administration.

- (1) At its meeting in February of each year, the Trustees shall select a chairperson and a vice-chairperson from the group of the then existing Trustees and the chairperson and vice-chairperson shall serve a term of one year or until a new chairperson and vice-chairperson is elected. The City Treasurer shall be the Treasurer of the Trust. The Assistant City Manager/Finance & Administration shall serve as Secretary of the Plan and Trust and shall be the custodian of its money and investments.
- (2) Consistent with applicable state and federal laws and regulations, the Trustees shall have the power to promulgate rules and regulations for the day-to-day management of the Trust, the investment of monies held by the Trust, to determine all questions regarding the interpretation of the Trust, and such other Trust related subjects as shall be deemed necessary and proper by the Trustees. If any rule or regulation of the Trust or part thereof is found to be in conflict with any law, statute, judicial decision, arbitration decision or any other competent body or tribunal, such rule or regulation or part thereof shall be deemed voided and, all other rules and regulations of the Trust shall remain in full force and effect.
- (3) Whenever the signature of a Trustee is required on any document, signature of the chairperson or acting chairperson and secretary or acting secretary shall be required.
- (4) In the event of any suit brought against the Trustees arising out of the acts within the scope and powers and duties of the Trustees, or in the event of any lawsuit brought by the Trustees as authorized by the Plan and Trust, the cost of defense or prosecution of such lawsuit shall be charged to the Trust, and shall be paid directly from the Trust, provided such costs are not incurred by reason of bad faith, gross negligence, or breach of a fiduciary obligation to the Trust or to the beneficiaries thereof.
- (5) The Board of Trustees may employ such clerical personnel or administrative personnel to perform whatever administrative activities are required in the proper performance of the Trust. In addition thereto, the Trustees may, if they desire, contract with an administrator to perform such clerical and administrative duties as they may, in their sole discretion, determine is reasonably and prudently necessary to carry out the Trust's activities and purposes. Under no circumstances shall said administrator have control or authority with respect to the management of the Trust or its assets. The said administrator shall not be

clothed with any type of authority or power which will constitute the administrator as a fiduciary. Said administrator will not have the power or authority to act as an investment counselor or manager and will not be authorized to furnish investment advice.

- (6) The Board of Trustees may utilize City staff for such functions as personnel administration, accounting, banking and purchasing and will comply with all established City control procedures and policies related to these services. The Board will annually reimburse the City for actual costs of these services as determined by a method jointly agreed upon by the Board of Trustees and the City.
- (7) Employees, upon the request of the Board of Trustees, may also be assigned to the Trust for the proper operation of the Trust. Said employees shall be subject to the supervision of the Board of Trustees. The Board of Trustees shall have the authority to establish job descriptions and promulgate rules and regulations appropriate for the Trust in addition to those adopted by the City. The Board will annually reimburse the City for the actual costs of these employees as determined by a method jointly agreed upon by the Board and the City.
- (8) The Board of Trustees may employ (an) investment manager(s) to manage the assets of the Trust. Such investment manager(s) must be registered under the Investment Advisor's Act of 1940, as amended, (15 USCS 80b-1) and must meet any applicable state and federal requirements to act as an investment manager. The Trustees may, if they deem proper in their discretion, or if the circumstances require it, appoint such investment manager, managers, banks or insurance companies as fiduciaries and enter into an agreement with such institutions, naming it a fiduciary and conveying to such fiduciary all or a portion of the assets of the Trust, so that said fiduciary may handle, manage and hold those assets conveyed to it. All assets conveyed to said fiduciary shall be subject to the provision of the agreement or agreements between the Trustees and the fiduciary.
- (9) The Board of Trustees may employ legal counsel with whom they may seek advice, consult with, require attendance at meetings and to otherwise represent the Trustees in matters relating to the Trust.
- (10) The Board of Trustees may authorize the purchase of insurance for the Trust and for the Trustees to cover liability or losses occurring for any reason, including but not limited to, an act or omission (errors or omissions) of a fiduciary, including the Trustees; provided however, that such insurance policy permits recourse by the insured against the fiduciary, including the Trustee or Trustees involved, in case of breach of fiduciary obligation by the fiduciary.

- (11) The Board of Trustees shall appoint an Actuary who shall advise the Trustees on the actuarial operation of the Plan and Trust. The Trustees shall, from time to time, adopt such mortality and other tables of experience and a rate or rates of regular interest as are necessary in the operation of the Trust on an actuarial basis.

1:306. Board Meetings.

- (1) The Trustees shall meet at least once quarterly. The Trustees shall determine the time for the regular meetings of the Trustees and the place or places where such meetings shall be held. The secretary of the Trustees or his or her designee shall be responsible for giving notice of the time and place of such meetings to the other Trustees.
- (2) Notice and conduct of all meetings of the Trustees, both regular and special, shall be given in accordance with applicable law including the Michigan Open Meetings Act (MCL 15.261 et seq.).
- (3) The Board of Trustees shall adopt its own rules of procedure and shall keep a record of its proceedings. Four (4) Trustees shall constitute a quorum at any meeting of the Board of Trustees. Each Trustee shall be entitled to one vote on each question before the Board of Trustees and at least four (4) concurring votes shall be necessary for a decision of the Board of Trustees.

1:307. Compensation.

All Trustees shall serve without compensation as members of the Board of Trustees, except that employee Trustees shall suffer no loss in compensation on account of their services as Trustees.

1:308. Trustees' Powers and Responsibilities.

The Trustees shall hold all the powers that are necessary to carry out the purposes of the Trust and are generally available to Trustees under the laws of the State of Michigan, except as limited by the Trust and by federal law and regulations. It is intended that the Plan and Trust shall be tax exempt and shall qualify under the Internal Revenue Code and any amendments of the Code applicable to plans of this type. The Trustees shall have the continuing duty to propose to the City amendments to this Plan to the extent it becomes necessary to qualify said Plan under the Internal Revenue Code and to continue the tax exempt status of the Trust. The Trustees shall take no action nor make any determination inconsistent with any qualification or ruling of the Internal Revenue Service, an arbitrator or the courts with respect to the Trust. In the case of amendments to the Internal Revenue Code or changes of regulations by the Internal Revenue Service or the Labor Department, the Trustees are empowered to take all necessary action(s)

authorized by the Plan and Trust, federal and state law and regulations, to continue the qualification of the Trust as a qualified Trust. In carrying out the purposes of the Trust, the Trustees shall have the following powers and duties:

- (1) The Trustees shall, in order to effectuate the purposes of the Trust, be bound by the terms of the Plan and any applicable Collective Bargaining Agreements between the City and the Collective Bargaining Associations, or applicable personnel policies.
- (2) The Trustees shall establish a uniform system for the timely transmission of required reports and contributions from the City on behalf of the Participants and/or Qualified Beneficiaries.
- (3) The Trustees, in accordance with the requirements of law, may direct an impartial firm of independent certified public accountants to act as agent of the Trustees to examine the payroll records and reports as may be necessary to determine the monies due on behalf of a Participant and/or Qualified Beneficiary covered by this Trust and to make a written report to the Trustees.
- (4) The Trustees shall maintain, or cause to be maintained, proper books of accounts and records of and for the administration of the Trust, including the minutes of all meetings, make them available for inspection at the permanent office of the Trust during reasonable business hours by the City, or any Participant or Qualified Beneficiary covered by the Plan and Trust.
- (5) The financial records of the Trust shall be subject to the annual audit of the City. The Trustees shall fully comply with all applicable statutory and municipal budgetary and accounting procedures and provide access to and/or documentation of all assets and liabilities of the Trust and a resume of the operations of the Trust for the preceding year together with such other data as may be required by law and/or as part of the City's annual financial report.
- (6) The Trustees shall be authorized, pursuant to Public Act 149 of 1999 (MCL 38.1211 et seq.), as amended, to invest the assets of the Trust in accordance with the provisions of Public Act 314 of 1965 (MCL 38.1132 et seq.), as amended.

1:309. Trust Liabilities.

- (1) The City shall not be liable for payment to the Trust of any amount other than those required of it by the Trust. Neither the City, nor any Participant or Qualified Beneficiary or Trustee shall be liable for any debts, liabilities or obligations of the Trust except as provided for in this Chapter. Neither the City nor any Participant and/or Qualified Beneficiary shall have any right to the return of any money properly paid into the Trust, except as otherwise specifically provided in this Plan and Trust, or to money improperly

paid which has already been invested or distributed. Any contribution improperly paid into the Trust by the City or on behalf of a Participant or Qualified Beneficiary shall be returned by the Trustees upon the request of the City, the Participant or the Qualified Beneficiary or upon discovery by the Trustees that such monies have been improperly paid into the Trust, unless those monies have already been invested or distributed.

- (2) No part of the Trust or any benefits payable by the Trustees shall be subject to alienation, sale, transfer, assignment, pledge or encumbrance charge by any person. No Participant or Qualified Beneficiary shall be entitled to receive any part of the Contributions made by the City or payments required to be made by the Trust, in lieu of such benefits provided under the Plan as determined by the Trustees in accordance with the Trust.

1:310. Termination of the Trust.

- (1) Subject to the limitations of this Plan and Trust, the parties hereby contemplate that new employment benefit decisions may be made by the City and/or new Collective Bargaining Agreements may be entered into which continue or modify the provisions of the Trust. The Trust shall continue during such period of time as may be necessary to carry out the provisions of any Plan or Collective Bargaining Agreement requiring payment to the Trust and the fact that such Collective Bargaining Agreements or employment benefit decisions are not extended, shall not by itself terminate the Trust, which shall continue for a period of time sufficient to wind up the affairs of the Trust.
- (2) Provided there are no longer any Qualified Beneficiaries eligible for benefits from the Trust, the Trust may be terminated at any time by the Trustees so long as the termination is not inconsistent with any then existing City decisions. It shall not be necessary for the City to execute such an agreement for the Trust to terminate.
- (3) If the Trust shall terminate, the Trustees shall forthwith notify any Insurance Carrier or Carriers then providing insurance to Retirees and Qualified Beneficiaries in the Trust.
- (4) In the event of the termination of the Trust, the remaining funds available after providing for all the outstanding obligations, shall be used in a manner as will, in the opinion of the Trustees, best effectuate the purposes of the Trust, including, but not limited to, the purchase of insurance benefits.

CHAPTER 35 - TRAFFIC COMMITTEE

35.01 Creation and Membership

- 35.01.01 The Traffic Committee shall consist of seven (7) members who shall have the qualifications of electors. The Traffic Committee shall be appointed by City Council. A student representative may be appointed by City Council as an ex-officio member of the Committee, without voting privilege. The term for a student representative shall be one year.
- 35.01.02 The Police Chief, Fire Chief and Traffic Engineer or their designated representative shall be ex-officio members of the Committee without voting privilege.
- 35.01.03 The Committee members shall serve for a period of three (3) years, except that any member can be removed by the City Council acting as a body by two-third's (2/3) vote of the City Council.
- 35.01.04 Committee members shall serve without pay or extra compensation.

35.02 Meetings

- 35.02.01 The Traffic Committee shall adopt rules of procedure.
- 35.02.02 All meetings of the Traffic Committee shall be held at the call of the Chairman and at times when the majority of the Committee has approved the call of a meeting.
- 35.02.03 All hearings conducted by the Committee shall be open to the public.
- 35.02.04 The Traffic Engineer or his representative shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact; and shall also keep records of its hearings and official action.
- 35.02.05 Four (4) members of the Committee shall constitute a quorum for the conduct of its business.
- 35.02.06 The Committee shall have the power to subpoena and require the attendance of witnesses, administer oaths, compel testimony and the production of books, papers, files and other evidence pertinent to matters before it.

Chapter 35 – Traffic Committee

35.03 Duties of Traffic Committee

- 35.03.01 The Traffic Committee shall be vested with advisory powers with respect to proposed traffic regulations and traffic safety issues. It shall be the duty of the Traffic Committee to advise the City Manager and City Council on amendments to this Chapter.
- 35.03.02 It shall also be the responsibility of the Traffic Committee to hold public hearings to determine whether a requested sidewalk variance, requesting relief from the requirements of Chapter 34, should be granted or denied.

35.04 Variances

- 35.04.01 Any person or entity that is required to comply with the sidewalk requirements, as set forth in Chapter 34, may request that the Traffic Committee grant a variance of the required sidewalk installation.
- 35.04.02 The sidewalk variance request shall be made by filing with the Director of Public Works the application that is provided by the Public Works Department. The application shall specify the reasons why the variance is necessary.
- 35.04.03 Once a completed application for a sidewalk waiver is filed with the Director of Public Works, the property owner shall be temporarily relieved of the obligation to install the subject sidewalk until the Traffic Committee has either granted or denied the requested sidewalk variance. However, where the Director of Public Works certifies to the Traffic Committee that a stay would cause imminent peril of life or property, the stay should not be granted unless otherwise ordered by the Committee or by order of the Circuit Court or other court with proper jurisdiction.

35.05 Notice of Hearing

The Traffic Engineer shall submit the completed application, in addition to all documents relating to the sidewalk variance request, to the Traffic Committee. The Traffic Engineer shall also set the requested sidewalk variance request for a public hearing before the Traffic Committee. This public hearing shall be scheduled as soon as possible. The Traffic Engineer shall also give notice of the public hearing to discuss the requested sidewalk variance request to persons who are assessed for real property within 300 feet of the subject premises, and to the occupants of single and two family dwellings within 300 feet of the subject premises. The notice shall be delivered personally or by mail addressed to the respective

owners and tenants at the address given on the last assessment roll. If the tenant's name is not known, the term occupant may be used.

35.06 Adjournment of Hearing

The Traffic Committee may adjourn the public hearing to obtain additional information, to provide notice to property owners or occupants, or to enable the applicant to have a full Traffic Committee decide the matter. If the public hearing is adjourned, notice of the new hearing does not need to be given to those persons previously notified.

35.07 Conduct of Hearing

Any applicant for a sidewalk waiver may appear at the hearing in person or by a representative. Both the applicant and also the Director of Public Works or his/her designee are permitted to call witnesses and introduce evidence at the hearing.

35.08 Decision of the Committee

The Traffic Committee shall either grant, deny, or partially grant a requested sidewalk waiver. A copy of the Traffic Committee's decision shall be transmitted to both the applicant and to the Director of the Department of Public Works. The decision of the Committee is binding upon the applicant and also the Director of the Department of Public Works. Any item or condition required by the Traffic Committee in granting the requested sidewalk variance shall be incorporated into the sidewalk and driveway approach permit.

35.09 Review by Circuit Court

A person affected by the decision of the Committee may appeal to Circuit Court, as provided by law.

CHAPTER 27 PARKS AND RECREATION BOARD

- 27.10 Creation. The Parks and Recreation Board shall consist of ten members, who shall have the qualifications of electors. All members shall serve without compensation. A student representative may be appointed for a one (1) year term by City Council. The student representative shall serve as an ex-officio, non-voting member of the Board. The Parks and Recreation Director shall serve as an ex-officio, non-voting member of the Board and shall be responsible to the City Manager.
- 27.20 Membership and Terms. The Troy City Council shall appoint the following members to the Parks and Recreation Board:
- (1) Seven at-large representatives, who shall serve for three (3) year overlapping terms.
 - (2) One representative from the Troy School Board of Education, who shall be nominated by the Board of Education and who shall serve for a one (1) year term.
 - (3) One representative from the Troy Daze Committee, who shall be nominated by the Troy Daze Committee, and who shall serve for a one (1) year term.
 - (4) One representative from the Advisory Committee for Senior Citizens, who shall be nominated by the Advisory Committee, and who shall serve for a one (1) year term.
- 27.30 Removal and Vacancies. Board members may, after a public hearing, be removed by the City Council for neglect of duty or malfeasance in office. Vacancies occurring on the Board shall be filled in the same manner as the original appointment.
- 27.40 Organization. The Board shall elect its chairman from among its members. The Board may also elect members for any other offices that the Board deems necessary. The term of the chairman shall be one year, and the chairman shall be eligible for re-election. The Board shall hold at least one regular meeting every two months. It shall adopt rules for the transaction of business and shall keep a record of its actions, which record shall be public record.
- 27.50 Powers and Duties. The Board shall have the following powers and duties :
- (1) To recommend to the City Manager a budget providing for a parks and recreation program.
 - (2) To recommend to the City Council policies for operating a parks and recreation program.
 - (3) To recommend to the City Council a long-term capital improvements program for parks and recreational facilities, including the acquisition of park sites.
 - (4) To promote activities that will benefit the City parks and recreation program, including the encouragement of organized team athletic programs.

Acceptance of Troy Daze, Inc. as a Committee of the City of Troy c-3

Jim Cyrulewski, Chairman of Troy Daze, asked for approval and answered questions from Council.

Resolution #88-413
Moved by Husk
Supported by Pallotta

WHEREAS, Troy Daze, Inc. has requested the City Council to consider the Troy Daze Committee as an official City Committee; and

WHEREAS, Troy Daze, Inc. makes this request because of the difficulties with insurance coverage; and

WHEREAS, should Troy Daze, Inc. become an official City Committee, administrative, financial and purchasing functions would become the responsibility of the City as required by law and charter;

NOW, THEREFORE, BE IT RESOLVED, that it is the determination of this City Council that Troy Daze, Inc. shall become an official Committee of the City of Troy and the City Manager and staff are hereby directed to coordinate such events as deemed to be in the best interest of the City of Troy and its citizens; and

BE IT FURTHER RESOLVED, that this Committee shall be comprised of 7 members to be appointed by the City Council for three year overlapping terms with 3 to expire in 1989, 2 in 1990 and 2 in 1991;

BE IT FINALLY RESOLVED, that the City Council will immediately accept resumes' from Troy citizens wishing to be considered for appointment at the next regular meeting of this Governing Body.

Amendment to Resolution #88-413

Moved by Taucher
Supported by Pallotta

RESOLVED, That the resolution be amended by adding after the third paragraph:

WHEREAS, should Troy Daze operate below the break even point over a two or three year period or City Council determines that there is insufficient continued interest in the project, Council reserves the right to dissolve the committee;

Yeas; Doyle, Pallotta, Stine, Taucher
Nays: Husk, Johnson, Schilling
Amendment PASSED

Vote on Amended Resolution #88-413

WHEREAS, Troy Daze, Inc. has requested the City Council to consider the Troy Daze Committee as an official City Committee; and

WHEREAS, Troy Daze, Inc. makes this request because of the difficulties with insurance coverage; and

WHEREAS, should Troy Daze, Inc. become an official City Committee, administrative, financial and purchasing functions would become the responsibility of the City as required by law and charter;

WHEREAS, should Troy Daze operate below the break even point over a two or three year period or City Council determines that there is insufficient continued interest in the project, Council reserves the right to dissolve the committee;

NOW, THEREFORE, BE IT RESOLVED, that it is the determination of this City Council that Troy Daze, Inc. shall become an official Committee of the City of Troy and the City Manager and staff are hereby directed to coordinate such events as deemed to be in the best interest of the City of Troy and its citizens; and

BE IT FURTHER RESOLVED, that this Committee shall be comprised of 7 members to be appointed by the City Council for three year overlapping terms with 3 to expire in 1989, 2 in 1990 and 2 in 1991;

BE IT FINALLY RESOLVED, that the City Council will immediately accept resumes' from Troy citizens wishing to be considered for appointment at the next regular meeting of this Governing Body.

Yeas: All-7

Request for Approval for Walk-A-Thon - National Sudden Infant Death Syndrome Foundation - May 21 C-12

Resolution #88-415
Moved by Taucher
Supported by Stine

RESOLVED, that the request from the National Sudden Infant Death Syndrome Foundation to conduct a Walk-A-Thon on May 21, 1988 in the City of Troy, is hereby approved and a copy of said request and reports from Messrs. Halsey, Moore, Spurr and Beaubien, shall be attached to the original minutes of this meeting.

Yeas: All-7

TABLED ITEMS

Resolution Requesting Revision to Public Act 191 Liquor Licenses - Sales to Persons Under Age 21 Penalties B-1

Resolution #88-416
Moved by Taucher
Supported by Pallotta

RESOLVED, That this item be TABLED to the Regular meeting of April 25, 1988.

Yeas: All-7

Bid Award - Grass Seed B-2

Resolution #88-417
Moved by Stine
Supported by Pallotta

RESOLVED, that the contracts for Grass Seed are hereby awarded as follows:

<u>UTICA DISTRIBUTORS, INC.</u>	Total
Variety Cost	
850 lbs. Fiesta Perennial Rye	\$680.00
100 lbs. Pencross Creeping	
Bentgrass	700.00
Total	\$1,380.00

TURF CHEMICALS, INC.

Proposed Zoning Ordinance Text Amendment -
Alternate Plan Commission Member on Board of
Zoning Appeals

A-3

Resolution #88-498
Moved by Pallotta
Supported by Stine

BE IT ORDAINED, that Section 43.01.00 of the Zoning Ordinance be amended in accordance with the text as presented on this date, to provide for the annual appointment of an Alternate Plan Commission representative to the Board of Zoning Appeals and a copy of said text shall be attached to the original minutes of this meeting.

Yeas: All-6
Absent: Doyle

VISITORS, DELEGATIONS AND CITIZENS

ITEMS TAKEN OUT OF ORDER

Resolution #88-499
Moved by Taucher
Supported by Pallotta

RESOLVED, That Items C-3b and C-14 be taken out of order and considered at this time

Yeas: All-6
Absent: Doyle

Request to Increase Troy Daze Committee Membership

C-14

Resolution #88-500
Moved by Husk
Supported by Pallotta

RESOLVED, that the request from Jim Cyrulewski to increase the membership of the Troy Daze Committee from seven (7) members to nine (9) members, plus two ex-officio members to be appointed by city administration, is hereby approved and three terms of the initial appointees will expire on April 30th of each year of the years 1989, 1990 and 1991.

Yeas: All-6
Absent: Doyle

NOMINATIONS TO BOARDS AND COMMITTEES

C-3

Jim Cyrulewski and Sue Bishop were nominated on April 25. Councilman Husk nominated Cecile Dilley, Kyle Dilley, Martin Vittands, Richard Tharp, Robert Berk and Shirley Darge and Cynthia Knett.

Resolution #88-501
Moved by Pallotta
Supported by Stine

RESOLVED, That the Rules of Procedure are hereby waived and the following people are hereby appointed to serve on the Troy Daze Committee for three year terms as follows:

Jim Cyrulewski	April 30, 1989
Sue Bishop	April 30, 1989
Cecile Dilley	April 30, 1989
Kyle Dilley	April 30, 1990
Martin Vittands	April 30, 1990
Richard Tharp	April 30, 1990
Robert Berk	April 30, 1991
Shirley Darge	April 30, 1991
Cynthia Knett	April 30, 1991

Yeas: All-6
Absent: Doyle

Resolution to Change Term of office for Troy Daze Committee Members C-15

Resolution #89-520
Moved by Pallotta
Supported by Stine

RESOLVED, that the expiration date of the term of office of Troy Daze Committee members be changed from April 30 to Nov. 30.

Yeas: All-7

Resolution to Set Public Hearing - Proposed Zoning ordinance Text Amendment - M-1 District Provisions C-16

Resolution #89-521
Moved by Pallotta
Supported by Stine

RESOLVED, that a Public Hearing is hereby established for June 19, 1989 to consider the proposed Zoning ordinance Text Amendment - M-1 District Provisions.

Yeas: All-7

REPORTS AND COMMUNICATIONS

Boards and Committees - Meetings-

D-1

Building Code Board of Appeals	May	3,1989
Economic Development Corporation	May	3,1989
Planning Commission	May	9,1989
Parks and Recreation Board	May	11,1989
Library Advisory Board	May	11,1989

Noted and Filed

Department Reports D-2

Financial Report, April 30, 1989
Treasurer's Report, April, 19a9

Noted and Filed

Letter from Linda Brick Regarding Attendance at City Council Meeting of May 8, 1989 D-3

Noted and Filed

Report Regarding Special Assessment Projects D-4

Noted and Filed

Michigan Municipal League Legislative Bulletin Dated May 12, 1989 D-5

Noted and Filed

Request for Recycling Center from Birmingham School in Troy Second Grade Students D-6

Noted and Filed

F-7 Formation of a Troy Youth Council

Resolution #2002-03-177

Moved by Pallotta

Seconded by Howrylak

RESOLVED, That the City of Troy will support the formation of a Troy Youth Council and direct staff to assist the students in this endeavor.

Yes: All-7

F-8 Inequitable Distribution of Proposed Diesel Fuel Tax Increase

Resolution #2002-03-

Moved by Pallotta

Seconded by Schilling

WHEREAS, Local commercial truck routes are critical for economic development and attracting new businesses; and

WHEREAS, Commercial truck traffic has a negative impact on local streets and bridges; and

WHEREAS, The local commercial network is the backbone of Michigan's economy; and

WHEREAS, 1951 Public Act 51 establishes a funding distribution formula for the State, County Road Commissions, Cities and Villages to maintain their local transportation system; and

WHEREAS, The Governor has proposed to increase the diesel fuel tax from the current 15 cents per gallon to 19 cents per gallon, eliminate the diesel tax credit, simplify the tax collection; and

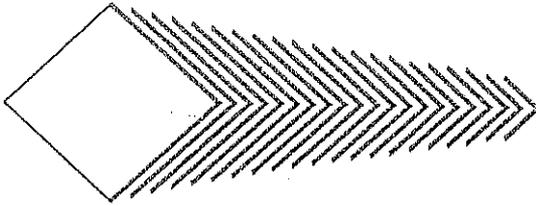
WHEREAS, The diesel tax and simplification legislation will generate an additional \$44 million to the Michigan Transportation Fund; and

WHEREAS, The Governor proposes to bypass the Public Act 51 formula and divert \$33.8 million of the diesel fuels tax increase to the Michigan Department of Transportation; and

WHEREAS, Under the Governor's plan, Michigan's Cities and Villages shall only receive \$670,000.00 for statewide distribution; and

WHEREAS, If the revenues from the diesel tax increase were distributed, equitably, via the Public Act 51 distribution formula, the Michigan Department of Transportation would receive approximately \$15.4 million and Michigan's Cities and Villages would receive approximately \$8.6 million for road and bridge repair; and

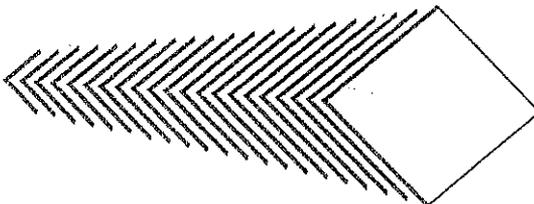
WHEREAS, The City of Troy would receive \$8,721.97 under the Governor's proposal and \$112,380.64 if the revenues from the proposed increase in the diesel fuel tax were distributed via the Public Act 51 formula.



**Your
Right to
Know**

A Guide to Michigan's
Open Meetings Act

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Preface

This guide continues the Michigan Municipal League's effort to provide information on current statutes that affect municipalities.

Compliance with the acts reviewed and reprinted in this guide is essential. The Michigan Open Meetings Act requires local governments to conduct nearly all business at open meetings, the Michigan Freedom of Information Act sets the requirements for the disclosure of public records by all public bodies, and the Employee Right to Know Act sets the requirements for employee access to personnel records.

Our aim is to produce publications that will help make your job as a municipal official easier. We welcome your comments in regard to all our publications. Let us know how we are doing.

George D. Goodman
Executive Director

Please note: Since the enactment of these laws, there have been a number of attorney general's opinions and some litigation interpreting their provisions. The League strongly recommends that officials consult with their municipal attorney regarding questions related to these laws and interpretations of them.

Table of Contents

Overview of the Michigan Open Meetings Act.....	1
The Michigan Open Meetings Act.....	7

Overview of the Michigan Open Meetings Act

Public Act 267 of 1976

Basic Intent

The basic intent of the Michigan Open Meetings Act is to strengthen the right of all Michigan citizens to know what goes on in government by requiring public bodies to conduct nearly all business at open meetings.

Key Definitions

“Public body” means any state or local legislative or governing body, including a board, commission, committee, subcommittee, authority or council, which is empowered by state constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function, or a lessee thereof performing an essential public purpose and function pursuant to the lease agreement.

“Meeting” means the convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy.

“Closed session” means a meeting or part of a meeting of a public body which is closed to the public.

“Decision” means a determination, action, vote or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill or measure on which a vote by members of a public body is required and by which a public body effectuates or formulates public policy.

Coverage

The coverage of the law is very broad, including the State Legislature as well as the legislative or governing bodies of all cities, villages, townships, charter townships, and all county units of government.

The law also applies to:

- ♦ local and intermediate school districts;
- ♦ government boards of community colleges, state colleges and universities; and
- ♦ special boards and commissions created by law (i.e., public hospital authorities, road commis-

sions, health boards, district library boards and zoning boards, etc.).

Several public bodies are exempted from the requirements of the act when they are deliberating the merits of a case. They are the Worker's Compensation Appeal Board, the Employment Security Appeals Board, the Michigan Veterans' Trust Fund Board (or a county or district committee when the board of trustees or county or district committee is deliberating the merits of an emergent need), the Teacher Tenure Commission (when acting as a board of review), and arbitration panels selected by the Employment Relations Commission or under other laws.

The act also does not apply to a meeting of a public body which is a social or chance gathering not designed to avoid the law.

Notification of Meetings

The law states that within 10 days of the first meeting of a public body in each calendar or fiscal year, the body must publicly post a list stating the dates, times and places of all its regular meetings at its principal office.

If a public body does not have a principal office, the notice would be posted in the office of the county clerk for a local public body or the office of the Secretary of State for a state public body.

If there is a change in schedule, within three days of the meeting in which the change is made, the public body must post a notice stating the new dates, times and places of regular meetings.

Special and Irregular Meetings

For special and irregular meetings, public bodies must post a notice indicating the date, time and place at least 18 hours before the meetings.

Note: A regular meeting of a public body, which is recessed for more than 36 hours, can only be reconvened if a notice is posted 18 hours in advance.

Emergency Meetings

Public bodies may hold emergency sessions without a written notice or time constraints if the public health, safety or welfare is imminently and severely threatened and if two-thirds of the body's members vote to hold the emergency meeting.

Individual Notification of Meetings by Mail

Citizens can request that public bodies put them on a mailing list so that they are notified in advance of all meetings. Section 6 of the law states that:

“Upon the written request of an individual, organization, firm or corporation, and upon the requesting party’s payment of a yearly fee of not more than the reasonable estimated cost for printing and postage of such notices, a public body shall send to the requesting party by first-class mail, a copy of any notice required to be posted. . .”.

In addition, upon written request, public bodies are required to send free notices of meetings to newspapers, radio and television stations at the same time that they are required to post those notices.

Closed Meetings

The law provides for closed meetings in a few specified circumstances. In order for a public body to hold a closed meeting, two-thirds of its members must vote affirmatively in a roll call. Also, the purpose for which the closed meeting is being called must be stated in the meeting when the roll call is taken.

Closed meetings may be called without a two-thirds vote for the following reasons:

1. considering the dismissal, suspension or disciplining of, or to hear complaints or charges brought against a public officer, employee, staff member or individual when the person requests a closed hearing.
2. considering the dismissal, suspension or disciplining of a student of a public school when the student or guardian requests a closed hearing.
3. strategy and negotiation sessions necessary in reaching a collective bargaining agreement when either party requests a closed hearing; and
4. partisan caucuses of the State Legislature.

Other reasons a public body may hold a closed meeting are:

1. to consider the purchase or lease of real property;
2. to consult with its attorney about trial or settlement strategy in pending litigation, but only

when an open meeting would have detrimental financial effect on the public body's position;

3. to review the contents of an application for employment or appointment to a public office when the candidate requests the application to remain confidential. However, all interviews by a public body for employment or appointment to a public office have to be conducted in an open meeting except meetings held in the search process for a president of an institute of higher education under section 4, 5 or 6 of article VIII of the state constitution of 1963 that meet all the requirements of Section 8 (j) of the Act; and
4. to consider material exempt from discussion or disclosure by state or federal statute.

Minutes of a Meeting

Minutes must be kept for all meetings and are required to contain:

1. a statement of the time, date and place of the meeting.
2. the members present as well as absent;
3. a record of any decisions made at the meeting and a record of all roll call votes; and
4. an explanation for the purpose(s) if the meeting is a closed session.

Except for minutes taken during a closed session, all minutes are considered public records, open for public inspection, and must be available for review as well as copying at the address designated on the public notice for the meeting.

Proposed minutes must be available for public inspection within eight business days after a meeting. Approved minutes must be available within five business days after the meeting at which they were approved.

Corrections in the minutes must be made no later than the next meeting after the meeting to which the minutes refer. Corrected minutes must be available no later than the next meeting after the correction and must show both the original entry and the correction.

Explanation of Minutes of Closed Meeting

Minutes of closed meetings must also be recorded although they are not available for public inspection

and would only be disclosed if required by a civil action. These minutes may be destroyed one year and one day after approval of the minutes of the regular meeting at which the closed session was approved.

Enforcement of the Act

Under the law, the attorney general, prosecutor or any citizen can challenge in circuit court the validity of a decision of a public body made in violation of its provisions. If a decision is made by the body in violation of the law, that decision can be invalidated by the court.

In any case where an action has been initiated to invalidate a decision of a public body, the public body may reenact the disputed decision in conformity with the act. A decision reenacted in this manner shall be effective from the date of reenactment and will not be declared invalid by reason of a deficiency in the procedure used for its initial enactment.

Penalties Under the Act

The first time a public official intentionally breaks this law, he or she can be punished by a maximum fine of \$1,000. For a second offense within the same term of office, the official can be fined up to \$2,000, jailed for a maximum of one year or both. A public official who intentionally violates the act is also personally liable for actual and exemplary damages up to \$500, plus court costs and attorney fees.

The Michigan Open Meetings Act

Public Act 267 of 1976
(as amended through June 1995)
MCL Section 15.261 *et seq.*

AN ACT to require certain meetings of certain public bodies to be open to the public; to require notice and the keeping of minutes of meetings; to provide for enforcement; to provide for invalidation of governmental decisions under certain circumstances; to provide penalties; and to repeal certain acts and parts of acts.

The People of the State of Michigan enact:

Sec. 1. (1) This act shall be known and may be cited as the "Open meetings act".

(2) This act shall supersede all local charter provisions, ordinances, or resolutions which relate to requirements for meetings of local public bodies to be open to the public.

(3) After the effective date of this act, nothing in this act shall prohibit a public body from adopting an ordinance, resolution, rule or charter provision which would require a greater degree of openness relative to meetings of public bodies than the standards provided for in this act.

Sec. 2. As used in this act:

(a) "Public body" means any state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council, which is empowered by state constitution, statute, charter, ordinance, resolution, or rule to exercise governmental or proprietary authority or perform a governmental or proprietary function, or a lessee thereof performing an essential public purpose and function pursuant to the lease agreement.

(b) "Meeting" means the convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy.

(c) "Closed session" means a meeting or part of a meeting of a public body which is closed to the public.

The Michigan Open Meetings Act

(d) "Decision" means a determination, action, vote, or disposition upon a motion, proposal, recommendation, resolution, order, ordinance, bill, or measure on which a vote by members of a public body is required and by which a public body effectuates or formulates public policy.

Sec. 3. (1) All meetings of a public body shall be open to the public and shall be held in a place available to the general public. All persons shall be permitted to attend any meeting except as otherwise provided in this act. The right of a person to attend a meeting of a public body includes the right to tape-record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings of a public body at a public meeting. The exercise of this right shall not be dependent upon the prior approval of the public body. However, a public body may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting.

(2) All decisions of a public body shall be made at a meeting open to the public.

(3) All deliberations of a public body constituting a quorum of its members shall take place at a meeting open to the public except as provided in this section and sections 7 and 8.

(4) A person shall not be required as a condition of attendance at a meeting of a public body to register or otherwise provide his or her name or other information or otherwise to fulfill a condition precedent to attendance.

(5) A person shall be permitted to address a meeting of a public body under rules established and recorded by the public body. The legislature or a house of the legislature may provide by rule that the right to address may be limited to prescribed times at hearings and committee meetings only.

(6) A person shall not be excluded from a meeting otherwise open to the public except for a breach of the peace actually committed at the meeting.

(7) This act does not apply to the following public bodies only when deliberating the merits of a case:

(a) The worker's compensation appeal board created under the worker's disability compensation act of 1969, Act No. 317 of the Public Acts of 1969, as amended, being sections 418.101 to 418.941 of the Michigan Compiled Laws.

The Michigan Open Meetings Act

(b) The employment security board of review created under the Michigan employment security act, Act No. 1 of the Public Acts of the Extra Session of 1936, as amended, being sections 421.1 to 421.73 of the Michigan Compiled Laws.

(c) The state tenure commission created under Act No. 4 of the Public Acts of the Extra Session of 1937, as amended, being sections 38.71 to 38.191 of the Michigan Compiled Laws, when acting as a board of review from the decision of a controlling board.

(d) An arbitrator or arbitration panel appointed by the employment relations commission under the authority given the commission by Act No. 176 of the Public Acts of 1939, as amended, being section 423.1 to 423.30 of the Michigan Compiled Laws.

(e) An arbitration panel selected under chapter 50A of the revised judicature act of 1961, Act No. 236 of the Public Acts of 1961, being section 600.5040 to 600.5065 of the Michigan Compiled Laws.

(f) The Michigan public service commission created under Act No. 3 of the Public Acts of 1939, being sections 460.1 to 460.8 of the Michigan Compiled Laws.

(8) This act does not apply to an association of insurers created under the insurance code of 1956, Act No. 218 of the Public Acts of 1956, being sections 500.100 to 500.8302 of the Michigan Compiled Laws, or other association or facility formed under Act No. 218 of the Public Acts of 1956 as a nonprofit organization of insurer members.

(9) This act does not apply to a committee of a public body which adopts a nonpolicymaking resolution of tribute or memorial which resolution is not adopted at a meeting.

(10) This act does not apply to a meeting which is a social or chance gathering or conference not designed to avoid this act.

(11) This act shall not apply to the Michigan veterans' trust fund board of trustees or a county or district committee created under Act No. 9 of the Public Acts of the first extra session of 1946, being sections 35.601 to 35.610 of the Michigan Compiled Laws, when the board of trustees or county or district committee is deliberating the merits of an emergent need. A decision of the board of trustees or

The Michigan Open Meetings Act

county or district committee made under this subsection shall be reconsidered by the board or committee at its next regular or special meeting consistent with the requirements of this act. "Emergent need" means a situation which the board of trustees, by rules promulgated under the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws, determines requires immediate action.

Sec. 4. The following provisions shall apply with respect to public notice of meetings:

(a) A public notice shall always contain the name of the public body to which the notice applies, its telephone number if one exists, and its address.

(b) A public notice for a public body shall always be posted at its principal office and any other locations considered appropriate by the public body. Cable television may also be utilized for purposes of posting public notice.

(c) If a public body is a part of a state department, part of the legislative or judicial branch of state government, part of an institution of higher education, or part of a political subdivision or school district, a public notice shall also be posted in the respective principal office of the state department, the institution of higher education, clerk of the house of representatives, secretary of the state senate, clerk of the supreme court, or political subdivision or school district.

(d) If a public body does not have a principal office, the required public notice for a local public body shall be posted in the office of the county clerk in which the public body serves and the required public notice for a state public body shall be posted in the office of the secretary of state.

Sec. 5. (1) A meeting of a public body shall not be held unless public notice is given as provided in this section by a person designated by the public body.

(2) For regular meetings of a public body, there shall be posted within 10 days after the first meeting of the public body in each calendar or fiscal year a public notice stating the dates, times, and places of its regular meetings.

The Michigan Open Meetings Act

(3) If there is a change in the schedule of regular meetings of a public body, there shall be posted within 3 days after the meeting at which the change is made, a public notice stating the new dates, times, and places of its regular meetings.

(4) Except as provided in this subsection or in subsection (6), for a rescheduled regular or a special meeting of a public body, a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting. The requirement of 18-hour notice shall not apply to special meetings of subcommittees of a public body or conference committees of the state legislature. A conference committee shall give a 6-hour notice. A second conference committee shall give a 1-hour notice. Notice of a conference committee meeting shall include written notice to each member of the conference committee and the majority and minority leader of each house indicating time and place of the meeting. This subsection does not apply to a public meeting held pursuant to section 4(2) to (5) of Act No. 239 of the Public Acts of 1955, as amended, being section 200.304 of the Michigan Compiled Laws.

(5) A meeting of a public body which is recessed for more than 36 hours shall be reconvened only after public notice, which is equivalent to that required under subsection (4), has been posted. If either house of the state legislature is adjourned or recessed for less than 18 hours, the notice provisions of subsection (4) are not applicable. Nothing in this section shall bar a public body from meeting in emergency session in the event of a severe and imminent threat to the health, safety, or welfare of the public when 2/3 of the members serving on the body decide that delay would be detrimental to efforts to lessen or respond to the threat.

(6) A meeting of a public body may only take place in a residential dwelling if a nonresidential building within the boundary of the local governmental unit or school system is not available without cost to the public body. For a meeting of a public body which is held in a residential dwelling, notice of the meeting shall be published as a display advertisement in a newspaper of general circulation in the city or township in which the meeting is to be held. The notice shall be published not less than 2 days before the day on which the meeting is held, and shall state the date, time, and place of the meeting. The

The Michigan Open Meetings Act

notice, which shall be at the bottom of the display advertisement and which shall be set off in a conspicuous manner, shall include the following language: "This meeting is open to all members of the public under Michigan's open meetings act".

Sec. 6. (1) Upon the written request of an individual, organization, firm, or corporation, and upon the requesting party's payment of a yearly fee of not more than the reasonable estimated cost for printing and postage of such notices, a public body shall send to the requesting party by first class mail a copy of any notice required to be posted pursuant to section 5(2) to (5).

(2) Upon written request, a public body, at the same time a public notice of a meeting is posted pursuant to section 5, shall provide a copy of the public notice of that meeting to any newspaper published in the state and to any radio and television station located in the state, free of charge.

Sec. 7. (1) A 2/3 roll call vote of members elected or appointed and serving is required to call a closed session, except for the closed sessions permitted under section 8(a), (b), (c), (g), (i), and (j). The roll call vote and the purpose or purposes for calling the closed session shall be entered into the minutes of the meeting at which the vote is taken.

(2) A separate set of minutes shall be taken by the clerk or the designated secretary of the public body at the closed session. These minutes shall be retained by the clerk of the public body, are not available to the public, and shall only be disclosed if required by a civil action filed under section 10, 11, or 13. These minutes may be destroyed 1 year and 1 day after approval of the minutes of the regular meeting at which the closed session was approved.

Sec. 8. A public body may meet in a closed session only for the following purposes:

(a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing. A person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered after the rescission only in open sessions.

The Michigan Open Meetings Act

(b) To consider the dismissal, suspension, or disciplining of a student if the public body is part of the school district, intermediate school district, or institution of higher education that the student is attending, and if the student or the student's parent or guardian requests a closed hearing.

(c) For strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement if either negotiating party requests a closed hearing.

(d) To consider the purchase or lease of real property up to the time an option to purchase or lease that real property is obtained.

(e) To consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have a detrimental financial effect on the litigating or settlement position of the public body.

(f) To review and consider the contents of an application for employment or appointment to a public office if the candidate requests that the application remain confidential. However, except as provided in this subdivision, all interviews by a public body for employment or appointment to a public office shall be held in an open meeting pursuant to this act. This subdivision does not apply to a public office described in subdivision (j).

(g) Partisan caucuses of members of the state legislature.

(h) To consider material exempt from discussion or disclosure by state or federal statute.

(i) For a compliance conference conducted by the department of commerce under section 16231 of the public health code, Act No. 368 of the Public Acts of 1978, being section 333.16231 of the Michigan Compiled Laws, before a complaint is issued.

(j) In the process of searching for and selecting a president of an institution of higher education under section 4, 5, or 6 of article VIII of the state constitution of 1963, to review the specific contents of an application, to conduct an interview with a candidate, or to discuss the specific qualifications of a candidate if the particular process of searching for and selecting a president of an institution of higher education meets all of the following requirements:

(i) The search committee in the process, appointed by the governing board, consists of at least 1

The Michigan Open Meetings Act

student of the institution, 1 faculty member of the institution, 1 administrator of the institution, 1 alumnus of the institution and 1 representative of the general public. The search committee also may include 1 or more members of the governing board of the institution, but the number shall not constitute a quorum of the governing board. However, the search committee shall not be considered in such a way that any 1 of the groups described in this subparagraph constitutes a majority of the search committee.

(ii) After the search committee recommends the 5 final candidates, the governing board does not take a vote on a final selection for the president until at least 30 days after the 5 final candidates have been publicly identified by the search committee.

(iii) The deliberations and vote of the governing board of the institution on selecting the president take place in an open session of the governing board.

Sec. 9. (1) Each public body shall keep minutes of each meeting showing the date, time, place, members present, members absent, any decisions made at a meeting open to the public, and the purpose or purposes for which a closed session is held. The minutes shall include all roll call votes taken at the meeting. Corrections in the minutes shall be made not later than the next meeting after the meeting to which the minutes refer. Corrected minutes shall be available no later than the next subsequent meeting after correction. The corrected minutes shall show both the original entry and the correction.

(2) Minutes shall be public records open to public inspection and shall be available at the address designated on posted public notices pursuant to section 4. Copies of the minutes shall be available to the public at the reasonable estimated cost for printing and copying.

(3) Proposed minutes shall be available for public inspection not more than 8 business days after the meeting to which the minutes refer. Approved minutes shall be available for public inspection not later than 5 business days after the meeting at which the minutes are approved by the public body.

Sec. 10. (1) Decisions of a public body shall be presumed to have been adopted in compliance with the requirements of this act. The attorney general, the prosecuting attorney of the county in which

The Michigan Open Meetings Act

the public body serves, or any person may commence a civil action in the circuit court to challenge the validity of a decision of a public body made in violation of this act.

(2) A decision made by a public body may be invalidated if the public body has not complied with the requirements of section 3(1), (2), and (3) in making the decision or if failure to give notice in accordance with section 5 has interfered with substantial compliance with section 3(1), (2), and (3) and the court finds that the noncompliance or failure has impaired the rights of the public under this act.

(3) The circuit court shall not have jurisdiction to invalidate a decision of a public body for a violation of this act unless an action is commenced pursuant to this section within the following specified period of time:

(a) Within 60 days after the approved minutes are made available to the public by the public body except as otherwise provided in subdivision (b).

(b) If the decision involves the approval of contracts, the receipt or acceptance of bids, the making of assessments, the procedures pertaining to the issuance of bonds or other evidences of indebtedness, or the submission of a borrowing proposal to the electors, within 30 days after the approved minutes are made available to the public pursuant to that decision.

(4) Venue for an action under this section shall be any county in which a local public body serves or, if the decision of a state public body is at issue, in Ingham County.

(5) In any case where an action has been initiated to invalidate a decision of a public body on the ground that it was not taken in conformity with the requirements of this act, the public body may, without being deemed to make any admission contrary to its interest, reenact the disputed decision in conformity with this act. A decision reenacted in this manner shall be effective from the date of the reenactment and shall not be declared invalid by reason of a deficiency in the procedure used for its initial enactment.

Sec. 11. (1) If a public body is not complying with this act, the attorney general, prosecuting attorney of the county in which the public body serves, or a person may commence a civil action to compel

The Michigan Open Meetings Act

compliance or to enjoin further noncompliance with this act.

(2) An action for injunctive relief against a local public body shall be commenced in the circuit court, and venue is proper in any county in which the public body serves. An action for an injunction against a state public body shall be commenced in the circuit court and venue is proper in any county in which the public body has its principal office, or in Ingham County. If a person commences an action for injunctive relief, that person shall not be required to post security as a condition for obtaining a preliminary injunction or a temporary restraining order.

(3) An action for mandamus against a public body under this act shall be commenced in the court of appeals.

(4) If a public body is not complying with this act, and a person commences a civil action against the public body for injunctive relief to compel compliance or to enjoin further noncompliance with the act and succeeds in obtaining relief in the action, the person shall recover court costs and actual attorney fees for the action.

Sec. 12. (1) A public official who intentionally violates this act is guilty of a misdemeanor punishable by a fine of not more than \$1,000.00.

(2) A public official who is convicted of intentionally violating a provision of this act for a second time within the same term shall be guilty of a misdemeanor and shall be fined not more than \$2,000.00, or imprisoned for not more than 1 year, or both.

Sec. 13. (1) A public official who intentionally violates this act shall be personally liable in a civil action for actual and exemplary damages of not more than \$500.00 total, plus court costs and actual attorney fees to a person or group of persons bringing the action.

(2) Not more than 1 action under this section shall be brought against a public official for a single meeting. An action under this section shall be commenced within 180 days after the date of the violation which gives rise to the cause of the action.

(3) An action for damages under this section may be joined with an action for injunction or exemplary relief under section 11.

The Michigan Open Meetings Act

Sec. 13a. If the governing board of an institution of higher education established under section 4, 5, or 6 of article VIII of the state constitution of 1963 violates this act with respect to the process of selecting a president of the institution at any time after the recommendation of final candidates to the governing board, as described in section 8(j), the institution is responsible for the payment of a civil fine of not more than \$500,000.00. This civil fine is in addition to any other remedy or penalty under this act. To the extent possible, any payment of fines imposed under this section shall be paid from funds allocated by the institution of higher education to pay for the travel and expenses of the members of the governing board.

Sec. 14. Act No. 261 of the Public Acts of 1968, being sections 15.251 to 15.253 of the Compiled Laws of 1970 is repealed.

Sec. 15. This act shall take effect January 1, 1977.

Please note: Since the enactment of the Open Meetings Act in 1976, there have been a number of attorney general's opinions and some litigation interpreting its provision. The League strongly recommends that officials consult with their municipal attorney regarding questions related to this law and interpretations of it.